



To: Planning Committee

to Planning - June 21, 2005.
Date: June 6, 2005

From: Holger Burke
Acting Director of Development

RZ 04-286382

file: 12-8000-20-7959/7960.

Re: **Application by Farrell Estates Ltd. to Amend the Community Commercial District (C3) in Order to Add Educational Institution as a Permitted Use and for Rezoning at 8040 Garden City Road in Order to Permit a Private Liquor Store [Licensee Retail Store (Type 2)] on a Site Specific Basis**

Staff Recommendation

1. That Bylaw No. 7959, to amend Zoning and Development Bylaw 5300 Amendment by:
 - i. Introducing a new definition for "Licensee Retail Store (Type 2)";
 - ii. Amending the "Community Commercial District (C3)" to permit a "Licensee Retail Store (Type 2)" at 8040 Garden City Road only; and
 - iii. Amending the "Community Commercial District (C3)" to add "Educational Institution" as a permitted use

be introduced and given first reading.

2. That Bylaw No. 7960, to amend Zoning and Development Bylaw 5300 Amendment by:
 - i. Repealing the existing definition and introducing a new definition for "Neighbourhood Public House"; and
 - ii. Amending the "Steveston Commercial (Two-Storey) District (C4)", "Steveston Commercial (Three-Storey) District (C5)" and "Automobile-Oriented Commercial District (C6)" by deleting Licensee Retail Store as a permitted use

be introduced and given first reading.

H. Burke

Holger Burke
Acting Director of Development

WC:blg
Att.

FOR ORIGINATING DIVISION USE ONLY

ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Customer Service Manager	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<i>pe Lopez</i>

Staff Report

Origin

The Liquor Distribution Branch (LDB) has determined that the BC Liquor Store located at 8040 Garden City Road will be ceasing operations in 2005. As a result of the BC Liquor Store closure at 8040 Garden City Road (**Attachment 1**), Farrell Estates Ltd. has applied to the City for permission to rezone the site in order to permit a free-standing Licensee Retail Store (i.e. private liquor store). The applicant is also seeking to add an Educational Institution as a permitted use in the Community Commercial District (C3) as part of their rezoning application.

On April 25, 2005, Council considered a staff report providing information and policy recommendations on liquor sale and service issues. After considering the report, Council authorized staff to bring forward amendments to the Zoning and Development Bylaw No. 5300 in order to:

- i. Ensure that liquor licence related definitions are consistent with Provincial Liquor Control and Licensing Regulations; and
- ii. Restrict Licensee Retail Stores (LRS) to an accessory use to a neighbourhood pub unless otherwise approved through a rezoning application.

This report responds to the Farrell Estates Ltd. rezoning application along with the liquor sale and service related Zoning Bylaw amendments endorsed by Council on April 25, 2005.

Findings of Fact

Item	Existing	Proposed
Owner	Farrell Estates Ltd.	No Change
Applicant	Farrell Estates Ltd.	No Change
Site Size	3.16 ha (7.8 acres)	No Change
Land Uses	Community Shopping Centre	No Change
OCP Designation	Neighbourhood Service Centre	No Change
Sub-Area Plan Designation	Commercial or Townhouse (Broadmoor Area – Ash Street Sub-Area Plan)	No Change
Zoning	C3	C3

The subject site is approximately 31,572 m² (7.8 acres) in area, is occupied by a community shopping centre and is designated commercial or townhouse in the Ash Street Sub-Area Plan. The existing development surrounding the subject site is described as follows:

- To the north, across Blundell Road, a Neighbourhood Pub at 9031 Blundell Road zoned Neighbourhood Pub District (NHP), a single-family residential lot under development applications RZ 03-254683 and DP 05-298331 to permit a multi-family residential complex and a recently constructed multi-family residential complex at 7833 Heather Street zoned Comprehensive Development District (CD/129);

- To the east, across Heather Street, single-family residential lots zoned Single-Family Housing District, Subdivision Area E (R1/E) and a multi-family residential complex zoned Townhouse District (R2);
- To the south, across Dixon Ave, single-family residential lots zoned Single-Family Housing District, Subdivision Area B (R1/B), two (2) multi-family residential complexes zoned Townhouse District (R2) and Comprehensive Development District (CD/43) respectively and a church zoned Assembly District (ASY).
- To the west, across Garden City Road, a Neighbourhood Commercial Shopping Centre zoned Neighbourhood Commercial District (C2) and a multi-family residential complex zoned Townhouse District (R2). A small lot, zoned C3, at the corner of Garden City Road and Dixon Ave is occupied by a vacant residential dwelling.

Related Policies & Studies

OCP and Ash Street Sub-Area Plan

The subject site is designated Neighbourhood Service Centre in the Official Community Plan (OCP) and commercial or townhouse in the Ash Street Sub-Area Plan. The subject site is also designated a Development Permit Area, however, the site is already developed as a community shopping centre and no further construction is proposed at this time.

Licensee Retail Stores (LRS) Policies and Guidelines

At the April 25, 2005 Council Meeting, Council endorsed the approach that all new LRS be restricted to an accessory use to a neighbourhood pub unless otherwise approved through a rezoning application, thus enabling Council and the public to have an influence on the future locations of LRS in the City.

Council on April 25, 2005, adopted Policy 9307 for "Licensee Retail Store (LRS) Rezoning Applications" (**Attachment 2**). The proposed rezoning application is consistent with Policy 9307 and may be considered by Council without a neighbourhood survey as the rezoning application is intended to facilitate the replacement of an existing BC Liquor Store.

To support Policy 9307, Council requested staff to draft a policy providing locational and operational guidelines for free-standing LRS rezoning applications. A staff report with the requested policy information is intended to be presented to the General Purposes Committee on June 20, 2005. A copy of the proposed policy is provided in **Attachment 3**. The proposed rezoning application is consistent with the proposed policy for "Guidelines for Free-Standing Licensee Retail Store (LRS) Rezoning Applications".

Staff Comments

Background

The LDB has operated a BC Liquor Store at 8040 Garden City Road since 1991, but will cease operation in the Summer of 2005. To offset the loss of the BC Liquor Store, Farrell Estates Ltd. is seeking a rezoning to permit a free-standing Licensee Retail Store.

Proposed Licensee Retail Store

The subject site is a medium scale community shopping centre serving the Broadmoor Area. Permitting a LRS at this location would permit the shopping centre to provide a similar service to that offered by a BC Liquor Store. The applicant has indicated that JP Malone's will relocate the existing LRS at 9031 Blundell Road to the subject site and will occupy the current BC Liquor Store commercial space, which is approximately 510 m² (5,500 ft²) in area. JP Malones has submitted a building permit application to convert the existing LRS floor area, at 9031 Blundell Road, into a lotto centre and games room for the pub.

Proposed Educational Institution

The applicant is also requesting that Community Commercial District (C3) be amended to permit Educational Institutions. Educational Institution, as defined in the Zoning Bylaw, is "a place of learning which offers supplementary courses at the primary elementary, secondary or post-secondary level." Educational institution specifically excludes public or private schools that offer the ordinary courses equivalent to those offered between Kindergarten and Grade 12 in the public school system. The applicant has indicated the proposed educational institution is being requested in order to permit a computer training school or a similar private training school.

Analysis

Zoning Bylaw Definitions

To manage the Provincial liquor licensing regulation changes and implement Council's previous direction on liquor sale and service uses, a number of existing definitions in Zoning and Development Bylaw No. 5300 must be revised.

The current definition for "Licensee Retail Store" requires that these stores are accessory to a Neighbourhood Public House. To implement Council's direction on restricting free-standing LRS unless otherwise approved through a rezoning application, staff recommend that the current definition of LRS be retained and a new definition for a free-standing LRS [i.e. **Licensee Retail Store (type 2)**] be introduced. The proposed definition places a limit on the maximum gross floor area for a free-standing LRS in accordance with the proposed policy establishing "Guidelines for Free-Standing Licensee Retail Store (LRS) Rezoning Applications" (**Attachment 3**). The following definition is proposed for a free-standing LRS:

"Licensee Retail Store (Type 2)" means a store having a gross floor area not exceeding 510 m² (5,500 ft²), not accessory to a **Neighbourhood Public House**, that sells alcoholic beverages to the public for off-site consumption and is licensed as a "Licensee Retail Store" under the regulations of the *Liquor Control and Licensing Act*.

The current definition for "Neighbourhood Public House" is no longer appropriate as it references a Provincial liquor licensing class that does not exist under the current liquor licensing regulations. Staff recommend that the existing definition for a Neighbourhood Public House be replaced by the following definition:

"Neighbourhood Public House" means an establishment selling or dispensing alcoholic beverages to the public for consumption onsite that is licensed as "Liquor Primary" under the regulations of the *Liquor Control and Licensing Act*.

Licensee Retail Stores (LRS) Related Zoning District Amendments

In order to permit a free-standing LRS at 8040 Garden City Road, staff are proposing to amend the Community Commercial District (C3) in order to permit a Licensee Retail Store (Type 2) as a site-specific use at 8040 Garden City Road only. Staff recommend this approach as it:

- Avoids the need to create a new CD District; and
- Will enable other Community Commercial District (C3) zoned sites with an existing BC Liquor Store to undergo a similar rezoning process in the event those BC Liquor Stores cease operations.

The proposed rezoning is consistent with Policy 9307 (**Attachment 2**) and the proposed policy outlining locational and operational guidelines for free-standing LRS (**Attachment 3**). Both of these policies enable Council to consider this rezoning proposal on its own merits as it is intended to facilitate the replacement of an existing BC Liquor Store.

Council, on April 25, 2005, also authorized staff to bring forward amendments to the Zoning and Development Bylaw to ensure a Licensee Retail Store is limited to an accessory use to a neighbourhood pub. LRS is currently referenced as a permitted use in the Steveston Commercial (2-Storey) District (C4) through Automobile-Oriented Commercial Districts (C6) although these zones do not permit a neighbourhood pub. To remove the current irregularities between the LRS definition and the inclusion of LRS in these zoning districts, staff recommend that LRS be removed from the C4 through C6 Districts.

Educational Institutions in the Community Commercial District (C3)

Staff support the addition of Educational Institution in the C3 district for the following reasons:

- The use is consistent with the intent C3 district as these community shopping centres which is to cater to the shopping needs of area residents;
- The C3 district zoned sites are generally equipped to accommodate the associated traffic and parking requirements of Educational Institutions;
- The use is compatible with the commercial uses permitted in the C3 district; and
- Educational Institution is currently a permitted use in a number of other commercial zoning districts (Steveston Commercial (2-Storey) District (C4) through Downtown Commercial Districts (C7).

Financial Impact

None.

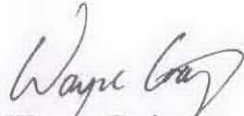
Conclusion

Staff support the proposed site rezoning and zoning bylaw amendments proposed by Farrell Estates Ltd. for the following reasons:

- Consistency with Policy 9307 "Licensee Retail Store (LRS) Rezoning Applications" and the proposed Policy for "Guidelines for Free-Standing Licensee Retail Store (LRS) Rezoning Applications";
- The rezoning is intended to facilitate the replacement of an existing BC Liquor Store; and
- Including Educational Institution uses in the Community Commercial District (C3) is consistent with the intent of catering to the shopping needs of area residents.

The proposed liquor sales and service related housekeeping amendments to the Zoning Bylaw implement Council's direction regarding LRS zoning regulations and bring the definitions into conformance with current liquor licensing regulations.

On this basis, staff recommend the rezoning of 8040 Garden City Road and the Zoning Bylaw text amendments be approved.

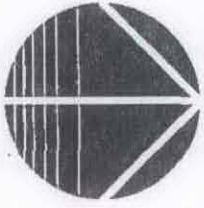
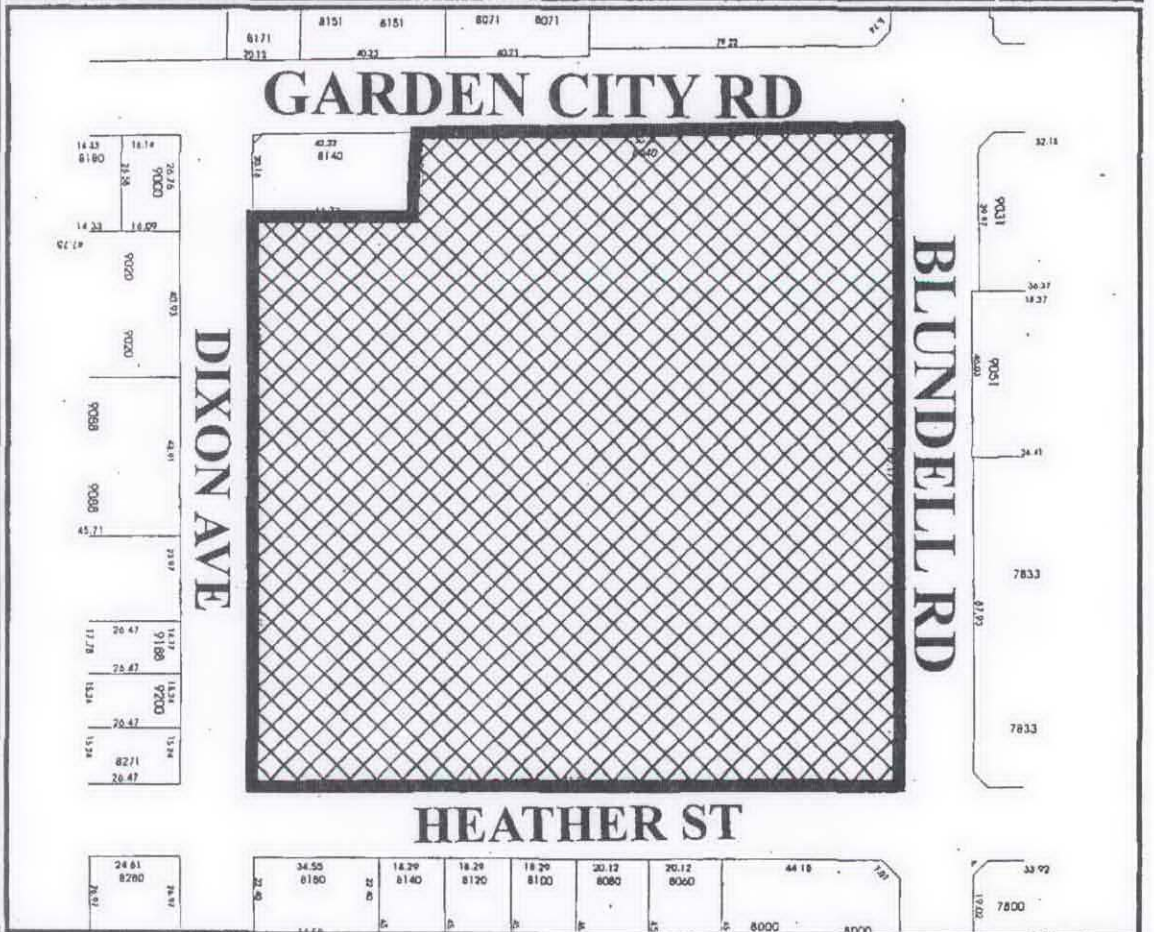
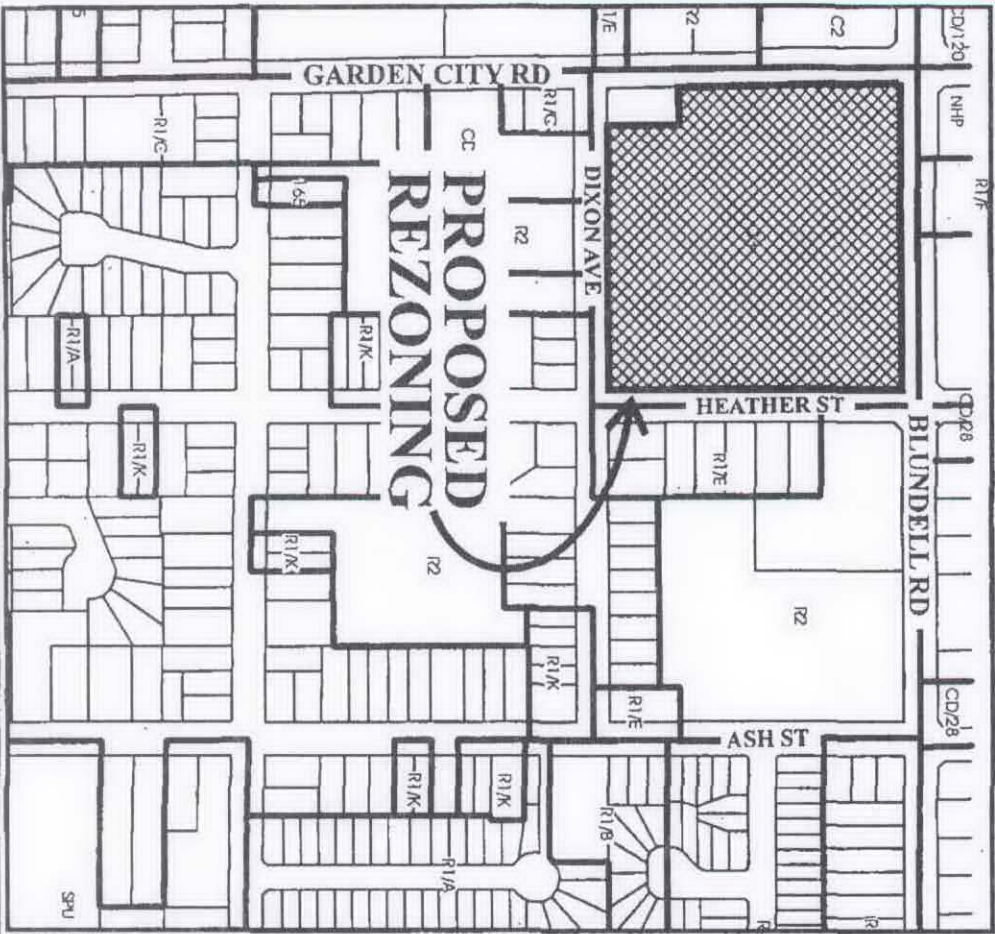


Wayne Craig
Program Coordinator - Development

WC:blg



City of Richmond



RZ 04-286382

Original Date: 11/26/04

Revision Date:

Note: Dimensions are in METRES

**Policy 9307:**

It is Council policy that:

Rezoning applications intended to facilitate a stand-alone Licensee Retail Store (i.e. not an accessory use to a Neighbourhood Public House) will be considered under the following general guidelines and criteria:

1. The proliferation of stand-alone Licensee Retail Stores is generally discouraged;
2. Licensee Retail Store Rezoning Applications intended to facilitate the replacement of an existing BC Liquor Store, operated by the Liquor Control and Licensing Branch or an existing LRS, will be considered on a case-by-case basis;
3. Except as noted in Section 4 below, all proposals for relocation of an existing or new Licensee Retail Store within the City of Richmond must be supported by a neighbourhood survey that is intended to collect public opinion on the proposed new location of the Licensee Retail Store. The neighbourhood survey will be required to be conducted by an independent Market Research Company at the sole cost of the applicant. The Director of Development will confirm approval in writing the following:
 - i. the minimum catchment area for the required neighbourhood survey;
 - ii. the name of the market research company selected by the applicant to conduct the Survey;
 - iii. the method used to conduct and compile the results of the neighbourhood survey; and
 - iv. the dates during which the neighbourhood survey must be conducted.
4. Notwithstanding Section 3 above, proposals to replace an existing BC Liquor Store or existing LRS on the same site will not be required to conduct a neighbourhood survey.



Page 1 of 2

Adopted by Council: xx / xx / 2005

Policy 2005

File Ref:

Guidelines for Free-Standing Licensee Retail Store (LRS) Rezoning Applications

Policy 2005:**It is Council policy that:**

Definitions:

Free Standing Licensee Retail Store – means a retail store that sells alcoholic beverages to the public for off-site consumption and is licensed as a “Licensee Retail Store” under the regulations of the *Liquor Control and Licensing Act*. This does not refer to the Provincial Government liquor stores operated by the Liquor Distribution Branch.

The following criteria and factors are to be considered in making an assessment of a rezoning application to permit a free-standing Licensee Retail Store:

1. The need for a free-standing Licensee Retail Store is to be demonstrated.
2. Rezoning applications intended to facilitate a free-standing Licensee Retail Store (LRS) should demonstrate a community benefit and compatibility with nearby existing and planned uses.
3. A reasonable distribution of both British Columbia government operated liquor stores and Licensee Retail Stores that would allow these stores to sufficiently serve the City while avoiding a concentration of stores in any one area is to be achieved.
4. Unless a Licensee Retail Store rezoning is intended to facilitate the replacement of an existing BC Liquor Store or an existing Licensee Retail Store, new Licensee Retail Stores should avoid locations within 500 m (1,640 ft.) from the following uses:
 - a. Public and private schools, especially secondary schools;
 - b. Public parks, community centres and other publicly owned buildings; and
 - c. Other Licensee Retail Stores or BC government operated liquor stores.
5. A free-standing LRS should be located in neighbourhood shopping facilities (i.e. planned commercial developments which cater to the day-to-day needs of nearby residents) which have an aggregate floor area of at least 2,800 m² (30,150 sq. ft.).
6. A Licensee Retail Store should not be located directly adjacent to residential dwellings, unless where the proposal is able to demonstrate an acceptable land use compatibility and appropriate integration strategy.
7. The LRS should not exceed a gross floor area of 510 m² (5,500 sq. ft.), including refrigerated space, unless the LRS is intended to facilitate the replacement of an existing BC Liquor Store.
8. Potential traffic issues are to be addressed.



Page 2 of 2

Adopted by Council: xx / xx / 2005

Policy 2005

File Ref:

Guidelines for Free-Standing Licensee Retail Store (LRS) Rezoning Applications

- 9. Adequate vehicular, loading and pedestrian circulation, including the satisfaction of all off-street parking requirements are to be achieved.
- 10. Potential noise issues are to be addressed.



**Richmond Zoning and Development Bylaw 5300
Amendment Bylaw 7959 (RZ 04-286382)
8040 GARDEN CITY ROAD**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Zoning and Development Bylaw 5300 is amended by:
 - i. Adding the following new definition of “Licensee Retail Store (Type 2)” to Section 104 Definitions:

“LICENSEE RETAIL STORE (TYPE 2)

“Licensee Retail Store (Type 2)” means a store having a gross floor area not exceeding 510 m² (5,500 ft²), not accessory to a **Neighbourhood Public House**, that sells alcoholic beverages to the public for off-site consumption and is licensed as a “Licensee Retail Store” under the regulations of the *Liquor Control and Licensing Act*.”

- ii. Inserting the following into Section 233.1:

“PERMITTED USES – SITE SPECIFIC

The following additional use is permitted in the Community Commercial District (C3) on a site specific basis only:

Licensee Retail Store (Type 2) in the case of:

P.I.D.018-900-232

Lot A Block 13 Section 22 Block 4 North Range 6 West New Westminster
District Plan LMP18401
8040 Garden City Road”

- iii. Adding the following after “Animal Hospital or Clinic, including **caretaker residential accommodation** in conjunction therewith” to Section 233.1 Permitted Uses of the Community Commercial District (C3):

“Educational Institution”

2. This Bylaw may be cited as **“Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7959”**.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CORPORATE OFFICER



**Richmond Zoning and Development Bylaw 5300
Amendment Bylaw 7960 (RZ 04-286382)**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Zoning and Development Bylaw 5300 is amended by:
 - i. Repealing the existing definition of "Neighbourhood Public House" in Section 104 Definitions and replacing it with the following definition of "Neighbourhood Public House":

"NEIGHBOURHOOD PUBLIC HOUSE

"Neighbourhood Public House" means an establishment selling or dispensing alcoholic beverages to the public for consumption onsite that is licensed as "Liquor Primary" under the regulations of the *Liquor Control and Licensing Act*."
 - ii. Deleting reference to "**Licensee Retail Stores**" in:
 1. Section 234.1 Permitted Uses of the Steveston Commercial (Two-Storey) District (C4);
 2. Section 235.1 Permitted Uses of the Steveston Commercial (Three-Storey) District (C5); and
 3. Section 236.1 Permitted Uses of the Automobile-Oriented Commercial District (C6).
2. This Bylaw may be cited as "**Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7960**".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED by
<i>al</i>
APPROVED by Director or Solicitor
<i>HB</i>

MAYOR

CORPORATE OFFICER