

City of Kelowna

Public Hearing

AGENDA



Tuesday, May 12, 2020
4:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This evening, Council will hold both a Public Hearing and a Regular Meeting.

The purpose of the Hearing is to hear from the public on matters contained in the various bylaws which, if adopted, will amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

After the close of the Public Hearing, Council will then debate and vote on the proposed bylaws at the Regular Meeting that follows.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public on the table in the foyer of Council Chamber. Reports are also available to the public online under *Council* at Kelowna.ca.

For those in attendance this evening, or who have already submitted letters to Council, a reminder that this Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may also be broadcast and recorded by Castanet.

Following the close of the Public Hearing, no further information from the applicant or members of the public will be accepted by Council.

2. Individual Bylaw Submissions

2.1 Gordon Dr 1171-1199 - TA19-0021 (BL12005) - Manhattan Properties Ltd., Inc No. 21606

3 - 27

To amend the Zoning Bylaw to allow Retail Liquor Sales Establishment as a secondary use on the subject property.

3. Termination

4. Procedure on each Bylaw Submission

- (a) Brief description of the application by City Staff (Community Planning);
- (b) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.
- (c) The Chair will call for representation from the public in attendance as follows:
 - (i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.
 - (ii) The Chair will recognize ONLY speakers at the podium.
 - (iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.
- (d) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.
- (e) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.
- (f) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: March 23, 2020

To: Council

From: City Manager

Department: Development Planning

Application: TA19-0021

Owner: Manhattan Properties Ltd., Inc.
No. 21606

Address: 1171-1199 Gordon Dr

Applicant: Urban Options Planning &
Permits

Subject: Text Amendment Application

Existing OCP Designation: IND - Industrial

Existing Zone: I₄ – Central Industrial

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA19-0021 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the report from the Development Planning Department dated March 23, 2020 for Lot A Section 30 Township 26 Osoyoos Division Yale District Plan KAP75328 Except Plan KAP87231 located at 1171-1199 Gordon Drive, Kelowna, BC be considered by Council;

AND THAT the Zoning Bylaw Text Amendment Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zoning Bylaw Text Amending Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "B" attached to the Report from the Development Planning Department dated March 23, 2020.

2.0 Purpose

To amend the Zoning Bylaw to allow Retail Liquor Sales Establishment as a secondary use on the subject property.

3.0 Development Planning

Development Planning Staff are recommending support for the proposed site-specific Text Amendment to allow Retail Liquor Sales Establishment as a secondary use for property located at 1171-1191 Gordon Drive. This application seeks to allow a liquor retail store to operate in one of the existing commercial retail units on the subject site.

The subject property is zoned I₄ – Central Industrial, which is largely consistent with a majority of Kelowna's north end industrial lands. The site is situated at the southern edge of the north end industrial area of the city. More specifically, the site is located more at the southeast corner of the Clement Avenue / Gordon Drive intersection, meaning the site is quite prominent and visible to two major roadways.

When the Clement Avenue extension was completed in the early 2000's, the new roadway alignment subsequently isolated a few industrial properties from the majority of the north end industrial lands, including the subject site. In total, there are only three I₄ zoned properties located on the south side of the Clement Ave corridor, with the majority being located on the north side of Clement Ave.

Additionally, the subject site is quite small for an industrial zoned property, which limits the industrial intensity and potential of the site. Some of the existing uses on the property range from antique sales, blade sharpening, small engine repair and dog grooming.

Furthermore, this use is not expected to undermine the integrity of the north end industrial area as a whole, as there is limited potential for any further Retail Liquor Sales Establishments due to Liquor & Cannabis Regulation Branch (LCRB) buffer regulations. These regulations require a one-kilometer distance between retail liquor store locations. Given the presence of an existing liquor store located at 1175-1177 Ellis Street, the LCRB buffer regulations would currently preclude a large majority of sites within the north end industrial area from being able to achieve this use.

4.0 Proposal

4.1 Background

The Clement corridor is one area of the city in particular that is experiencing a large degree of change from a development perspective. Over the past few years there have been a number of Council approved development projects such as:

- 740 Clement Ave (OCP17-0021 / Z17-0093), rezoned to allow for a mixed-use commercial / residential development with approximately 150 residential units and 9,400 sqft of ground floor commercial space.
- 816 Clement Ave (DP18-0112 & TA18-0006), received a Development Permit approval for 2 light industrial buildings totaling approximately 50,000 sqft of floor area with a Text Amendment application to allow for additional commercial uses.
- 889 Vaughan Ave (DP17-0214), received Development Permit approval for 2 industrial buildings.
- 1189 Ethel Avenue (DP19-0056), received a Development Permit approval for a car wash, convenience store and gas bar.

Through the various development projects listed above, staff have worked to achieve an effective transition for the industrial properties largely situated north of Clement Ave, commercial land uses along the Clement corridor and the residential properties located on the south side of Clement Ave.

4.2 Project Description

The subject property was developed in the late 1960's to allow for a single light industrial building with approximately 8 separate units. The proposed liquor retail store will comprise 2 of the existing units and will require tenant improvements to facilitate the proposed use should Council support the application. There are no Development Permits or Development Variance Permits being tracked at this time.

4.3 Site Context

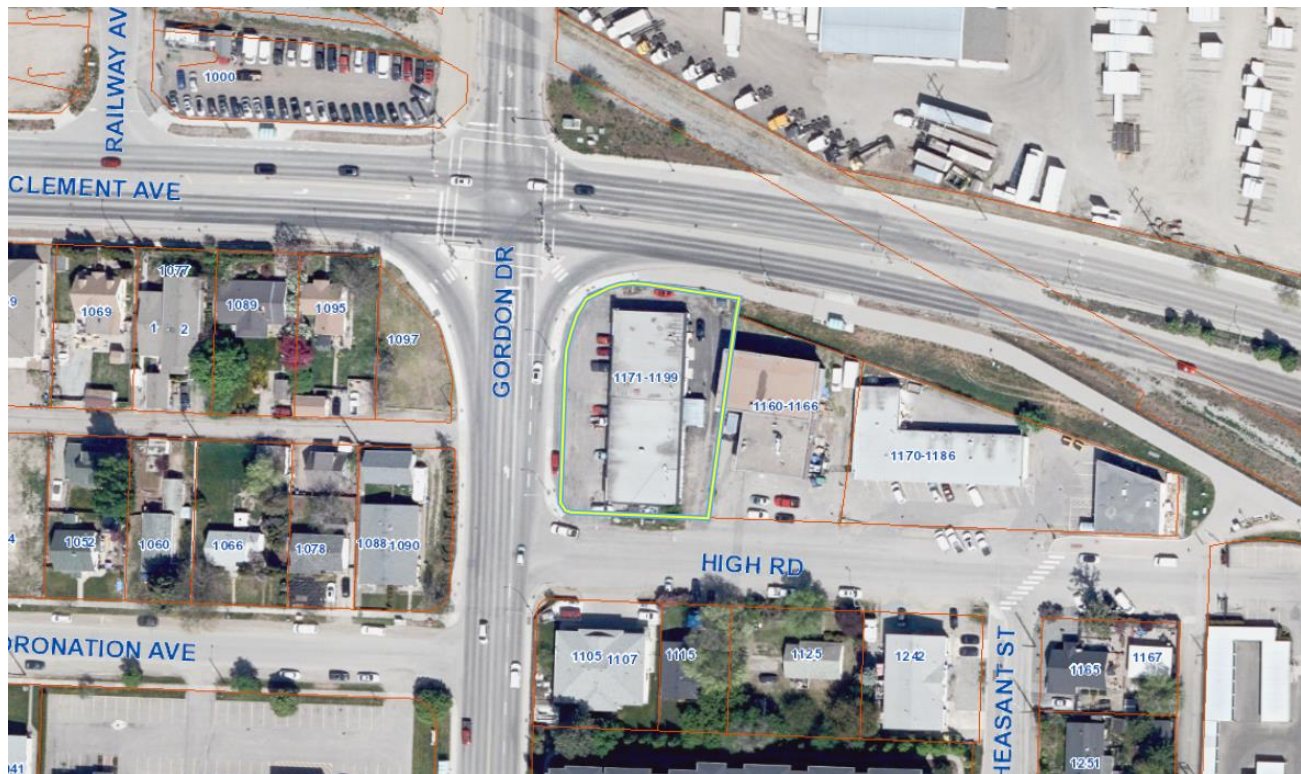
The subject site is located at the southeast corner of the Clement Avenue / Gordon Drive intersection, approximately 900.0 m east of the Downtown Urban Centre and roughly 220.0 m west of Lombardy Park. The property is located adjacent to a number of existing light industrial and residential uses.

The surrounding Future Land Use designations include industrial to the north and east with medium density residential to the west and south.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I4 – Central Industrial	Warehouse Storage and Sales
East	I4 – Central Industrial	Food Primary
South	RU6 – Two Dwelling Housing	Residential
West	RU6 – Two Dwelling Housing	Residential

Subject Property Map: 1171-1199 Gordon Drive



5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

6.0 **Technical Comments**

See attached Schedule "B".

7.0 Application Chronology

Date of Application Received: November 28, 2019

Date Public Consultation Completed: January 28, 2020

Report prepared by: Andrew Ferguson, Planner II

Reviewed by: James Moore, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule "A": Summary Table of Proposed Text Amendment to Zoning Bylaw No. 8000.

Schedule "B": Development Engineering Memorandum dated February 10, 2020

Attachment A: Applicants Rationale Letter

Attachment B: Site Plan


Schedule A – Zoning Bylaw No. 8000 Text Amendment

No.	Section	Existing Text	Proposed Text	Explanation of Change								
3.	15.4 I4 – Central Industrial 15.4.7 Site Specific Uses and Regulations	N/A	<p>15.4.7 Site Specific Uses and Regulations</p> <p>Uses and regulations apply to the I4 – Central Industrial zone on a site-specific basis as follows:</p> <table><tr><th></th><th>Legal Description</th><th>Civic Address</th><th>Regulation</th></tr><tr><td>1.</td><td>Lot A Section 30 Township 26 ODYD, Plan KAP75328, Except Plan KAP87231</td><td>1171-1199 Gordon Drive, Kelowna, BC</td><td>To allow retail liquor sales establishment as permitted Secondary Use in addition to those permitted in section 15.4.3.</td></tr></table>		Legal Description	Civic Address	Regulation	1.	Lot A Section 30 Township 26 ODYD, Plan KAP75328, Except Plan KAP87231	1171-1199 Gordon Drive, Kelowna, BC	To allow retail liquor sales establishment as permitted Secondary Use in addition to those permitted in section 15.4.3.	<p><i>The new section will facilitate the addition of a site-specific text amendment for 1171-1199 Gordon Drive and allow the use of retail liquor sales establishment in addition to the uses already permitted under the I4 zone.</i></p>
	Legal Description	Civic Address	Regulation									
1.	Lot A Section 30 Township 26 ODYD, Plan KAP75328, Except Plan KAP87231	1171-1199 Gordon Drive, Kelowna, BC	To allow retail liquor sales establishment as permitted Secondary Use in addition to those permitted in section 15.4.3.									

CITY OF KELOWNA

MEMORANDUM

Date: February 10, 2020
File No.: TA19-0021
To: Community Planning (TA)
From: Development Engineering Manager (JK)
Subject: 1171-1199 Gordon Dr

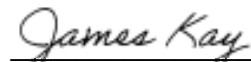
SCHEDULE		B
This forms part of application # TA19-0021		
Planner Initials	AF	 City of Kelowna DEVELOPMENT PLANNING

I4 text Amendment

Development Engineering has the following comments and requirements associated with this application. A Site-Specific Text Amendment to allow Liquor Retail Sales

1. General

Road frontage improvements are triggered by this application. Frontage let down to Gordon Dr must be removed and replaced with barrier curb and gutter and sidewalk. All access to site from High Rd.



James Kay, P. Eng.
Development Engineering Manager

RO



October 7, 2019 revised

City of Kelowna
Community Planning Dept.
Attn. Trisa Atwood
1435 Water Street
Kelowna, BC V1Y 1J4

RE: Proposed Text Amendment to the I4 – Central Industrial zone at 1191 Gordon Dr.

Dear Trisa:

The occupant at 1191 Gordon Drive is seeking a site-specific text amendment to add the "Retail Liquor Sales Establishment use" to the current "I4 – Central Industrial" zone. The intent is to operate a "Retail Liquor Sales Establishment" in one of the existing retail units on the property. Through conversations with City Planning staff, a measure of support to add this secondary use to the I4 zone has been provided.

Converting Industrial zoned land to include commercial uses is rare, however, the site is unique as it is very small in size and does not support a larger industrial use. The individual units are small and are similar commercial outlets. The current use of the individual units ranges from knife sharpening and small engine repair, to antique sales and dog grooming. The proposed liquor store will occupy 2 units totalling only 218m² (2,350 sq. ft). The property was once much larger in size and has been reduced due to land takings by the local government for road widening etc. Although the retail liquor sales use is not generally an industrial use, given the unique location and situation of the subject property it is an appropriate use for the site.

The occupant is in the process of negotiating the acquisition of an existing Licensee Retail Sales license to transfer to this site. At this time, we are not planning on making any changes to the exterior of the existing site development, other than the addition of appropriate signage to identify the new establishment. Associated building permits for both interior renovations and signage will be made at a future date.

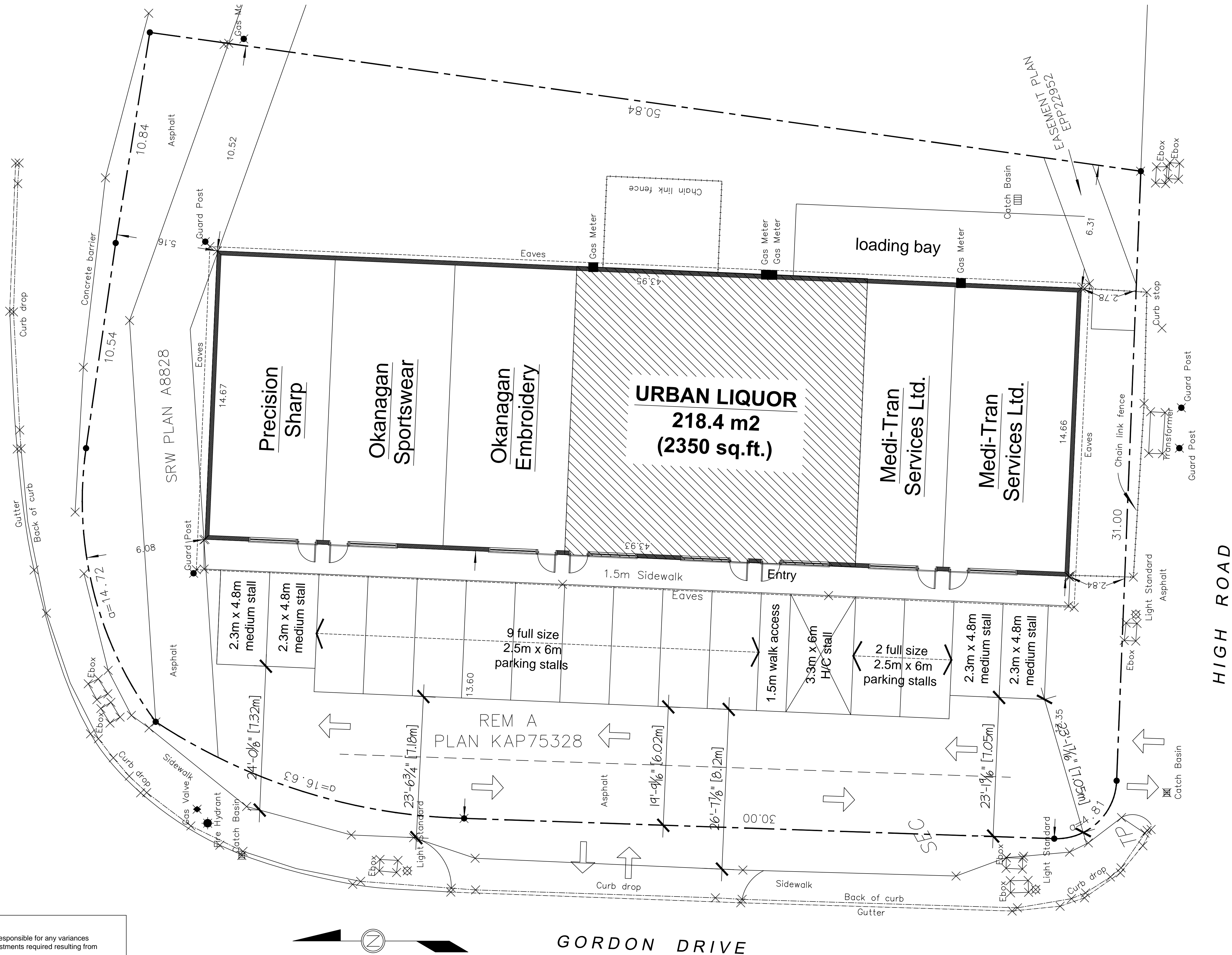
I hope that you accept this proposal as I believe this application will have the potential to add a quality store front occupant to this highly visible industrial strip development and will provide a positive infill in this location of Kelowna.

Regards

A handwritten signature in blue ink that reads "Birte Decloux".

Birte Decloux for the landowner

CLEMENT AVENUE



ERRORS AND OMISSIONS

- BAXTER DESIGN and SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.
- BAXTER DESIGN and SHANE BAXTER makes every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.



SHANE BAXTER DESIGNS INC.
KELOWNA, B.C. CANADA
ph: (250) 862-9662
baxterdesign@shaw.ca | baxterhouseplans.com

PROPOSED RETAIL OUTLET FOR:
URBAN LIQUOR STORE LTD.
1191 Gordon Drive, Kelowna, B.C.
Drawing Scale: 1/8" = 1'-0"
Date: Oct. 11, 2019
Rev. Date:
Drn. By: S.H.B.



TA19-0021

1171-1199 Gordon Dr

Text Amendment Application



Proposal

- ▶ To amend the Zoning Bylaw to allow Retail Liquor Sales Establishment as a secondary use on the subject property.

Development Process

Nov 28, 2019

Development Application Submitted



Staff Review & Circulation



Jan 28, 2020

Public Notification Received



Mar 23, 2020

Initial Consideration



May 12, 2020

Public Hearing
Second & Third Readings

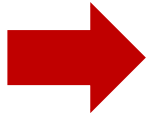


Final Reading

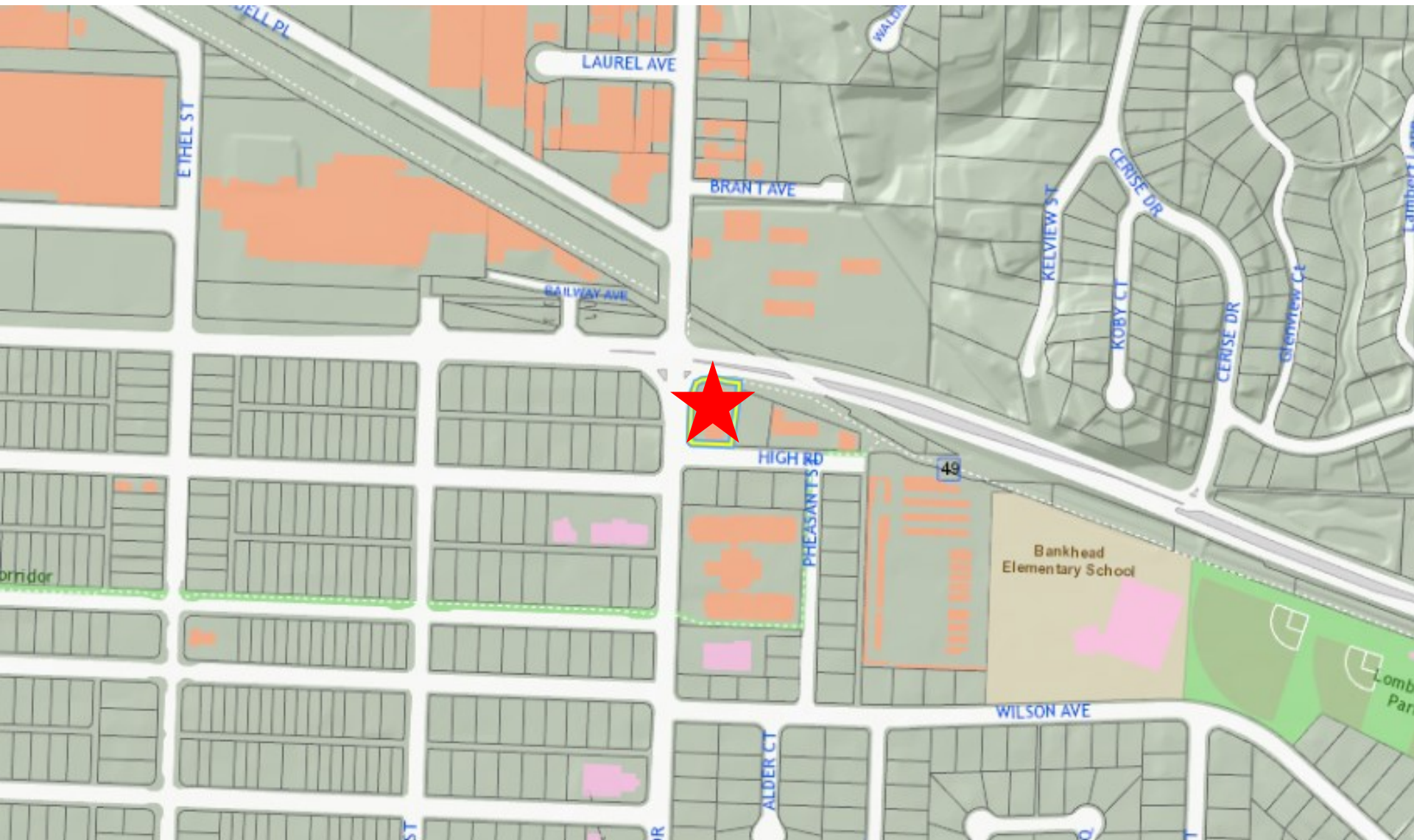


Building Permit

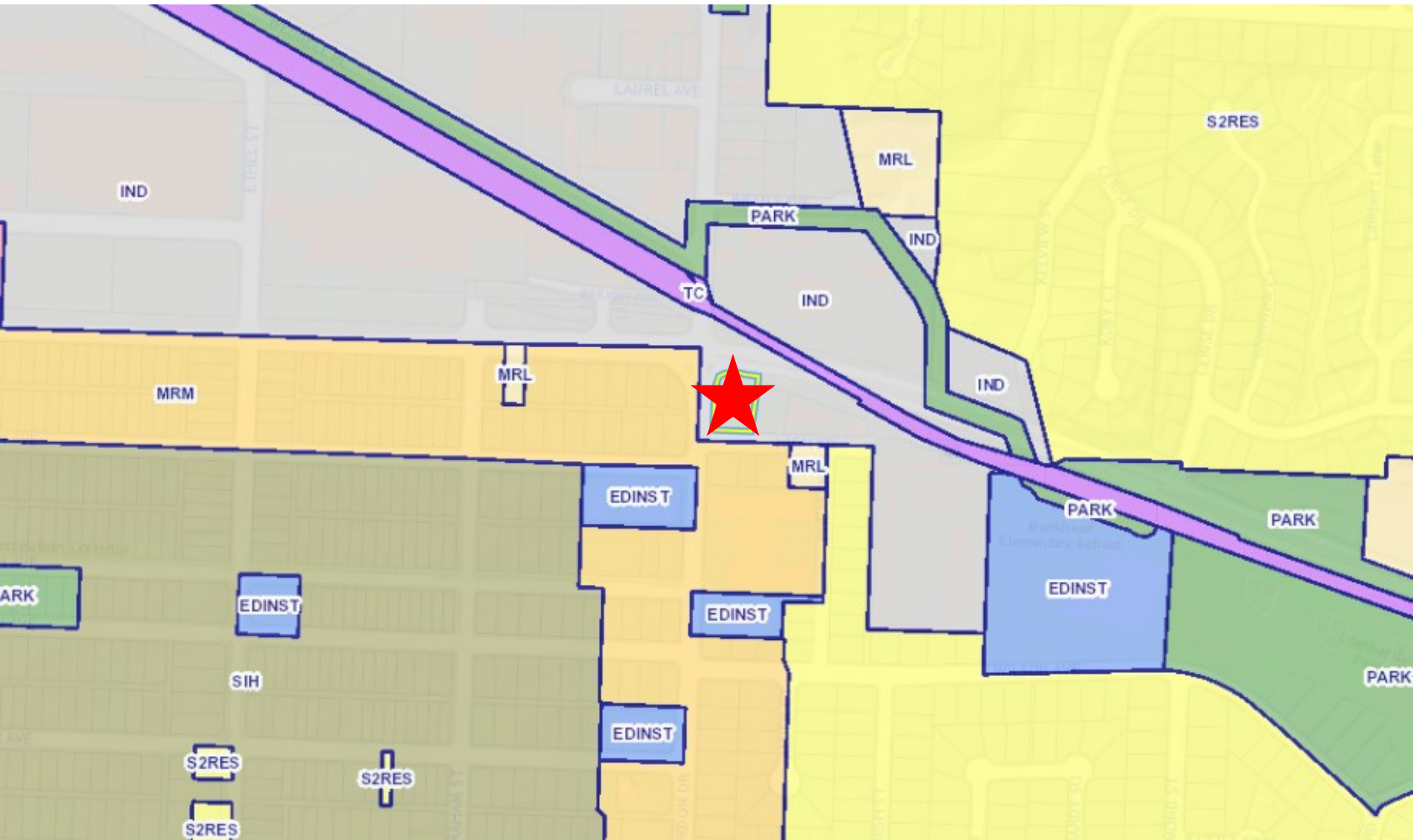
Council
Approvals



Context Map



OCP Future Land Use / Zoning



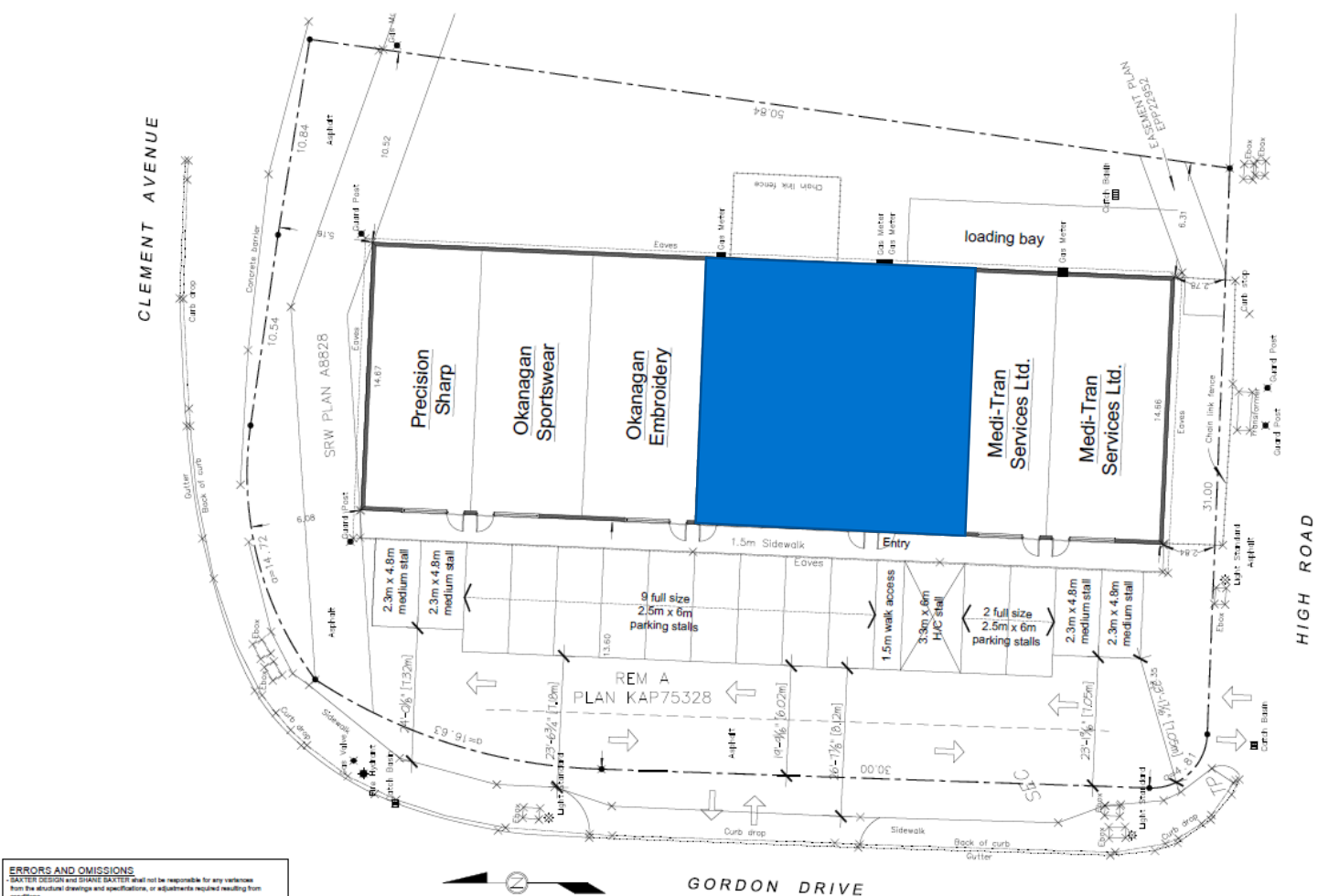
Subject Property Map



Project/technical details

- ▶ Site located at southeast corner of Clement Ave / Gordon Dr intersection.
 - ▶ Approx. 900 m east of downtown Urban Centre.
- ▶ Property is adjacent to existing residential and industrial land uses.
- ▶ Applicant is proposing to renovate 2 existing retail units to facilitate proposed liquor store.
 - ▶ Tenant improvements will require BP.

Site Plan



ERRORS AND OMISSIONS

SHANE BAXTER DESIGN INC. and SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.

SHANE BAXTER DESIGN INC. and SHANE BAXTER make every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.



SHANE BAXTER DESIGN INC.
1151 GORDON DRIVE, KELLOWNA, B.C.
V1Y 1A1
250.822.2244
shane@baxterdesign.com

PROPOSED RETAIL OUTLET FOR:
URBAN LIQUOR STORE LTD.
1151 Gordon Drive, Kelowna, B.C.

Drawing Scale: 1/8" = 1'-0"

Date: Oct. 11, 2019

Rev. Date:

Des. By: S.H.B.

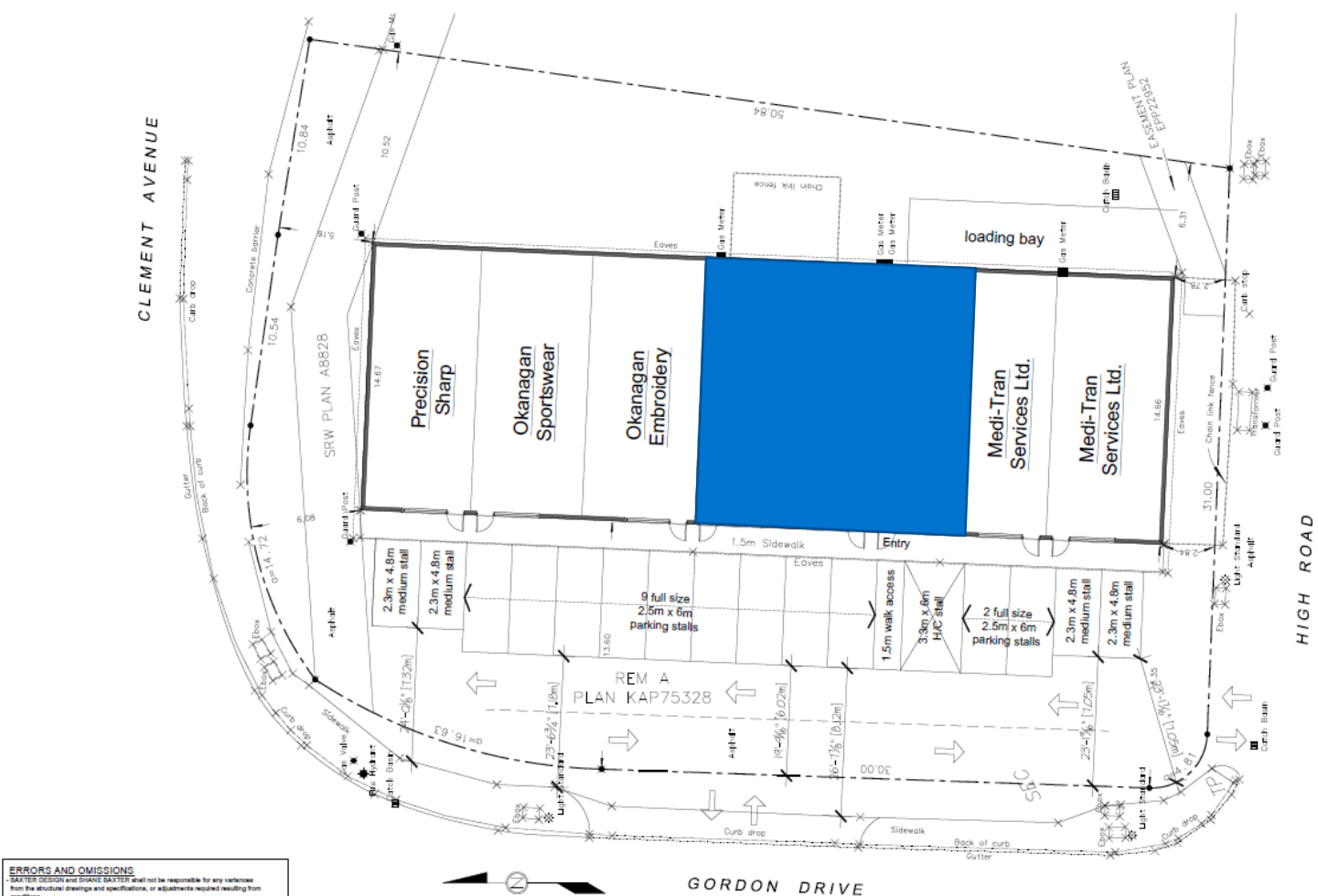
Staff Recommendation

- ▶ Staff recommend **support** of the proposed site-specific text amendment:
 - ▶ Clement Ave extension created a dividing line between subject site and majority of North End Industrial lands
 - ▶ Prominent location supports commercial use
 - ▶ Site is small and has limited industrial potential
 - ▶ LCRB Regulations for Liquor Stores
 - ▶ One-kilometer distance between stores



Conclusion of Staff Remarks

Site Plan



ERRORS AND OMISSIONS

SHANE BAXTER DESIGN INC. and SHANE BAXTER shall not be responsible for any variances from the structural drawings and specifications, or adjustments required resulting from conditions encountered at the job site, and is the sole responsibility of the owner or contractor.

SHANE BAXTER DESIGN INC. and SHANE BAXTER make every effort to provide complete and accurate construction drawings. However, we assume no liability for any errors or omissions which may affect construction. It is the responsibility of all trades and sub-trades to check and verify all dimensions and details before commencing with their portion of the construction. Should any discrepancies be found on these plans please advise our office so we can make the necessary corrections.



SHANE BAXTER DESIGN INC.
1191 GORDON DRIVE, KELLOWNA, B.C.
V1Y 1A1
250.862.2222
shane@shanebaxter.com

PROPOSED RETAIL OUTLET FOR:
URBAN LIQUOR STORE LTD.
1191 Gordon Drive, Kelowna, B.C.

Drawing Scale: 1/8" = 1'-0"

Date: Oct. 11, 2019

Rev. Date:

Des. By: S.H.B.



1171 – 1191 Gordon Drive
Text Amendment to allow a site specific use

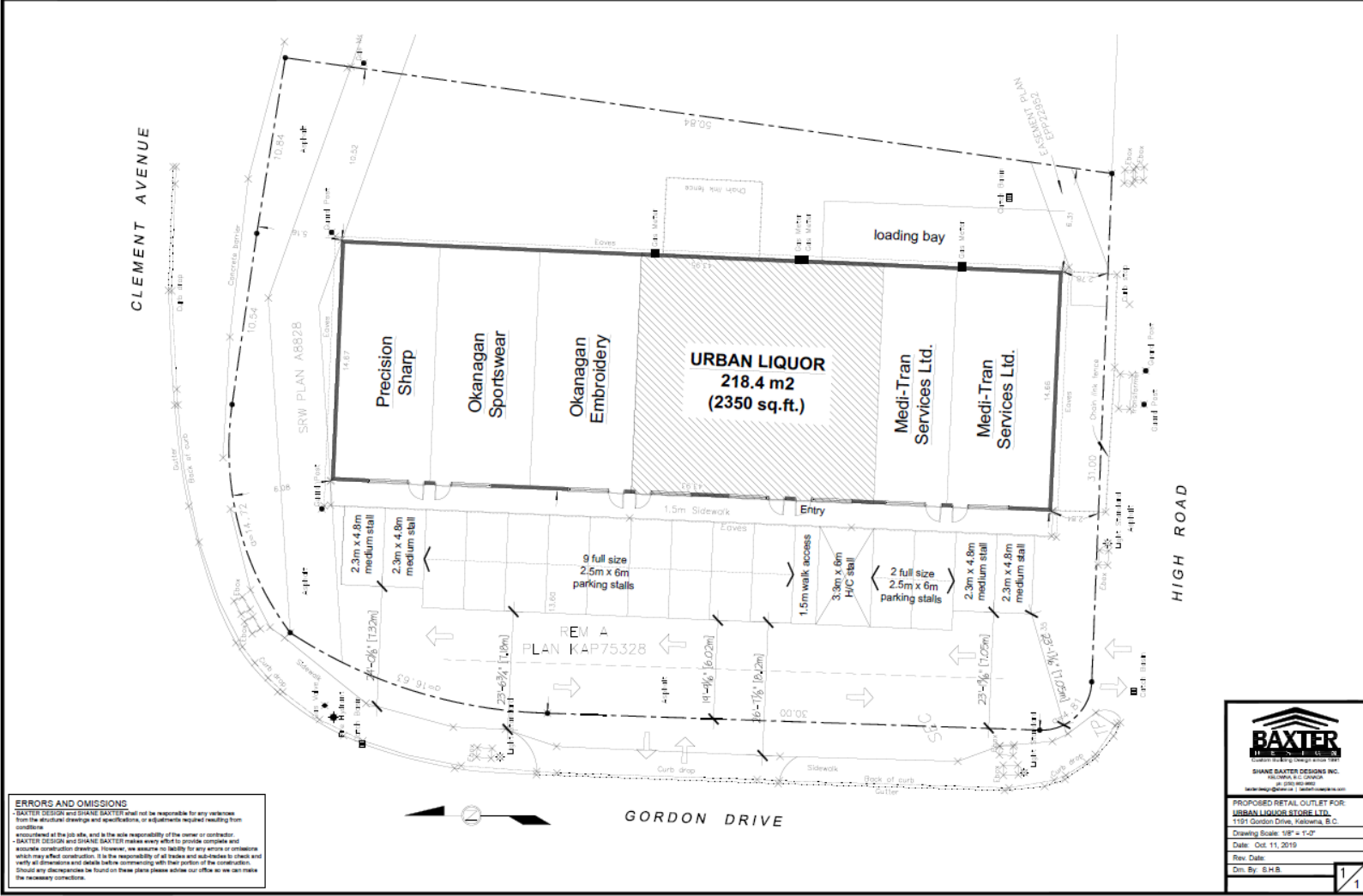
Context



potential concerns

- On/ off site traffic flow
- Sterilizing traditional industrial uses
- Other

Site plan



Specific details

- Text amendment is for Urban Liquor who are well established in the Kelowna marketplace and have 2 other locations.
- Hours of operation: 9am – 11pm Monday through Sunday
Standard for all independent liquor stores in the BC
- Will occupy 2 units totaling only 218m² (2,350 sq. ft)
- Store will be structured with the same standards as the Urban Liquor locations at Guisachan Village and Northgate Plaza

Questions?

