

REPORT TO COUNCIL



Date: July 27, 2020

To: Council

From: City Manager

Department: Development Planning

Application: Z20-0014

Owner: Dilworth Shopping Centre Ltd.,
Inc. No. 319846

Address: 2339-2397 Highway 97 N

Applicant: Urban Design Group Architects
Ltd.

Subject: Rezoning Application

Existing OCP Designation: MXR – Mixed Use (Residential / Commercial)

Existing Zone:

C4rls/rcs – Urban Center Commercial (Liquor Retail Sales / Retail
Cannabis Sales)
C4rcs – Urban Centre Commercial (Retail Cannabis Sales)

Proposed Zone:

C4rls/rcs – Urban Center Commercial (Liquor Retail Sales / Retail
Cannabis Sales)

1.0 Recommendation

THAT Rezoning Application No. Z20-0014 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot A, District Lots 126 and 532, ODYD, Plan 40108, located at 2339-2397 Highway 97 N, Kelowna, BC from the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) zone to the C4rls/rcs – Urban Centre Commercial (Retail Liquor Sales / Retail Cannabis Sales) zone as shown on Map "A" attached to the Report from the Development Planning Department dated July 27, 2020, be considered by Council;

AND THAT Council, in accordance with *Local Government Act* s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

1.0 Purpose

To consider an application to rezone a portion of the subject property from the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) zone to the C4rls/rcs – Urban Centre Commercial (Retail Liquor Sales / Retail Cannabis Sales) zone to facilitate the relocation of an existing liquor store on the subject site, and to waive the Public Hearing.

2.0 Development Planning

Development Planning Staff are recommending support for the proposed application to rezone a portion of the subject property from the C4rcs – Urban Centre Commercial (Retail Cannabis Sales) zone to the C4rls/rcs – Urban Centre Commercial (Retail Liquor Sales / Retail Cannabis Sales) zone to facilitate the relocation of an existing liquor store on site as it is consistent with the Official Community Plan (OCP) Future Land Use designation of MXR – Mixed Use (Residential / Commercial).

The property is split zoned with the western portion being zoned C4rls/rcs and the eastern half being zoned C4rcs. The intent of the rezoning application is to facilitate a minor rezoning that will allow an existing liquor store operating on the site to move to a larger commercial retail unit (CRU) located on the eastern half of the property.

3.0 Proposal

3.1 Background

The subject property currently contains 6 existing commercial buildings of varying size and totaling approximately 196,000 square feet of combined commercial floor area.

3.2 Project Description

The proposed development application to rezone a portion of the site from C4rcs to C4rls/rcs will facilitate the relocation of an existing liquor store operating on site to be moved from the western portion of the property to a new commercial retail unit (CRU) situated adjacent to Leckie Road near the eastern property boundary.

The new CRU in which the liquor store is proposed to be relocated to was recently created from the former Safeway store. When Safeway closed at the end of 2019/early 2020, the existing CRU was converted into two smaller commercial units with one of the units (southern CRU) containing the new FreshCo store and the remaining unit proposed to be occupied by the liquor store.

The new liquor store is proposed to occupy 16,700 square feet of commercial space located at the eastern edge of the Dilworth Shopping Centre and will include a new set of entry doors at the east building face fronting towards Leckie Rd. To accommodate the new entry doors, which will enhance the overall form and character of the building, the east parking lot adjacent to the commercial unit will be reconfigured and see 3 fewer parking stalls in total to facilitate the new store entry.

Staff are tracking an Urban Development Permit Minor application to facilitate exterior facade updates to the new commercial unit which will be occupied by the liquor store. No variances are being tracked at this time.

3.3 Site Context

The subject property is located in the Central City Sector and within the Midtown Urban Centre along the Highway 97 corridor. The property is situated on the south side of Hwy 97 N in between Leckie Rd to the east, Baron Rd to the south and Underhill St to the west. The surrounding neighbourhood is largely comprised of

commercially zoned properties including; C3 – Community Commercial, C4 – Urban Centre Commercial, C9 – Tourist Commercial and C10 – Service Commercial. Other adjacent land uses include P4 – Utilities, RM5 – Medium Density Multiple Housing & A1 – Agriculture 1.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial / C10 – Service Commercial	Commercial
East	C10 – Service Commercial	Commercial
South	C4lrs – Urban Centre Commercial / RM5 – Medium Density Multiple Housing	Commercial / Residential
West	C4 – Urban Centre Commercial	Commercial

Subject Property Map: 2339-2397 Highway 97 N



4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .2 Compact Urban Form. Develop a compact urban form that maximises the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75-100 people and/or jobs per ha located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (See Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1

5.0 Application Chronology

Date of Application Received: February 12, 2020

Date Public Consultation Completed: July 7, 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:

Attachment A: Conceptual Site Plan

Attachment B: Map "A"

Attachment C: Applicant's Letter of Rationale