

REPORT TO COUNCIL



Date: September 28, 2015

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TY)

Application: Z15-0033 **Owner:** Academy Apartments Ltd.

Address: 975 - 985 Academy Way **Applicant:** Academy Apartments Ltd.

Subject: Rezoning Application

Existing OCP Designation: COMM - Commercial
PARK - Major Park / Open Space (Public)

Existing Zone: C3 - Community Commercial

Proposed Zone: C3rls - Community Commercial (Retail Liquor Sales)

1.0 Recommendation

THAT Rezoning Application No. Z15-0033 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 1 Section 10 Township 23 ODYD Strata Plan EPS1461 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located at 975 - 985 Academy Way, Kelowna, BC from the C3 - Community Commercial zone to the C3rls - Community Commercial (Retail Liquor Sales), be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

2.0 Purpose

To rezone the subject property to facilitate a retail liquor store.

3.0 Community Planning

Community Planning Staff supports the proposed rezoning which will permit a retail liquor store in the University South Village Centre. The proposed retail liquor store meets Council policy 359 as well as Liquor Control And Licensing Branch legislation. Council Policy 359, Liquor Licensing Policy & Procedures provides some guidance related to the location of liquor stores that aims to limit the potential land use conflicts and community disturbance issues related to liquor stores and liquor primary establishments. There are no liquor primary establishments in this area. Space is designated for a food primary licensed restaurant on the subject property which does not have restrictions with regards to proximity to a retail liquor store. The Liquor Regulations require that any new or relocated private liquor store must be a minimum of 1 km from another private liquor

store. The proposed liquor store relocation complies with this regulation as the closest private liquor store, "Public Liquor" is located at 1.8 km away.

The subject property is near educational institutions such as Aberdeen Preparatory School (K-12), UBCO and multiple family residential developments. The subject property is zoned C3 - Community Commercial which aims to connect surrounding residential neighbourhoods with community commercial services. A retail liquor store is recognized as a community commercial use in this zone. The subject property is accessible to neighbouring properties by pedestrian and cycling traffic via a multiple use pathway that runs along the front of the property. The pathway will continue to run adjacent to the future Academy Way extension.

The site currently meets parking requirements for the retail use, and no variances are requested as a result of this rezoning application.

4.0 Proposal

4.1 Background

Currently the subject property contains two four-storey buildings. The first building (Phase I of III), was constructed in 2012 and is a mixed use building with commercial on the first storey and multiple family residential on the upper three storeys. The second building (phase II of III), was constructed in 2013 and is entirely multiple family residential. A third building is planned for this property (Phase III) and is intended as a commercial use. No application has been submitted for development of this building to-date.

4.2 Project Description

The applicant is proposing to rezone the subject property in order to relocate a private liquor store license to the mix-use building (Phase I) on the subject property. The liquor store will be located in vacant space on the ground floor as shown on the attached Conceptual Site Plan. There are no proposed changes to the exterior of the building or parking.

4.3 Site Context

The subject property is located on the north east portion of Academy Way at the corner of Academy Way and John Hindle Drive in the Highway 97 sector of Kelowna. The property is currently zoned C3 and has a Future Land Use of COMM - Commercial and PARK - Major Park / Open Space (Public) and is in the Permanent Growth Boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD20	UBCO
East	A1	Farmland & Forest
South	RM4	Multiple Family Residential
West	P2	Aberdeen Hall School

Subject Property Map: 975 - 985 Academy Way



4.4 Zoning Analysis Table of entire subject property

Zoning Analysis Table		
CRITERIA	C3r1s ZONE REQUIREMENTS	EXISTING
Existing Lot/Subdivision Regulations		
Minimum Lot Area	1,300 m ²	20,633 m ²
Minimum Lot Width	40.0 m	117 m
Minimum Lot Depth	30.0 m	163 m
Development Regulations		
Maximum Floor Area Ratio	1.0	0.42
Maximum Site Coverage (buildings)	50%	26 %
Maximum Height	15 m / 4 storeys	14.8 m / 4 storeys
Minimum Front Yard	3.0 m	21.1 m
Minimum Side Yard (south)	2.0 m	8.9 m
Minimum Side Yard (north)	0.0 m	21.9 m
Minimum Rear Yard	0.0 m	17.8 m
Other Regulations		
Minimum Parking Requirements (entire site)	164 stalls	164 stalls
Minimum Bicycle Parking (Building I)	Class I - 46stalls Class II - 22 stalls	Class I - 47 stalls Class II - 22 stalls
Minimum Private Open Space	1,125 m ²	1,655 m ²
Minimum Loading Space	2 stalls	2 stalls

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Transportation Networks.¹ Ensure transportation networks support continued success and future expansion of key employment nodes (as indicated with commercial, mixed use, and institutional designations in the OCP). Provide effective and efficient levels of transit service and convenient walking and cycling connections between key employment nodes and surrounding residential areas.

The subject property is a mixed use property with multiple family residential as well and commercial. This property fronts a multiple use pathway was constructed as part of this development which will run parallel with Academy Way extension.

Village Centre (University South)² A cluster of small-scale, residential, retail, and office uses, which provide for convenience needs of area residents. Village Centres are located along an arterial or collector road and would typically be located more than two kilometres from other City or Town Centre commercial facilities.

The addition of a retail liquor store in the village centre brings this retail need to the multiple family residence.

5.2 Liquor Control & Licensing Branch

Relocate a licensee retail store.³ the new location of the licensee retail store is at least 1.0 km from the site of another licensee retail store or liquor store or the proposed location of another store;

6.0 Technical Comments

No Comments

7.0 Application Chronology

Date of Application Received:	June 16, 2015
Date Public Consultation Completed:	September 9, 2015

¹ City of Kelowna Official Community Plan, Objective 8.7.2 (Economic Development Chapter).

² City of Kelowna Official Community Plan (Definitions Chapter).

³ Liquor Control And Licensing Regulation, Licensee retail stores, 14.5.a.

Report prepared by:

Tracey Yuzik, Planner

Reviewed by:

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Lindsey Ganczar, Planning Supervisor

Approved for Inclusion:

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Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
Conceptual Site Plan
Conceptual Elevations
Context/Site Photos