

CITY OF BURNABY

PLANNING AND BUILDING
REZONING REFERENCE #17-37
2017 OCTOBER 02

ITEM #06

1.0 GENERAL INFORMATION

- 1.1 Applicant:** JAK's Beer, Wine, Spirits
170 - 5665 Kingsway
Burnaby, BC V5H 2G4
Attention: Mike McKee
- 1.2 Subject:** Application for the rezoning of:
Lot 19 Except: Part Subdivided By Plan 67600; District Lot 130
Group 1 NWD Plan 21055
- From:** C1 Neighbourhood Commercial District
- To:** CD Comprehensive Development District (based on C1
Neighbourhood Commercial District and C2h Community
Commercial District)
- 1.3 Address:** 5901 Broadway
- 1.4 Location:** The subject site is comprised of one commercial retail unit (CRU)
within a commercial development located on the northwest corner
(Unit #15) of Broadway and Fell Avenue.
- 1.5 Size:** The site consists of one CRU with an area of approximately 286.61
m² (3,085 sq. ft.).
- 1.6 Services:** The Director Engineering will be requested to provide all relevant
servicing information.
- 1.7 Rezoning Purpose:** The purpose of the proposed rezoning bylaw amendment is to permit
a private retail liquor store use.

2.0 NEIGHBOURHOOD CHARACTERISTICS

The subject site is located within a neighbourhood shopping centre situated on the northwest corner of Broadway and Fell Avenue. The site is improved with surface parking and a one-storey commercial building. There are currently 13 active business licences issued for the property, which include a supermarket, four restaurants, two esthetic studios, a salon, a barbershop, a fishing tackle store, a trophy store, an insurance company and a dollar store. The proposed liquor store, located on the eastern end of the mall next to a hair salon was, up until recently, occupied by a bank.

The subject site is located within the Parkcrest-Aubrey residential neighbourhood, with R2 Residential District properties to the north across the lane behind the shopping centre, to the east across Fell Avenue, and to the south across Broadway. Immediately east of the subject property are R5 Residential District properties. Vehicular access to the site is from both Broadway and Fell Avenue.

The subject site and the adjacent residential neighbourhood are not located within a Community Plan area. However, the subject property is located half a block north of the Holdom Mixed-Use Plan area and half a block northeast of the Brentwood Town Centre Plan area. The Residential Policy Framework of the Burnaby Official Community Plan (OCP) identifies the subject area as a future Urban Village.

3.0 BACKGROUND INFORMATION

- 3.1 On 2006 May 08, Council adopted a Liquor Store Location Framework (“Framework”) for Burnaby, along with the Guidelines for Assessing Rezoning Applications for Liquor Stores. The Framework divides the City into four quadrants based on the Town Centres, in order to ensure a balanced distribution of liquor stores throughout the City. Principal objectives of the Framework include the establishment of a Liquor Distribution Branch (LDB) Signature Liquor Store in each Town Centre prior to the establishment of smaller LDB and private liquor stores, or Licensee Retail Stores (LRS) in the respective quadrants. The Framework also prioritized the establishment of LDB stores in the Big Bend Community Plan area and at the Kensington Shopping Centre. The purpose of these objectives is to offer equity and certainty for consumers throughout the City in terms of product availability, convenience and stable pricing.

4.0 GENERAL INFORMATION

- 4.1 The applicant is seeking to rezone Unit #15, a 286.61 m² (3,085 sq. ft.) CRU within the shopping centre from the C1 Neighbourhood Commercial District to the CD Comprehensive Development District (based on C1 Neighbourhood Commercial District and C2h Community Commercial District guidelines) in order to permit the establishment of an LRS (see *attached* Sketch #1). The proposed use is located within the eastern most CRU in the shopping mall. Under the proposed amendment, the subject unit would retain the underlying C1 District zoning, in addition to the proposed C2h District zoning, in order to allow future reversion of the unit to C1 District uses should the private liquor store use cease. It is noted that the proposed C2h District zoning for the subject unit would permit LRS use only, as permitted under Section 302.1D (2) of the Zoning Bylaw, rather than all uses permitted in the C2 District.

The applicant is seeking rezoning in order to open a new LRS, Jak’s Beer Wine and Spirits. The applicant currently owns eleven private liquor stores in BC, including Jak’s Burnaby at 5665 Kingsway, located about 7 km (4.3 miles) from the proposed new site location.

4.2 The Liquor Store Location Framework established revised Guidelines for Assessing Rezoning Applications for Liquor Stores, including locational, store size, and operational criteria. The following subsections review the consistency of the proposed development with these criteria:

4.2.1 Locational Criteria

The locational criteria for liquor stores require establishment of an LDB Signature Store in a Town Centre prior to establishment of supporting LDB stores or LRSs in the same quadrant. In the City's northwest quadrant, which includes the subject site, the locational criteria require the establishment of an LDB Signature Store in the Brentwood Town Centre area. This criteria has been met as the Solo Liquor Store (4455 Skyline Drive) was approved as an LDB Signature store under the Rezoning Reference # 13-22.

Additional locational criteria require that supporting LRSs are a component of an established or new commercial service centre (Town Centre, Urban Village, or Neighbourhood Centre as outlined in the OCP). The proposed LRS location is part of an established commercial development which, as indicated above, is identified for future Urban Village uses in the OCP.

Further locational criteria require that there is a reasonable distribution of both LDB liquor stores and LRS stores. The Bainbridge Liquor store (7000 Lougheed Highway), located in the Bainbridge Urban Village, is located approximately 1.75 km (5,741.5 ft.) away from the proposed LRS, the Bottle Jockey Liquor Store (#107-1899 Rosser Avenue) and the Solo Liquor Store (4455 Skyline Drive) are both located in the Brentwood Town Centre area approximately 2 km (6,561.7 ft.) away and the Kensington Liquor store (6512 Hastings Street) is located in the Lochdale Urban Village approximately 2.7 km (8,857.3 ft.) away. As such, there is a disbursed distribution of both LDB and LRS liquor stores within this area of Burnaby.

Other locational criteria require appropriate relationships between a proposed liquor store and the following uses:

- ***Private and public schools, particularly secondary schools***

North of the site, Parkcrest Elementary School is located more than 300 m (984 ft.) away and Burnaby North Secondary School is located approximately 1.5 km (4,921.3 ft.) away.

- ***Adjacent residential dwellings and parks***

The site is adjacent and across the street from residential dwellings, however, the proposed CRU for the LRS is located at the end unit within a neighbourhood shopping centre and is oriented to the surface parking lot. The nearest park, Broadway Woolwich Park, is located 300 m away.

- ***Other potential sensitive uses (e.g. cabarets, child care centres)***

There are two family childcare centres (6100 Broadway and 6050 Halifax Street) located 190 m (623.4 ft.) and 300 m (984.3 ft.), respectively, from the site, and one in-home multi-age child care facility (5530 Halifax) located 500 m (1,640.4 ft.) from the subject property. There is also a bowling alley and billiards with Liquor Primary licensing (Revs Burnaby), located approximately 450 m (1,476.4 ft.) east of the site.

Given the modest size of the proposed LRS (3,085 sq. ft.) and its integration into an established commercial development, the opportunity for nuisance behaviours, such as public drinking, panhandling or loitering, is considered low. As such, the proposed LRS outlet is not expected to pose a conflict with nearby schools, parks, child-oriented and sensitive uses, or neighbouring residential dwellings.

As per the guidelines, proposals must also provide adequate vehicular and pedestrian circulation, and allow for safe and convenient vehicular access to the site, without causing undue traffic impacts on the surrounding area. Vehicular access to the subject site is from both Fell Avenue and Broadway, and there is sufficient off-street parking and loading provided. Sidewalks are provided along Broadway and the site is located approximately 50 m (164 ft.) from a bus stop located on Broadway at Fell Avenue. The site thus provides adequate vehicular and pedestrian access, as required by the locational criteria.

4.2.2 Store Size Criteria

The proposed LRS, at 286.61 m² (3,085 sq. ft.), does not exceed the maximum store size criteria of 418.06 m² (4,500 sq. ft.).

4.2.3 Operational Criteria

Operational criteria include appropriate hours of operation, which must be formalized through registration of a Section 219 Covenant. The guidelines anticipate that the hours for LDB Signature Stores in Town Centres will be longer and later than smaller stores; they also require that the general pattern of operating hours of nearby commercial businesses be considered. The LCLB permits LRS establishments to be open from 9:00 am to 11:00 pm, seven days a week, with hours further regulated by the city.

At the subject site, the other tenant spaces are occupied by a variety of businesses with varying hours, none of which are open past 9:00 pm. The applicant initially indicated the proposed hours of operation would be 9:00 am to 11:00 pm, seven days a week but understands that their hours may be limited to 9:00 am to 9:00 pm to be more consistent with the hours of the other existing tenants. If authorized by Council, this Department will confirm the hours of other CRU's in the shopping centre, and determine the operating hours to be established under a Section 219 Covenant.

The Guidelines also recommend that, for safety and security purposes, a minimum of two employees be present at all times and video surveillance systems be installed. If authorized by Council, this Department will work on ensuring appropriate safety and security measures are undertaken.

- 4.3 The Director Engineering will be requested to provide an estimate for any servicing access to serve the site.
- 4.4 The owner will be required to enter into a Section 219 Covenant to establish operating hours.
- 4.5 The proposed prerequisite conditions to the rezoning will be included in a future report.

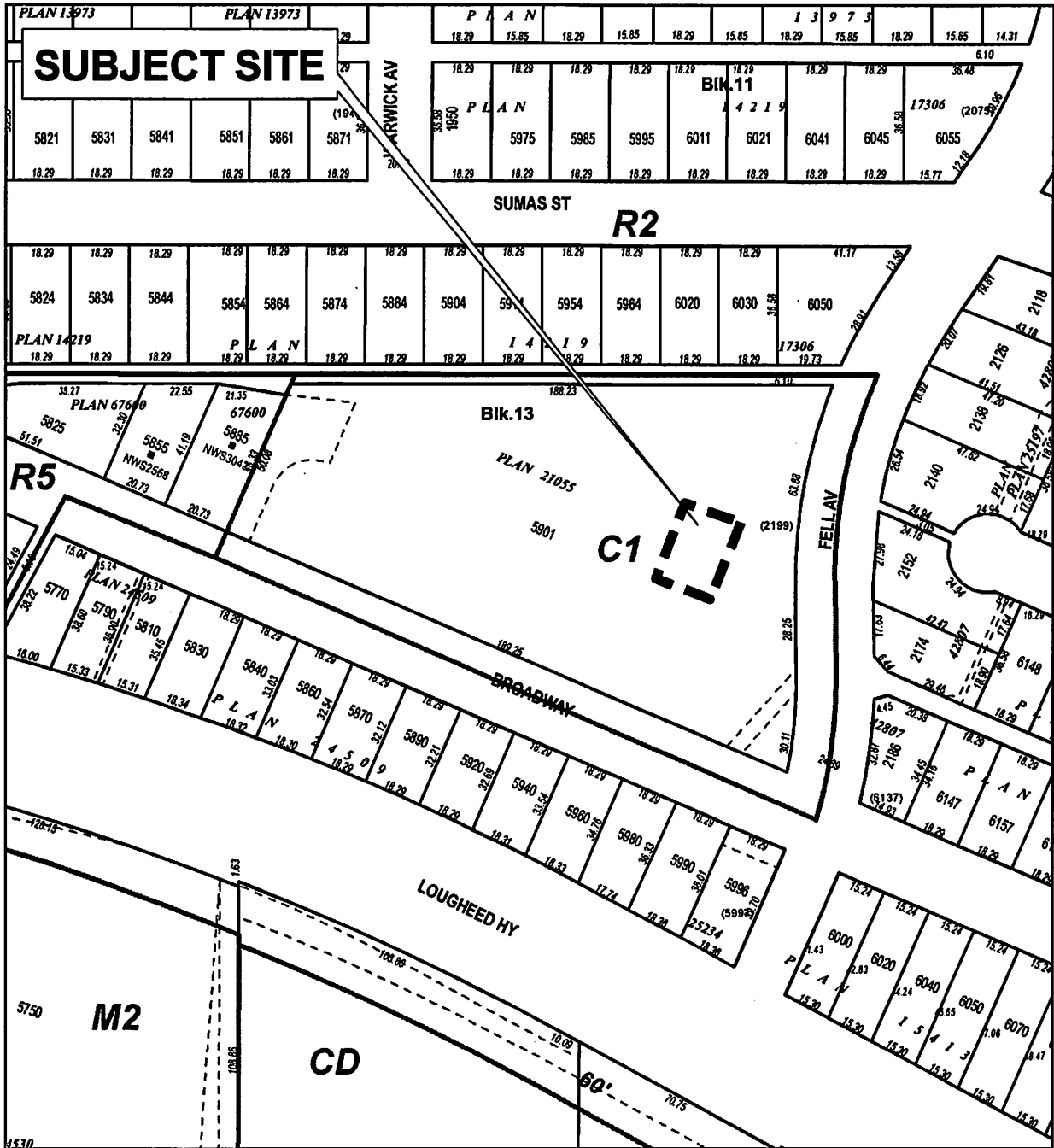
5.0 RECOMMENDATION

THAT the Planning and Building Department be authorized to continue to work with the applicant towards the preparation of a suitable plan of development for presentation to a Public Hearing on the understanding that a more detailed report will be submitted at a later date.

LP

KL:eb
Attachment

cc: Director Engineering
City Solicitor
City Clerk



PLANNING & BUILDING DEPARTMENT

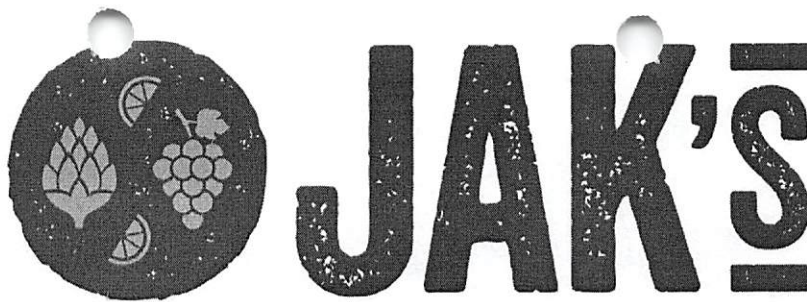
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REZONING REFERENCE #17-37
PORTION OF 5901 BROADWAY

 Subject Site



BEER • WINE • SPIRITS

Dear Your Worship and Council,

JAK's Beer Wine and Spirits is a 4th generation family business in the liquor and hospitality industry. We are proud to operate BC's best private liquor stores with exciting selections of product, incredibly knowledgeable staff and an unsurpassed instore experience.

We currently own and operate 11 private liquor stores in BC including JAK's Burnaby at 5665 Kingsway. We are also the former owners of the Great Bear Pub. We have a long history of active community involvement.

We are proposing to rezone the Parkcrest Shopping Centre at 5901 Broadway, from C1 zoning to CD (C1 neighborhood and C2H community commercial district) zoning to allow us to operate a private liquor store in this Shopping Centre. We will be using existing empty unit number 19 of approximately 3000 square feet. We will be doing major renovation to the existing space. The store will be open every day from 9 am to 11 pm.

This site complies with Burnaby's "Guidelines for Assessing Rezoning Applications for Liquor Stores" as well as being an up and coming area that is currently under serviced. We are supremely confident that JAK's will bring a fantastic retail liquor experience to the Parkcrest neighborhood in Burnaby. Our team will delight customers with exciting new craft beers, incredible selections of BC and international wine and educate them on the emerging craft spirits market.

We look forward to working with the City of Burnaby to make this happen.

Yours truly,

Mike McKee | Partner, Director of Finance & New Business

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