

REPORT TO COUNCIL



Date: February 1, 2016
RIM No. 1250-01
To: City Manager
From: Community Planning Department (RR)

Application: Z15-0064
Owner: Emil Anderson Construction Co. Ltd.,
Inc. No. C172775 as to an undivided
80/100 Interest
Gilmar Management Ltd.,
Inc. No. 143879 as to an undivided
15/100 Interest
Gillen Investments Inc.,
Inc. No. 528682 as to an undivided
5/100 Interest
Address: 5008 South Ridge Dr. **Applicant:** Emil Anderson Construction Co. Ltd.
Subject: Rezoning Applications
Existing OCP Designation: COMM - Commercial
Existing Zone: C1 - Local Commercial
Proposed Zone: C2 - Neighbourhood Commercial

1.0 Recommendation

THAT Rezoning Application No. Z15-0064 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 Dr., 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 February 1, 2016;

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 rezone the subject property from C1 - Local Commercial to C2 - Neighbourhood Commercial to allow additional commercial uses on the property.

3.0 Community Planning

Staff recommend that Council give initial consideration to the rezoning bylaw and forward the bylaw to 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. Allowing additional intensity of commercial use on the site is not expected to impact other commercial sites or negatively impact the surrounding residential neighborhood.

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 has indicated that the suite of uses permitted in the C1 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 1 st , 1998) (b) child care centre, major (c) community garden (d) gas bars (where uses was in existence prior to July 1 st , 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 (c) apartment housing (d) child care centre, minor (e) home based businesses, minor (f) residential security/operator unit	(a) agriculture, urban (b) amusement arcades, minor (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

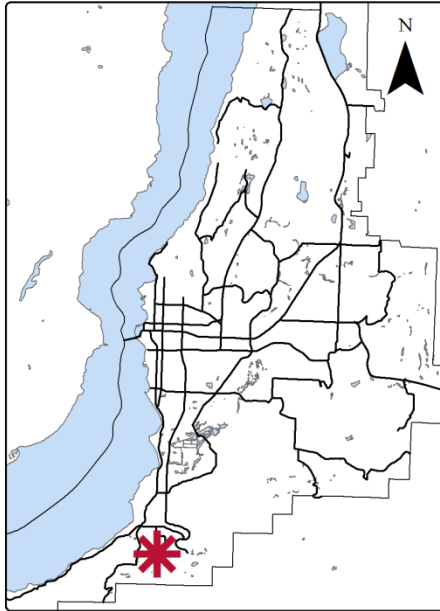
The property is a vacant lot in a developed residential area. The property is bordered on 3 sides by public park and open space, effectively buffering the site from residential development on 3 sides. There is a duplex complex across the road.

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

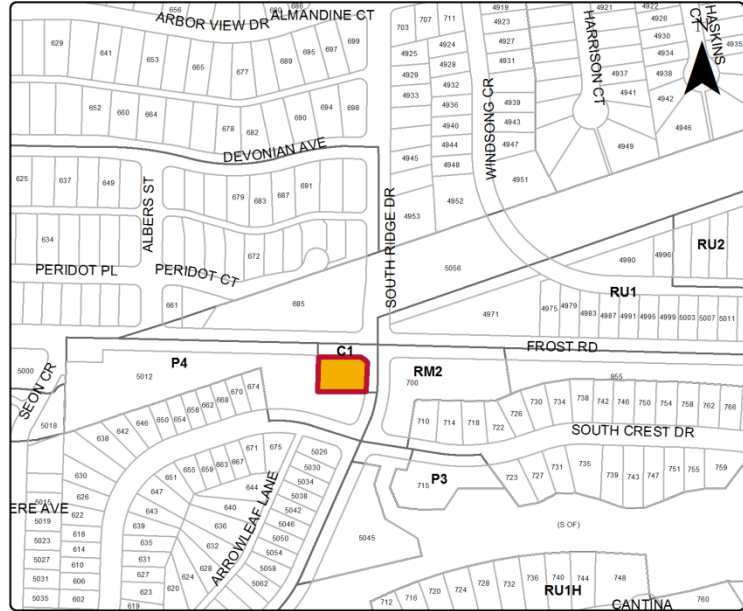
Adjacent land uses are as follows:

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

Subject Property Map:



CONTEXT



NEIGHBOURING ZONING



SUBJECT PROPERTY

5.0 Technical Comments

5.1 Building & Permitting Department

No comments

5.2 Development Engineering Department

See attached Memorandum dated December 19, 2015.

6.0 Application Chronology

Date of Application Received: December 6th, 2015

Report prepared by:

Ryan Roycroft, Planner 2

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager