

REPORT TO COUNCIL



Date: August 10, 2020

To: Council

From: City Manager

Department: Development Planning

Application: TA20-0018 **Owner:** Summit Real Estate Holdings Ltd., Inc.No. BC1098449

Address: 1920-1936 Summit Drive **Applicant:** Kent-Macpherson

Subject: Text Amendment Application

Existing OCP Designation: COMM - Commercial

Existing Zone: CD3rcs – Comprehensive Development 3 (Retail Cannabis Sales)

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0018 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated August 10, 2020 be considered by Council;

AND FURTHER THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To amend the Zoning Bylaw by removing the maximum Gross Floor Area for Retail Liquor Sales, removing the limit on the number of Retail Liquor Sales businesses, and addressing how the Retail Cannabis Sales subzone was created within Area 2 of the CD3 zone.

3.0 Development Planning

Development Planning Staff support the Text Amendment application to remove the maximum size of a retail liquor sales establishment, and to remove the limit of one retail liquor sales business within Area 2 of the CD3 zone. The original intent of this size regulation was to not have retail liquor sales occupying a predominant or dominate portion of a site. Now that the development is complete and units are occupied, a large liquor store on this property is no longer a concern of staff.

Development Planning Staff further support the removal of regulation allowing one Retail Liquor Sale Business within Area 2 only. This is because the provincial *Liquor Control and Licensing Regulation* restricts

Retail Liquor Stores from opening if they are within 1 km of any other Retail Liquor Store, so it would not be possible for another Retail Liquor Store to open on this property.

Council supported a Text Amendment and Rezoning application relating to retail cannabis sales establishments within Area 2 of the CD₃ zone in November 2019. An amendment is needed to address how this subzone was created in the Zoning Bylaw, and has been included as part of this application.

The applicant completed neighbourhood notification in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Background

Retail Liquor Sales was added as a permitted use to Area 2 of the CD₃ zone through a Text Amendment that was adopted by Council in 2017. This Text Amendment also included regulations that there only be one Retail Liquor Sales establishment located in Area 2, and that it is limited to a maximum Gross Floor Area of 185 m². A Retail Liquor Sales establishment has been in a unit on the property since 2018.

4.2 Project Description

The applicant is requesting a Text Amendment to the CD₃ zone which would allow for the existing Retail Liquor Sales establishment to relocate from their current unit on the site to a slightly larger commercial unit located on the perimeter.

4.3 Site Context

The property is located at the northeast corner of the Glenmore Rd and Summit Dr intersection and has a Future Land Use Designation of Commercial. The surrounding area has a mix of residential uses and densities as well as retail and personal service use.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD ₃ – Comprehensive Development 3	Apartment housing
East	CD ₂₇ – Comprehensive Development 27	Apartment housing
South	P ₃ – Parks and Open Space	Participant recreation services, outdoor
West	RU ₁ – Large Lot Housing	Single dwelling housing

Subject Property Map: 1920-1936 Summit Dr



5.0 Application Chronology

Date of Application Received: June 30, 2020
Date Public Consultation Completed: July 16, 2020

Report prepared by: Kimberly Brunet, Planner II

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Amendments to the City of Kelowna Zoning Bylaw No. 8000