REPORT TO COUNCIL

Date:	March 19, 2018		
RIM No.	1250-30		
To:	City Manager		
From:	Community Planning Department (TA)		
Application:	Z17-0114	**Owner:**	Emil Anderson Construction Co. Ltd., Inc. No. C172775 Gillen Investments Inc., Inc. No. 528682
Address:	5008 South Ridge Drrive	**Applicant:**	Emil Anderson Construction Co. Ltd.
Subject:	Rezoning		
Existing OCP Designation:	COMM - Commercial		
Existing Zone:	C1 – Local Commercial		
Proposed Zone:	C2 – Neighbourhood Commercial		

1.0 Recommendation

THAT Bylaw No. 11198 be forwarded for rescindment consideration and the file be closed;

AND THAT Rezoning Application No. Z17-0114 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, DL 1688S SDYD Plan KAP68647 located at 5008 South Ridge Drive, Kelowna, BC from the C1 – Local Commercial zone to the C2 – Neighbourhood Commercial zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated January 8, 2018;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the registration of a restrictive covenant on title precluding the use of the property for a gas bar.

2.0 Purpose

To rescind all three readings given to Rezoning Bylaw No. 11198 and to consider a new application to rezone the subject property from C1 – Local Commercial to C2 – Neighbourhood Commercial.

3.0 Community Planning

The application to rezone the subject property was considered by Council under Z15-0064 in 2016. The application and bylaw expired after 3rd reading in November 2017 as the applicant had not satisfied the engineering requirements. As such, the applicant has reapplied and is seeking to move forward with the rezoning and associated requirements.

Staff recommend that Council support the rezoning bylaw and forward it to an upcoming Public Hearing. There is limited commercial land available in the South Ridge neighborhood in the Upper Mission, with only two other commercially designated areas within 3 ½ kilometers. The C2 zone allows for greater commercial uses than C1 but still appropriate for the residential neighbourhood context. The applicant is requesting the greater commerical uses in order to provide flexibility to attract future tenants. The additional commericial uses are not expected to impact negatively on the surrounding residential neighbourhood.

4.0 Proposal

4.1 Background

The subject lot was created as part of the South Ridge neighbourhood. It was designaged C1 – Local Commercial in the Zoning Bylaw, which allows a limited degree of commercial activity. The applicant applied for a rezoning in 2015 and the associated Bylaw No. 11198 was given three readings by Council. The application has since expired as the applicant did not meet the requirements within 1 year of receiving third reading, therefore, the applicant has re-applied for the rezoning.

The applicant has indicated that the uses permitted in the C1 – Local Commercial zone are too limiting, and has applied to amend the bylaw to allow C2 – Neighbourhood commercial uses.

	C1 – Local Commercial	C2- Neighbourhood Commercial
Primary Uses	(a) **agricultural machinery services** (where uses was in existence prior to July 1st, 1998) (b) **child care centre, major** (c) **community garden** (d) **gas bars** (where uses was in existence prior to July 1st, 1998) (e) **personal service establishments** (f) **retail stores, convenience**	(a) **animal clinics, minor** (b) **child care centre, major** (c) **community garden** (d) **financial services** (e) **food primary establishment** (f) **gas bars** (g) **health services** (h) **liquor primary establishment, minor** (i) **offices** (j) **participant recreation services, indoor** (k) **personal service establishments** (l) **public libraries and cultural exhibits** (m) **recycled materials drop-off centres** (n) **retail stores, convenience** (o) **supportive housing**
Secondary Uses	(a) **agriculture, urban** (b) **amusement arcades, minor**	(a) **agriculture, urban** (b) **amusement arcades, minor**

	(c) **apartment housing** (d) **child care centre, minor** (e) **home based businesses, minor** (f) **residential security/operator unit**	(c) **apartment housing** (d) **child care centre, minor** (e) **group homes, minor** (f) **home based businesses, minor** (g) **residential security/operator unit** (h) **retail liquor sales establishment (C2rls only)**

The C2 zone allows several uses which are not permitted in the C1 zone – most notably offices, food establishments and health services.

The C2 zone also allows gas bars. While staff support the C2 zone on the site to allow the majority of uses, staff believe that the traffic and noise impact of a gas bar or car wash at this location would be inappropriate to the neighbourhood. Staff recommend that if the zone is amended from C1 to C2, that it be amended in conjunction with the registration of a restrictive covenant prohibiting the development of a gas bar or car wash.

4.2 Project Description

There is no project currently proposed. The applicant has requested that the zone be amended to attract future tenants. Any commercial development on the site would require a Comprehensive Form and Character Development Permit, which would be subject to Council approval.

4.3 Site Context

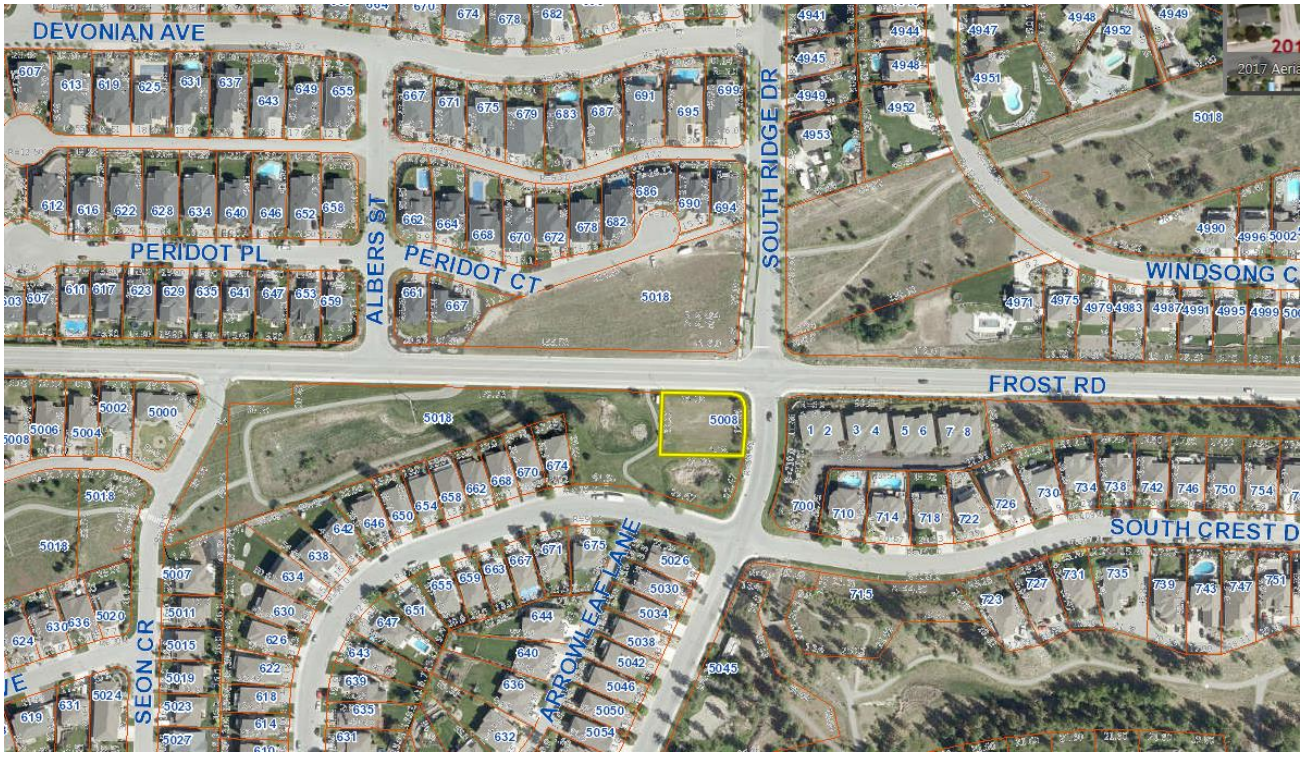
The property is a vacant lot in a developed residential area. The property is bordered on 3 sides by public park and open space, effectively buffering the site from residential development on 3 sides. There is a duplex complex across the road.

The site is well suited for commercial use on the corner of Frost and South Ridge and centrally located within the overall neighbourhood.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space	Park
East	RM2 – Low Density Multiple Unit	Two Unit Residential
South	P4 – Utilities	Park
West	P4 - Utilities	Park

Subject Property Map 5008 South Ridge Drive:



5.0 Technical Comments

5.1 Development Engineering Department

Please see attached Development Engineering Memorandum dated January 8, 2018

6.0 Application Chronology

Date of Application Received: December 4, 2017
Date of Neighbourhood Consultation: January 9, 2018

Report prepared by: Trisa Atwood, Planner II

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:
Schedule "A": Development Engineering Memorandum