
CITY OF KELOWNA

MEMORANDUM

Date: July 26, 2005
To: City Manager
From: Planning and Corporate Services Department
Subject:

APPLICATION NO. Z05-0049
AT: 2355-2395 Gordon Drive

OWNER: Aberdeen Holdings Ltd.
APPLICANT: 716309 BC Ltd.

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM C3RLS – COMMUNITY COMMERCIAL (RETAIL LIQUOR SALES) TO C3RLS/LP – COMMUNITY COMMERCIAL (RETAIL LIQUOR SALES/LIQUOR PRIMARY LICENSE)

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

PROPOSED ZONE: C3RLS/LP – COMMUNITY COMMERCIAL (RETAIL LIQUOR SALES/LIQUOR PRIMARY LICENSED ESTABLISHMENT)

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0049 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 C3RLS – Community Commercial (Retail Liquor Sales) zone to the C3RLS/LP – Community Commercial (Retail Liquor Sales/Liquor Primary) zone be considered by Council;

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

AND THAT final approval be withheld pending Council's consideration of a liquor license application.

2.0 SUMMARY

The applicant is seeking to rezone the subject property from the C3RLS – Community Commercial (Retail Liquor Sales) zone to the C3RLS/LP – Community Commercial (Retail Liquor Sales/Liquor Primary) zone to accommodate a new liquor primary liquor primary licensed establishment on the subject property.

3.0 The Proposal

The applicant is seeking to rezone the subject property from the C3RLS – Community Commercial (Retail Liquor Sales) zone to the C3RLS/LP – Community Commercial (Retail Liquor Sales/Liquor Primary) zone to accommodate a new liquor primary liquor primary licensed establishment on the subject property. The proposed liquor primary licensed establishment would have in interior capacity of 120 and a patio capacity of 40 and would be located in an existing tenant space on the southeast corner of the property.

The proposed liquor primary licensed establishment would not be related to the existing retail liquor sales establishment which is also located on the same site.

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

CRITERIA	PROPOSAL	C3RLS/LP REQUIREMENTS	ZONE
Size (Interior Person Capacity)	120	N/A	
Size (Patio Person Capacity)	40	N/A	
Parking Spaces	Sufficient parking provided in existing mall lot.	30 (1 stall per 4 interior seats)	

3.1 Site Context

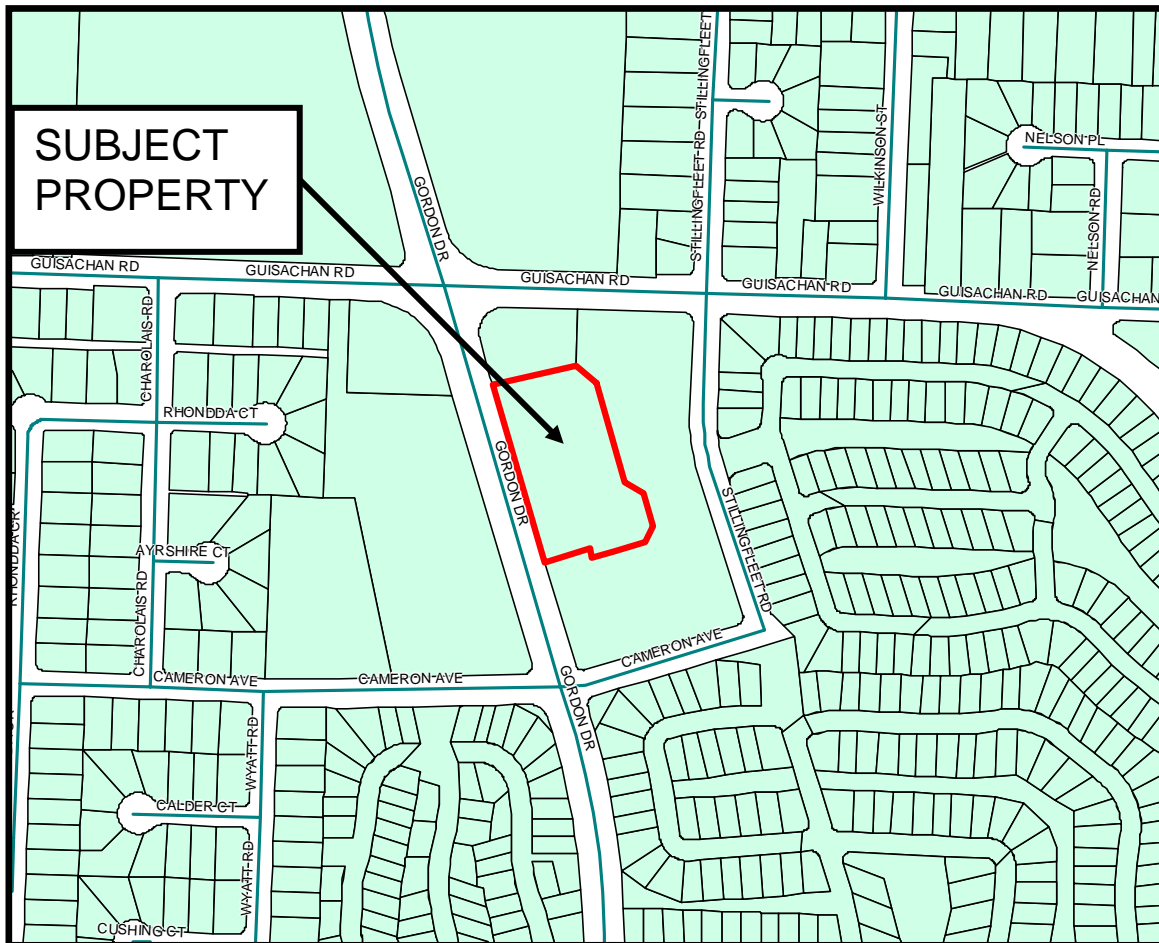
The subject property is located on the south eastern corner of Gordon Drive where it intersects Guisachan.

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 currently zoned Community Commercial/ Retail Liquor Sales and is designated as Commercial in the Official Community Plan therefore a liquor primary use could be supported on this site with rezoning to C3RLS/LP as the applicant proposes.

The proposal satisfies numerous OCP directives including policy 6.1.19 to work to encourage new commercial businesses to locate in an urban

centre, policy 6.1.31 to encourage employment opportunities within urban centres to meet TDM strategies and policy 6.1.33 to encourage entertainment establishments to locate on lands within urban centres that are designated for commercial use. It should be noted that while the immediate surrounding uses are primarily commercial (within the mall site) the properties in the general vicinity are a mix of multi-family and single family dwellings. The 12:00am closing time is reasonable for a neighbourhood pub as the location is buffered from nearby residential units by parking lot and green space so noise issues should be minimal.

3.4.2 Mayor's Entertainment District Task Force

This proposal meets the liquor primary requirements put forth by the Entertainment District Task Force. There is a retail liquor sales establishment within 100m of the proposed liquor primary use however the liquor primary capacity (120 persons), nature of the business (neighbourhood pub as opposed to nightclub) and the location outside the downtown core make conflict between these uses unlikely.

It is recommended that the proposal be supported based on the ability of the site to meet the Entertainment District Task Force requirements as well as the positive impact this type of development will have in the Guisachan Village Centre as this proposal's outdoor patio will serve to add some needed human animation to a primarily automobile oriented outdoor mall.

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

Although the Planning and Corporate Services Department has no formal policy which would discourage the operation of a liquor primary licensed establishment in this location, staff have several relevant concerns which should be noted at this time and will form part of staff's recommendation at the liquor license application stage. Concerns include the potential impacts of noise from the patio on abutting residential developments and the lack of details with regard to the screening of the patio area.

Given the relevant policy, staff are prepared to support this application but strongly recommend that the applicant consult the abutting neighbours in order to provide a level of buffering/sound attenuation on the patio which does not disrupt the neighbourhood.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

RM/AB/rs
Attach

ATTACHMENTS

(not attached to the electronic version of the report)

- Subject Property Map
- Floor plans
- Site Plan