
CITY OF KELOWNA
MEMORANDUM

Date: April 20, 2004
File No.: Z04-0011/TA04-0001

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. TA04-0001
Z04-0011

OWNER: Springfield Plaza Inc.

AT: 1585 Springfield Road

APPLICANT: Springfield Plaza Inc.

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM C10-SERVICE COMMERCIAL TO C10lp-SERVICE COMMERCIAL "LIQUOR PRIMARY"

TO ADD GAMING FACILITIES AS A PERMITTED SECONDARY USE IN THE C10-SERVICE COMMERCIAL ZONE (TO ALLOW FOR SLOT MACHINES)

EXISTING ZONE: C10-SERVICE COMMERCIAL

PROPOSED ZONE: C10LP-SERVICE COMMERCIAL LIQUOR PRIMARY

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Zoning Bylaw Text Amendment No. TA04-0001 to amend City of Kelowna Zoning Bylaw No. 8000 by adding gaming facilities as a permitted secondary use in the C10-Service Commercial Zone as outlined in the report of the Planning & Development Services Department dated April 15, 2004 **not** be approved by Council;

THAT Rezoning Application No. Z04-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 129, ODYD Plan KAP70110, located on Springfield Road, Kelowna, B.C. from the C10 – Service Commercial zone to the C10LP – Service Commercial Liquor Primary Zone zone **not** be approved by Council ;

2.0 SUMMARY

The applicant is seeking to rezone the subject property from the C10-Service Commercial Zone to the C10LP-Service Commercial Liquor Primary Zone in order to accommodate a liquor primary license at the Bingo Kelowna facility. A development

permit is also being sought for a building addition (1858m²) to the existing bingo Kelowna facility. Furthermore the applicant is seeking a text amendment to Zoning Bylaw No.8000 that would add Gaming Facilities as a secondary use in the C10-Service Commercial Zone to allow for slot machines.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of March 16, 2004 it was resolved:

THAT the Advisory Planning Commission supports Rezoning Application No. Z04-0011, 1585 Springfield Road, Lot A, Plan 70110, Sec. 20, Twp. 26, ODYD, by Springfield Properties Inc (John McAfee), to rezone from the C10-Service Commercial zone to the C10LP-Service Commercial Liquor Primary Zone, in order to accommodate a liquor primary, licensed establishment on the subject property;

*AND THAT the Advisory Planning Commission **not** support Text Amendment Application No. TA04-0001, 1585 Springfield Road, Lot A, Plan 70110, Sec. 20, Twp. 26, ODYD, by Springfield Properties Inc (John McAfee), to amend Zoning Bylaw 8000 to allow gaming facilities as a permitted use in the C10-Service Commercial zone. The APC recommends the proposed uses be incorporated into a Comprehensive Development zone specific to the property.*

AND THAT the Advisory Planning Commission supports Development Application No. DP04-0023, 1585 Springfield Road, Lot A, Plan 70110, Sec. 20, Twp. 26, ODYD, by Springfield Properties Inc (John McAfee), to obtain a Development Permit to allow for a two storey addition (1632 m²) to the existing commercial building on the subject property.

4.0 BACKGROUND

This property was the subject of an Official Community Plan Amendment, Rezoning, Development Permit and Text Amendment in 2001. Council's approval of these applications led to the development of the Bingo Kelowna facility which currently occupies this site. At the time the original development permit was approved, the applicant left a pad on the site for future expansion potential. This application represents the planned expansion.

4.1 The Proposal

The applicant is seeking to add a two-storey 1858m² addition to the existing Bingo Kelowna facility. The proposed addition would extend from the front of the existing building towards Springfield Road and would encompass an existing pad left vacant for future development. This addition would potentially house a coffee shop, extended bingo facilities, bingo related office space and newly added gaming facilities. Bingo facilities were previously restricted to bingo only operations; however, the British Columbia Lottery Corporation (BCLC) has recently opted to seek limited gaming facilities (slot machines) in conjunction with bingo operations. For this reason the applicant is seeking to add "gaming facilities" as a secondary use in the C10-Service Commercial Zone. The interior layout for the proposed addition has yet to be decided as the applicant is still in discussions with BCLC (regarding gaming options) and the Liquor Control and Licensing Branch; however, tentative floor plans have been provided for Councils information.

The liquor primary zoning designation sought by the applicant would allow the Bingo Kelowna facility to hold a Liquor Primary license. Although the precise person capacity

has yet to be determined, the applicant has indicated that a person capacity of between 150-200 persons will be sought. The applicant has indicated that this capacity will be spread over several different areas within the facility. Further information will be provided with the liquor primary license application.

The application meets the requirements of the C10 – Service Commercial zone as follows:

CRITERIA	PROPOSAL	C10 ZONE REQUIREMENTS
Lot Area (m ²)	12739m ²	1000m ²
Lot Width (m)	98.6m	40m
Lot Depth (m)	129m	30m
Storeys (#)	2	3 storeys
Existing Building Area	2229.6m ²	n/a
Proposed Building Addition	1858m ²	n/a
Total Floor Area	4087.6m ²	n/a
Site Coverage (total)	24.2%	40%
Floor Area Ratio Existing	0.244	0.4
Floor Area Ratio Proposed	0.32	0.4
Building Setbacks		
Front Yard	24.4m	2.0m
Side Yard (e)	15.8m	0.0m
Side Yard (w)	16.2m	4.5m
Rear Yard	21.6m	0.0m
Parking Spaces	237	Bingo Hall: 196 (1 Per 5 seats) Parking for Proposed Addition: 21 Minimum Required:217
Loading Space	2	2
Bicycle Parking Spaces	26	26

4.2 Site Context

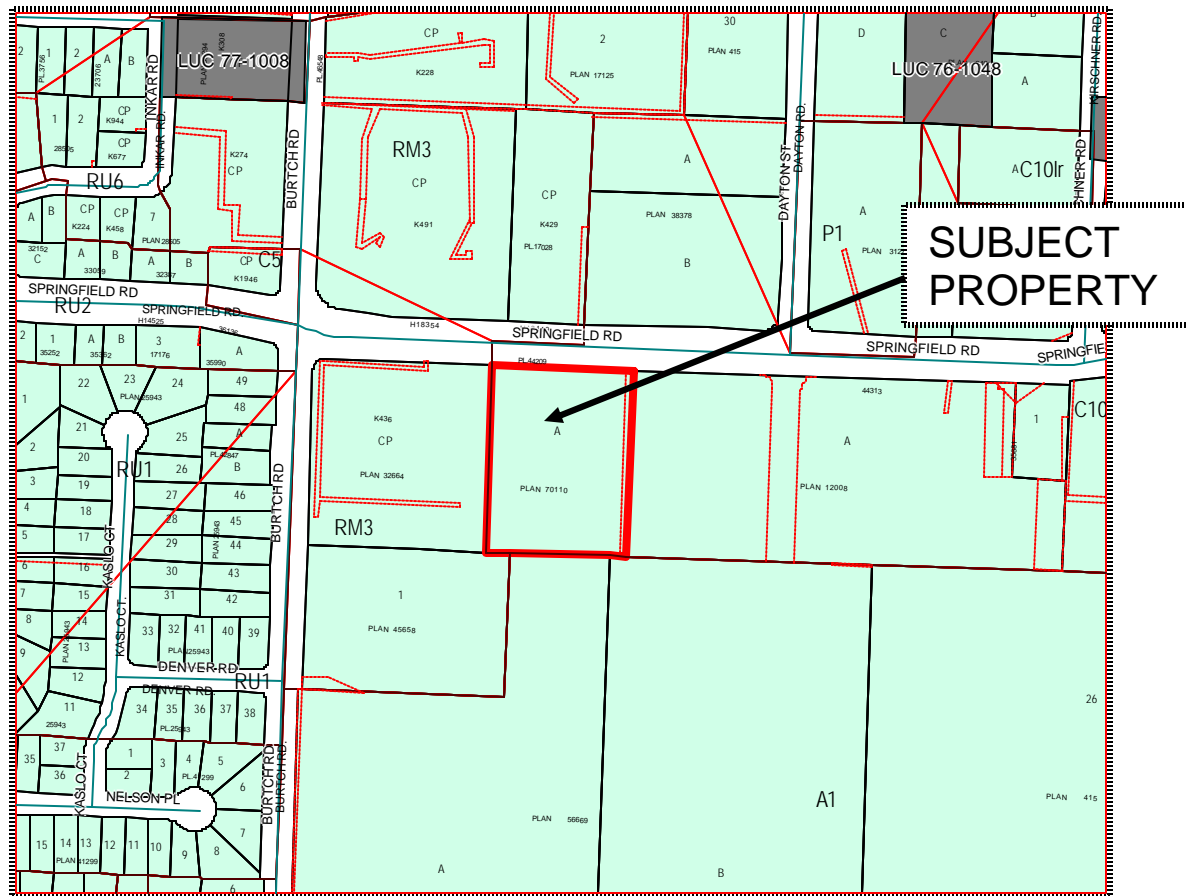
The subject property is located the south side of Springfield Road between Burtch Road and Dayton Road (west of Rona).

Adjacent zones and uses are:

- North - RM3 – Low Density Multiple Family – Town House Type Development
- East - C10 – Service Commercial - Rona
- South - A1 – Agriculture 1 – Undeveloped Agricultural Land
- West - RM3 – Low Density Multiple Family Development

4.3 Site Location Map

Subject Properties: 1585 Springfield Road



4.4 Existing Development Potential

The subject property is currently C10 – Service Commercial. The purpose is to designate and preserve land for the accommodation of a mix of commercial uses, including vehicular oriented areas, not provided for in other zones.

4.5 Current Development Policy

4.5.1 Kelowna Official Community Plan

The Official Community Plan future land use designation for this property is Commercial. The OCP was amended during the original zoning amendment process to allow for commercial development on the site.

4.5.2 Mayor's Entertainment District Task Force Report

The MEDTF report recommends a minimum separation of 100 metres between liquor primary licenses establishments with capacities of between 150 persons and 350 persons.

5.0 TECHNICAL COMMENTS

5.1 Works and Utilities

5.1.1 General

The proposed application to rezone from C10 to C10LP - Liquor Primary, does not compromise Works and Utilities servicing requirement.

All frontage improvement requirements, servicing and site related issues were outlined in our previous reports under files Z01-1012, DP01-10009 and have been addressed.

5.1.2 Domestic Water and Fire Protection

The developer's consulting mechanical engineer will determine the domestic and fire flow requirements of this proposed building addition and establish if the existing service is adequate. Service Changes shall be at the applicant's cost.

Domestic water for the proposed building addition must be an extension of the existing metered water within the main building.

5.1.3 Sanitary Sewer

The existing development is serviced with a 150mm-diameter sanitary sewer service which should be adequate for the proposed building addition.

Sanitary sewer service issues for the site will be reviewed when a mechanical engineering design is submitted. Service changes shall be at the developer's cost.

5.1.4 Storm Drainage

Changes to the lot grading and on-site drainage containment and disposal systems will require a revised Storm Management and Lot Grading Plan from the developer's consulting civil engineer.

5.1.5 Development Permit and Site Related Issues

Access and Maneuverability

The existing right-out only sign, at the access driveway to Springfield Road shall be replaced with one that conforms with The Uniform Traffic Control Sign Standards.

Adequate off-street parking must be provided and changes to the existing parking modules must meet zone size requirements for parking stall and drive isles widths.

5.2 Inspection Services

No comment.

5.3 Fire Department

Will this building still meet the requirements for an unsprinklered structure once the addition is installed?

5.4 RCMP

The RCMP does not support a liquor primary license at this location.

5.5 Public Health Inspector

No comment.

5.6 Ministry of Water Land and Air Protection

No comment.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has concerns with regard to the proposed rezoning and text amendment applications. When staff supported the original OCP Amendment, Zoning and Development Permit applications it was never intended that other gaming type uses or liquor related services be present on this site due to its location outside of the entertainment and cultural districts and its close proximity to residential development. For this reason, gaming facilities only appears as a permitted use in the C7 and C8 zones. Unfortunately there is no existing policy to guide the recommendation of staff on this issue. In addition, although the Bingo Kelowna facility does not tend to attract a demographic that would pose problems (eg. crime or vandalism) in the area, there are residential developments to the north and west whose residents may have concerns. The nearest liquor primary licensed establishment to Bingo Kelowna is the OK Corral which is 250 metres to the north-east on Kirschner Road. The RCMP have also expressed concerns with regard to a liquor license at this location.

The Planning and Corporate Services Department does not support the proposed rezoning to add a liquor primary designation to the existing zoning of the subject property nor does it support the proposed text amendment to add gaming as a permitted secondary use in the C10-Service Commercial Zone.

Should Council choose to support a liquor primary license and expanded gaming facilities at Bingo Kelowna staff are recommending the creation of a Comprehensive Development zone in order to provide Council with a greater measure of control over the expansion of gaming facilities to new locations in Kelowna. However, the Development Permit related to the expansion of the building for bingo only uses does not raise significant concerns as this expansion was contemplated at the time of the original development.

7.0 ALTERNATE RECOMMENDATION

That Council direct staff to create a comprehensive development zone for the Bingo Kelowna facility that will include both comprehensive gaming and liquor primary establishments as permitted uses and present the proposed zone to Council for further consideration;

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

PMc/pmc
Attach.

FACT SHEET

1. **APPLICATION NO.:** TA04-0001/Z04-0011
2. **APPLICATION TYPE:** Text Amendment/Rezoning
3. **OWNER:** Springfield Properties Inc.
· **ADDRESS** 1585 Springfield Road
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 5V5
4. **APPLICANT/CONTACT PERSON:** Springfield Properties Inc.
· **ADDRESS** 1585 Springfield Road
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 5V5
· **TELEPHONE/FAX NO.:** 762-2880
5. **APPLICATION PROGRESS:**
 Date of Application: February 19, 2004
 Date Application Complete: February 19, 2004
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded: N/A
 Staff Report to APC: March 16, 2004
 Staff Report to Council: N/A
6. **LEGAL DESCRIPTION:** Lot A, District Lot 129, ODYD Plan KAP70110
7. **SITE LOCATION:** The subject property is located the south side of Springfield Road between Burtch Road and Dayton Road (west of Rona).
8. **CIVIC ADDRESS:** 1585 Springfield Road
9. **AREA OF SUBJECT PROPERTY:** 12739m²
10. **AREA OF PROPOSED REZONING:** 12739m²
11. **EXISTING ZONE CATEGORY:** C10 –Service Commercial
12. **PROPOSED ZONE:** C10LP-Service Commercial Liquor Primary
13. **PURPOSE OF THE APPLICATION:**

TO REZONE THE SUBJECT PROPERTY FROM C10-SERVICE COMMERCIAL TO C10LP-SERVICE COMMERCIAL "LIQUOR PRIMARY"

TO CONSTRUCT A TWO STORY ADDITION TO THE EXISTING BINGO KELOWNA FACILITY

TO ADD GAMING FACILITIES AS A PERMITTED SECONDARY USE IN THE C10-SERVICE COMMERCIAL ZONE TO ALLOW FOR SLOT MACHINES

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 N/A
IMPLICATIONS

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Elevations
- Proposed Floor Plans