

# REPORT TO COUNCIL



**Date:** November 21, 2016

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (EW)

**Application:** Z16-0057

**Owner:** Victor Projects Ltd.

**Address:** 2280 Baron Rd

**Applicant:** Pacific land Resource Group Inc.

**Subject:** Rezoning Application

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

**Existing Zone:** C4 - Urban Centre Commercial

**Proposed Zone:** C4rls - Urban Centre Commercial (Retail Liquor Sales)

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## 1.0 Recommendation

THAT Rezoning Application No. Z16-0057 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 District Lot 126 ODYD Plan KAP59534, located at 2280 Baron Rd, Kelowna, BC from the C4 - Urban Centre Commercial to the C4rls - Urban Centre Commercial (Retail Liquor Sales) be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

## 2.0 Purpose

To consider a rezoning application to add the "rls" (Retail Liquor Sales) designation to the existing C4 - Urban Centre Commercial Zone, in order to permit the sale of BC wines on shelves in an existing grocery store.

## 3.0 Community Planning

Community Planning Staff supports the proposal to rezone the subject property from the C4 - Urban Centre Commercial to the C4rls - Urban Centre Commercial (Retail Liquor Sales) to allow the sale of BC wines on shelves in the Real Canadian Superstore at 2280 Baron Rd.

Council Policy #359 provides guidance related to the location of liquor stores/retail liquor sales that aims to limit potential land use conflicts and community disturbance issues related to liquor stores and liquor primary establishments. The Policy recommends:

1. New RLS establishments apply for rezoning to allow "Retail Liquor Sales";

2. No Retail Liquor Sales be approved (in conjunction with) Liquor Primary Establishments with person capacity exceeding 150 persons; and
3. Any new Retail Liquor Sales establishment not be located within 300m of an existing Liquor Primary establishment with a capacity greater than 350 persons.

The proposal is in accordance with the Council Policy. The proposed license is not to be approved with a Liquor Primary establishment and there are no Liquor Primary establishments with a capacity greater than 350 persons within 300 m of the subject property.

Current Liquor Control and Licensing Branch Regulations prohibit private or provincial liquor stores from 1km (as the crow flies) of each other. However, these rules do not apply to the current proposal or any grocery stores that seek to sell BC wine on store shelves.

#### 4.0 Proposal

##### 4.1 Project Description

The applicant is proposing to add the "rls" (Retail Liquor Sales) designation to the existing C4 - Urban Centre Commercial Zone, in order to permit the sale of BC wines on shelves in the Real Canadian Superstore. Approximately 93 m<sup>2</sup> of interior floor space is proposed to be allocated for the retail sales of BC Wine. No exterior changes are proposed.

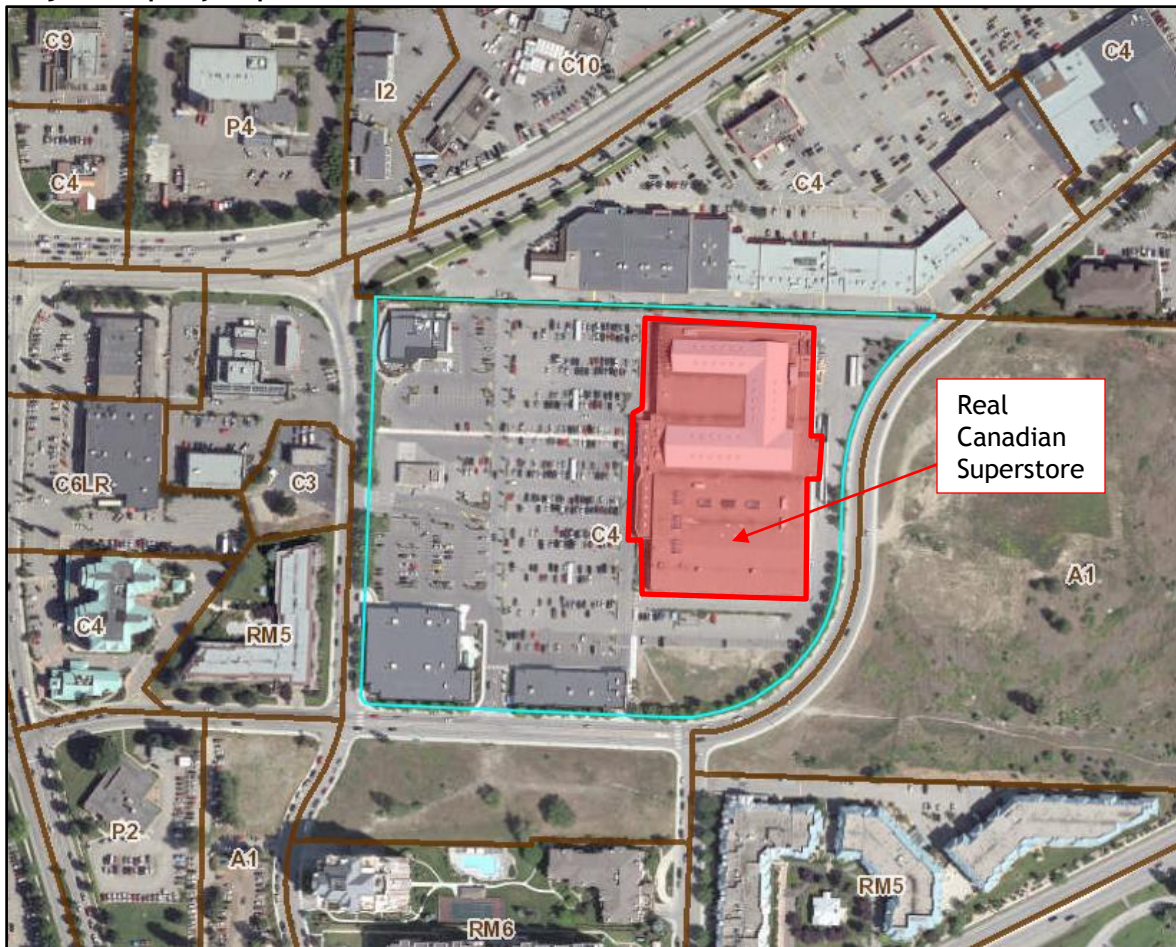
##### 4.2 Site Context

The 5.9 hectare (14.58 acre) subject property called Baron Centre has five commercial building for businesses including The Real Canadian Superstore, Marshalls, Dollarama, and The Keg Steakhouse & Bar. The property is located in the Midtown Urban Centre, south of HWY 97 N.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 - Urban Centre Commercial	General retail stores (Dilworth Centre)
East	A1 - Agriculture 1	Vacant land
South	C4 - Urban Centre Commercial	Vacant land
West	C4 - Urban Centre Commercial C3 - Community Commercial RM5 - Medium Density Multiple Housing	Gas Bar Automobile Service Station Apartment Housing

**Subject Property Map:**



**5.0 Current Development Policies**

As per Council Policy #359 (Liquor Licensing Policy & Procedures), the following considerations should be made for the location of liquor stores/retail liquor sales (RLS):

- Continue to require new or relocated RLS establishments to apply for a rezoning applicable to allow for "Retail Liquor Sales" in applicable zones.
- No Retail Liquor Sales shall be approved for (in conjunction with) Liquor Primary Establishments with person capacity that exceed 150 persons.
- Any new or relocated Retail Liquor Sales establishment shall not be located within 300 m of an existing Liquor Primary establishment with a person capacity greater than 350 persons.

**6.0 Technical Comments**

**6.1 Building & Permitting Department**

- No comment.

**6.2 Development Engineering Department**

- See attached memorandum dated October 21, 2016.

6.3 Bylaw Services

- No concerns.

6.4 Fire Department

- No concerns with zoning request.

6.5 Ministry of Transportation and Infrastructure

- Preliminary approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*. Please forward the bylaw for Ministry signature after 3<sup>rd</sup> reading.

7.0 **Application Chronology**

Date of Application Received: August 12, 2016  
Date Public Consultation Completed: October 25, 2016

**Report prepared by:** Emily Williamson, Planner I

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Development Engineering Memorandum dated October 21, 2016