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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** November 23, 2004  
**File No.:** (3360-20) **Z04-0067(a)(b)**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

APPLICATION NO. Z04-0067

OWNER: KELOWNA CENTRAL  
PARK PROPERTIES LTD.  
& SALCO MANAGEMENT  
LTD.

AT: 1500 BANKS ROAD  
2400-2402 HWY 97 N

APPLICANT: KELOWNA CENTRAL  
PARK PROPERTIES LTD.

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY (1500 BANKS RD)  
FROM THE EXISTING C3 – COMMUNITY COMMERCIAL ZONE  
TO THE C3rls – COMMUNITY COMMERCIAL (RETAIL LIQUOR  
SALES) ZONE IN ORDER TO PERMIT THE RETAIL LIQUOR  
SALES USE FOR ONE OF THE CRU LOCATED ON THE  
SUBJECT PROPERTY, AND TO REMOVE THE rls  
DESIGNATION FROM 2400-2402 HWY 97 N

(1500 Banks Road)

**EXISTING ZONE:** C3 – COMMUNITY COMMERCIAL

**PROPOSED ZONE:** C3rls – COMMUNITY COMMERCIAL (RETAIL LIQUOR SALES)

(2400-2402 Hwy 97N)

**EXISTING ZONE:** C9lp/rls –TOURIST COMMERCIAL (LIQUOR PRIMARY/RETAIL  
LIQUOR SALES)

**PROPOSED ZONE:** C9 lp – TOURIST COMMERCIAL (LIQUOR PRIMARY)

**REPORT PREPARED BY:** PAUL McVEY

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z04-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, DL 125, ODYD, Plan KAP67601, located on Banks Road, Kelowna, B.C. from the C3 – Community Commercial zone to the C3rls – Community Commercial (Retail Liquor Sales), And by changing the zoning classification of Lot A, DL 125, ODYD, Plan 19786, exc. Plans H18058 & KAP44339 located on Highway 97 N, Kelowna, B.C. from the existing C9 lp/rls – Tourist Commercial (Liquor Primary/Retail Liquor Sales) zone to the C9 lp – Tourist Commercial (Liquor Primary) 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 to add the “retail liquor sales” designation to the existing C3 – Community Commercial zone in order to accommodate a proposed retail liquor sales outlet in the pending Commercial Rental Unit “D”. This proposed new retail liquor sales store will provide a new location for the relocated license from the adjacent Best Western hotel location. As part of this application, the existing “rls” (Retail Liquor Sales) will be removed from the Best Western hotel location.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant is seeking to rezone the subject property from the existing the C3 – Community Commercial zone to the proposed C3lp/rls – Community Commercial (Liquor Primary/Retail Liquor Sales) zone in order to provide a location for the pending relocation of the existing license form the nearby Best Western Hotel Beer store, which is currently known as “Al’s Beer and Wine Store”. Application has been made through the Provincial Liquor and Licensing Branch to authorize this change in location.

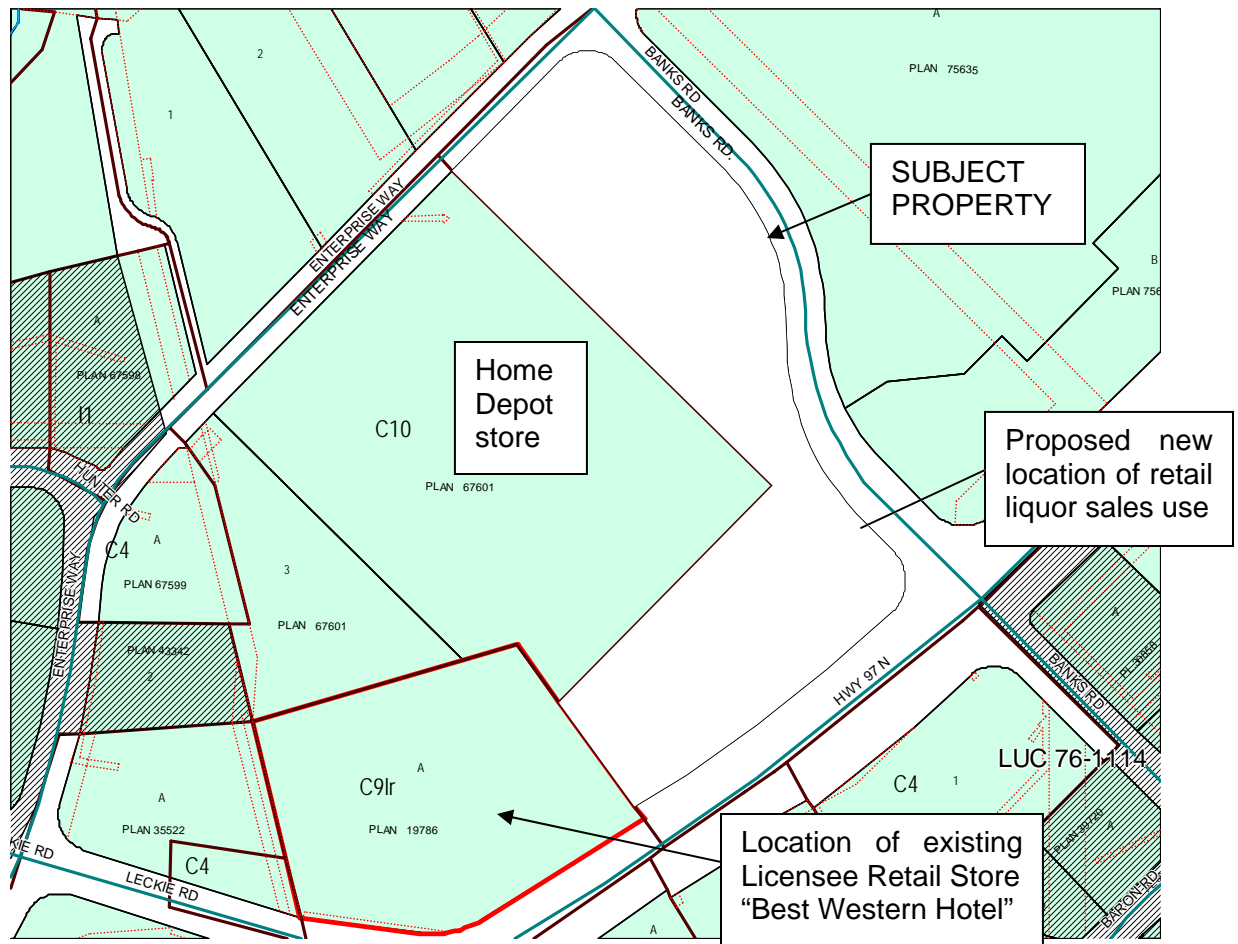
As part of this application, the existing “rls” (Retail Liquor Sales) designation will be removed from the Best Western hotel location.

The proposal as compared to the C3 zone requirements is as follows:

CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	32,787 m <sup>2</sup>	1,300 m <sup>2</sup> if no lane
Site Width (m)	300 m	40m
Site Depth (m)	60 m	30m

### 3.2 Site Context

SUBJECT PROPERTY MAP



Adjacent zones and uses are, to the:

- North - I2 – General Commercial – Enterprise Way, “Auto Mall”  
 East - C3 – Community Commercial – Banks Road, “Walmart”  
 South - C4 – Urban Centre Commercial – Highway 97,  
 West - C10 – Service Commercial – Home Depot site

### 3.3 Existing Development Potential

The current zoning of C3 – Community Commercial permits; amusement arcades – major, animal clinics – minor, animal daycare, broadcasting studios, business support services, care centres – major, commercial schools, custom indoor manufacturing, drive-

in food services, emergency and protective services, financial services, food primary establishment, gas bars, government services, group homes – major, health services, hotels, liquor primary establishment – major (C3lp/rls only), liquor primary establishment – minor, motels, non-accessory parking, offices, participant recreation services – indoor, personal service establishments, private clubs, recycled materials drop-off centres, religious assemblies, retail liquor sales establishment (C3lp/rls only), retail stores – convenience, retail stores – general, service stations – minor, spectator entertainment establishments used goods stores utility services – minor impact as principal permitted uses, and ; amusement arcades – minor, apartment housing, care centres – minor, home based businesses – minor as permitted secondary uses.

### 3.4 Current Development Policy

#### 3.4.1 Mayors Entertainment District Task Force Report

The proposed use of the subject property for a Retail Liquor Sales use is within the guidelines of the MEDTF as the location of the subject property is outside the “Yellow Zone” identified by the MEDTF.

### 4.0 TECHNICAL COMMENTS

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

#### 4.1 Policy Research and Strategic Planning Section

The OCP designates the future land use of the subject property as commercial and is designated for commercial use in the Central Park Area Structure Plan. The subject property is currently zoned as Community Commercial (C3) in the Current Zoning Bylaw. Therefore the proposed commercial use is consistent with the direction of relevant policy documents. This property is subject to the OCP Urban Centre DP Guidelines however no Development Permit has been submitted with this rezoning application.

The proposal meets the liquor primary requirements set forth in the Mayor's Entertainment District Task Force recommendations adopted by Council. The proposed location is within the Highway 97 Centre and as such no other liquor retail sales establishments can exist within 100 meters of the proposed location. This requirement has been met under this proposal.

The proposal meets the requirements of a principal use in the C3 zone and serves to increase the density of commercial uses within the Highway Urban Centre as supported in the OCP. It is recommended that this proposal be supported.

#### 4.2 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application are as follows:

1. The subject property is serviced to a level that is consistent with the City of Kelowna Bylaw and Policy for the requested zone. This application does not trigger any upgrade.

2. A site grading plan, a site-servicing plan and a storm drainage plan were submitted in support of the overall development of the subject property. Any major modification to the plans must be reviewed by the City of Kelowna. .
3. The boulevard irrigation system must be integrated with the on-site irrigation system if it has not been done under previous applications. The temporary connection must be removed.
4. Bicycle racks are required at the proposed building.
5. Services to the proposed building are to be extended from existing services to the property.

#### 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Corporate Services Department has no concerns with the proposed rezoning to add a “Retail Liquor Sales” designation to the parent (C3 - Community Commercial) zone of the subject property. The proposal conforms to the relevant policy adopted by Council in the Mayor’s Entertainment District Task Force Report and no changes to the proposed building design are contemplated for the building form and character that was authorized by DP04-0076.

In light of the above, the Planning and Corporate Services Department supports this application, and recommends for positive consideration by Council.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

PMc/pmc  
Attach.

Attachments

Subject Property Map

site plan