

# REPORT TO COUNCIL



**Date:** May 31, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** Z21-0049

**Owner:** Nonis Developments LTD., INC  
NO. BC0938873

**Address:** 5008 South Ridge Dr

**Applicant:** Mark Nonis

**Subject:** Rezoning Application

**Existing OCP Designation:** COMM - Commercial

**Existing Zone:** C1 – Local Commercial

**Proposed Zone:** C2 – Neighbourhood Commercial

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## 1.0 Recommendation

THAT Rezoning Application No. Z21-0049 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 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 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 registration of a restrictive covenant on title precluding the use of the property for a gas bar.

## 2.0 Purpose

To rezoning the subject property from C1 – Local Commercial to C2 – Neighbourhood Commercial to allow additional commercial uses on the property, and to waive the public hearing.

## 3.0 Development Planning

Staff recommend that Council give initial consideration to the rezoning bylaw. 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 application to rezone the subject property was considered by Council under Z15-0064 in 2016. The application and bylaw expired after 3<sup>rd</sup> reading in November 2017 as the applicant had not satisfied the engineering requirements. The applicant submitted another application to rezone the subject property in 2017 under Z17-0114, but it was cancelled before bylaw adoption. As such, the applicant has reapplied and is seeking to move forward with the rezoning.

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 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) <b>agricultural machinery services</b> (where uses was in existence prior to July 1st, 1998) (b) <b>child care centre, major</b> (c) <b>community garden</b> (d) <b>gas bars</b> (where uses was in existence prior to July 1st, 1998) (e) <b>personal service establishments</b> (f) <b>retail stores, convenience</b>	(a) <b>animal clinics, minor</b> (b) <b>child care centre, major</b> (c) <b>community garden</b> (d) <b>financial services</b> (e) <b>food primary establishment</b> (f) <b>gas bars</b> (g) <b>health services</b> (h) <b>liquor primary establishment, minor</b> (i) <b>offices</b> (j) <b>participant recreation services, indoor</b> (k) <b>personal service establishments</b> (l) <b>public libraries and cultural exhibits</b> (m) <b>recycled materials drop-off centres</b> (n) <b>retail stores, convenience</b> (o) <b>supportive housing</b>
Secondary Uses	(a) <b>agriculture, urban</b> (b) <b>amusement arcades, minor</b> (c) <b>apartment housing</b> (d) <b>child care centre, minor</b> (e) <b>home based businesses, minor</b> (f) <b>residential security/operator unit</b>	(a) <b>agriculture, urban</b> (b) <b>amusement arcades, minor</b> (c) <b>apartment housing</b> (d) <b>child care centre, minor</b> (e) <b>group homes, minor</b> (f) <b>home based businesses, minor</b> (g) <b>residential security/operator unit</b> (h) <b>retail liquor sales establishment (C2rls only)</b>

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

Due to the previous rezoning application submitted for the subject property in 2017, a Development Permit application was submitted in 2020 under DP20-0069 and was approved at the staff level. The subject property was developed in accordance with the Development Permit and currently exists under C2 zoning regulations. The existing building is located on the south side of Frost Road and the west side of South Ridge Drive and is two stories in height. There are designated commercial spaces on the main floor with residential units on the second floor and an 11 stall parking lot on the south side of the property.

#### 4.3 Site Context

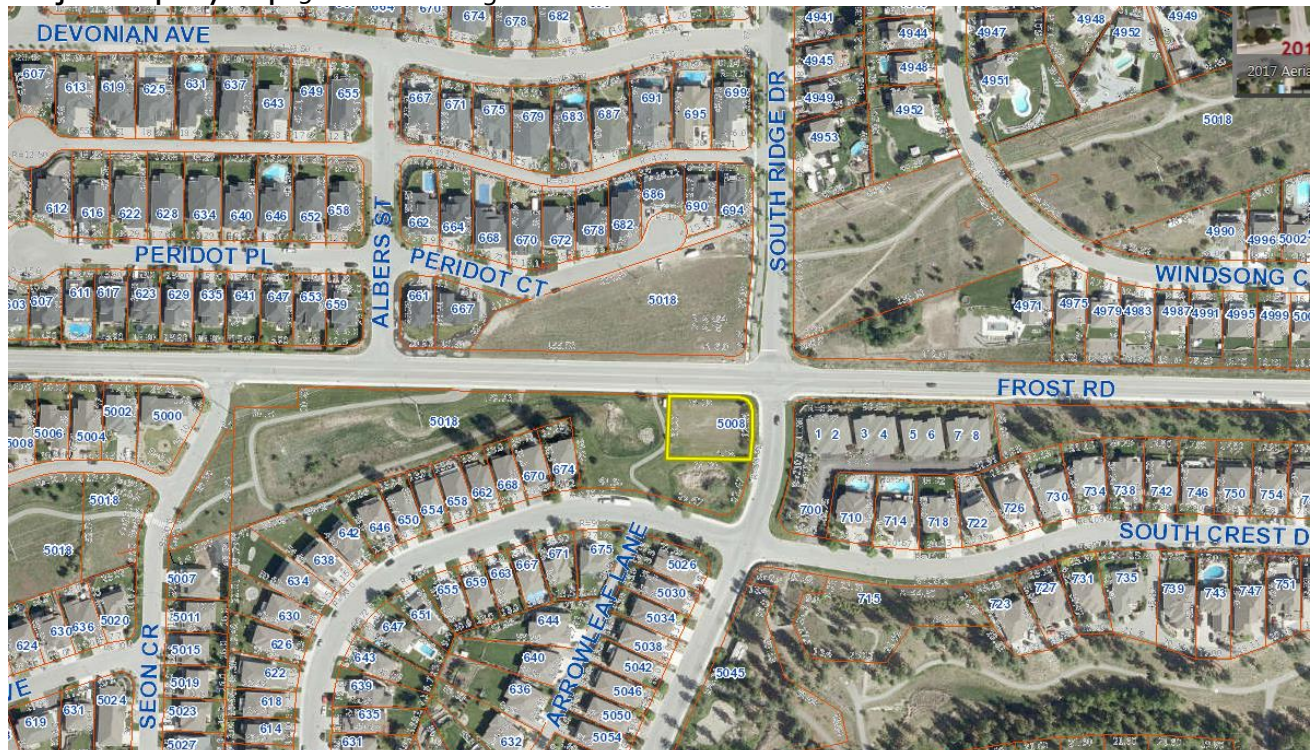
The subject property is in the Southwest Mission OCP Sector and is bordered on 3 sides by public park and open space, effectively buffering the site from residential development on 3 sides. There is a duplex complex across the road.

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

Specifically, 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 Dr**



## **5.0 Application Chronology**

Date of Application Received: May 5, 2021  
Date Public Consultation Completed: January 7, 2018

**Report prepared by:** Bronwyn Wydeman, Planner I  
**Reviewed by:** Dean Strachan, Community Planning & Development Manager  
**Reviewed by:** Terry Barton, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

### **Attachments:**

Attachment A: Conceptual Plans for DP20-0069