

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500
AMENDMENT (THUNDERBIRD CENTRE) BYLAW 2016 NO. 5211**

EXPLANATORY NOTE

Bylaw 2016 No. 5211 amends Comprehensive Development Zone CD-29 to allow a licensee retail store as a permitted use, without the requirement for it to be accessory to a liquor primary use.

THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**TOWNSHIP OF LANGLEY ZONING BYLAW 1987 NO. 2500
AMENDMENT (THUNDERBIRD CENTRE) BYLAW 2016 NO. 5211**

A Bylaw to amend Township of Langley Zoning Bylaw 1987 No. 2500

WHEREAS it is deemed necessary and desirable to amend "Township of Langley Zoning Bylaw 1987 No. 2500" as amended;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Langley, in Open Meeting Assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (Thunderbird Centre) Bylaw 2016 No. 5211".
2. The "Township of Langley Zoning Bylaw 1987 No. 2500" as amended is further amended:
 - (1) By deleting Section 929.1(9)
 - (2) By inserting as Section 929.1 "(9) *liquor primary* use subject to the provisions of the "Liquor Control and Licensing Act" and Regulations pursuant thereto"; and
 - (3) By inserting Section 929.1 "(10) *licensee retail store* subject to the provisions of the "Liquor Control and Licensing Act" and Regulations pursuant thereto" and renumbering subsequent sections accordingly.

READ A FIRST TIME the	25	day of	July	, 2016.
READ A SECOND TIME the	25	day of	July	, 2016.
PUBLIC HEARING HELD the	12	day of	September	, 2016.
READ A THIRD TIME the		day of		, 2016.
RECEIVED THE APPROVAL OF THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE the		day of		, 2016.
RECONSIDERED AND ADOPTED the		day of		, 2016.

_____ Mayor _____ Township Clerk



REPORT TO MAYOR AND COUNCIL

PRESENTED: JULY 25, 2016 - REGULAR EVENING MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: REZONING APPLICATION NO. 100457
 (THUNDERBIRD CENTRE / 20159 – 88 AVENUE)

REPORT: 16-77
FILE: 08-35-0260

PROPOSAL:

Application to amend Comprehensive Development Zone CD-29 to add "Licensee Retail Store" as a permitted use on a 4.14 ha (10.23 ac) site located at 20159 – 88 Avenue.

RECOMMENDATION SUMMARY:

That Council give first and second reading to Bylaw No. 5211 subject to one (1) development prerequisite being completed prior to final reading and that staff be authorized to schedule the required Public Hearing.

RATIONALE:

The proposal complies with the Northwest Langley Community Plan and the Township's Official Community Plan.



RECOMMENDATIONS:

That Council give first and second reading to Township of Langley Zoning Bylaw 1987 No. 2500 Amendment (Thunderbird Centre) Bylaw 2016 No. 5211 amending Comprehensive Development Zone CD-29, as it pertains to land located at 20159 – 88 Avenue to allow a non-accessory licensee retail store, subject to the following development prerequisite being satisfied prior to final reading:

1. Approval of the rezoning bylaw by the Ministry of Transportation and Infrastructure; and further

That Council authorize staff to schedule the required public hearing for Rezoning Bylaw No. 5211.

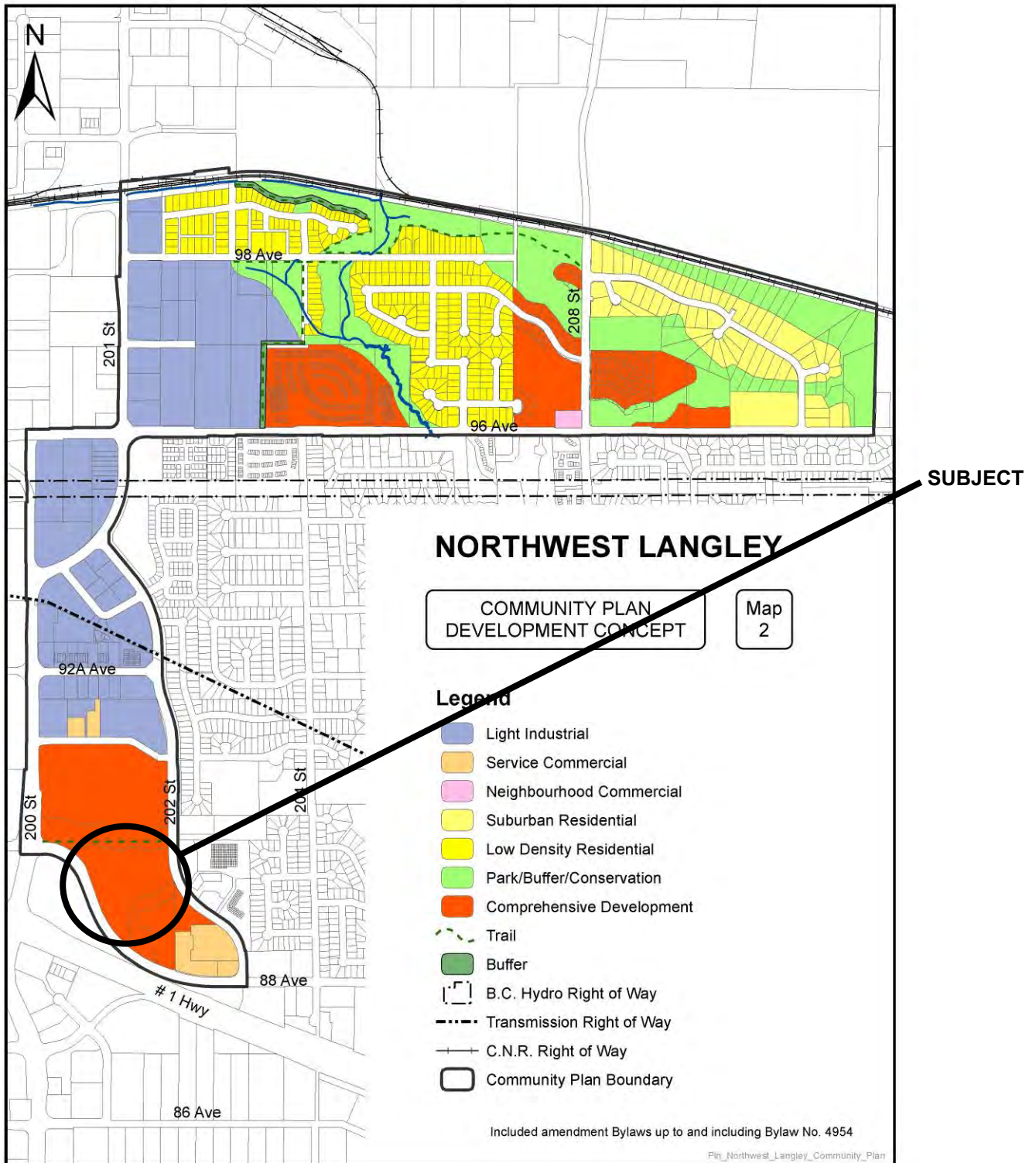
EXECUTIVE SUMMARY:

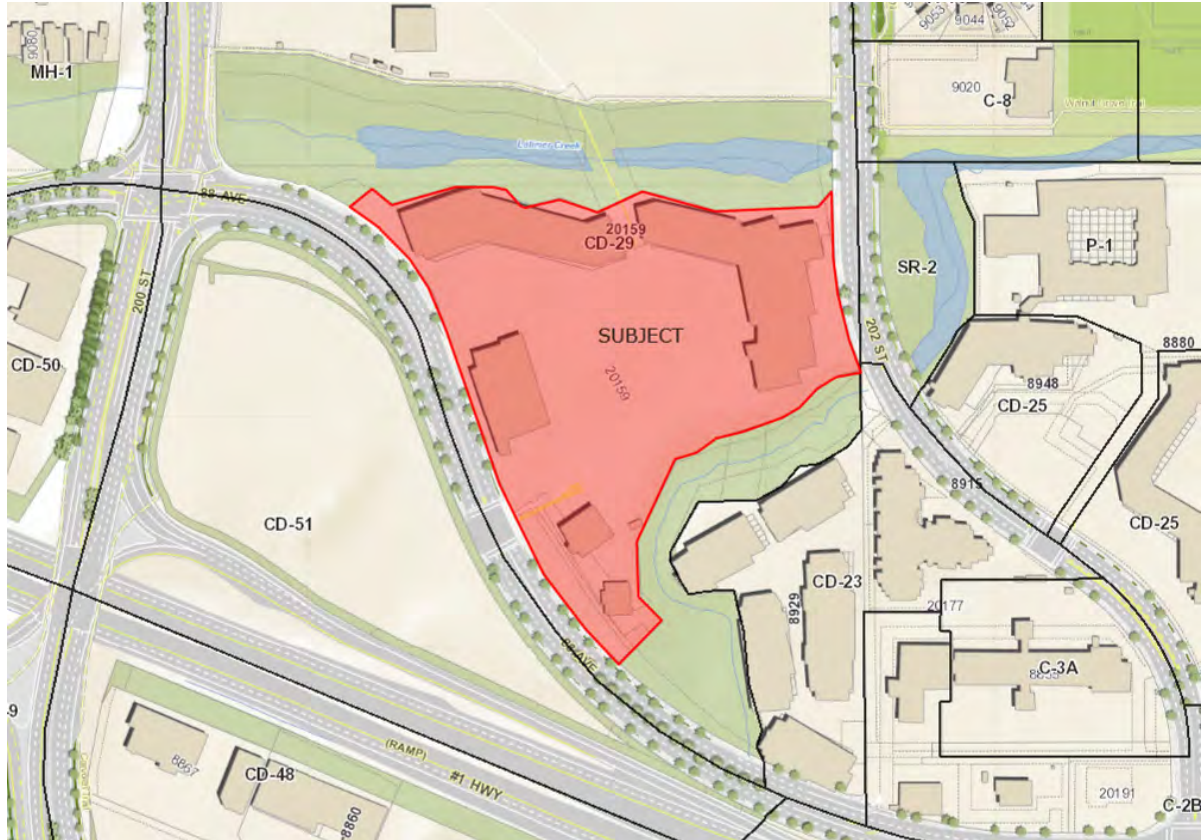
Bentall Kennedy (on behalf of Sun Life Assurance Company of Canada) has applied to amend Comprehensive Development Zone CD-29 to permit a licensee retail store without the requirement for the store to be accessory to a liquor primary use. The amendment will align the Zoning Bylaw's provisions with the current Liquor Control and Licensing Act and Regulations.

The proposed amendments to Comprehensive Development Zone CD-29 comply with the Northwest Langley Community Plan.

PURPOSE:

The purpose of this report is to advise and make recommendations to Council with respect to Rezoning Bylaw No. 5211 in the Northwest Langley area.





ZONING BYLAW NO. 2500

REFERENCE:

Owner:	Sun Life Assurance Company of Canada 150 King Street West, 3 rd Floor Toronto ON M5H 1J9
Applicant:	Bentall Kennedy Tony Segaric 1800 – 1055 Dunsmuir Street Vancouver BC V7X 1B1
Legal Description:	Lot 2 Section 35 Township 8 New Westminster District Plan BCP18268 Except Part on Air Space Plan BCP32511
Location:	20159 – 88 Avenue
Area:	4.14 ha (10.23 ac)
Existing Zoning:	Comprehensive Development Zone CD-29
Proposed Zoning:	Comprehensive Development Zone CD-29 (amended)
Northwest Langley Community Plan:	Comprehensive Development

BACKGROUND/HISTORY:

The subject property (the Thunderbird Centre / Mid-Village) and the property to the north (the Colossus Movie Theatre site / North-Village) are zoned Comprehensive Development Zone CD-29. This zoning accommodates the mixed use development located on the subject property and also allows office uses (not yet developed) on the Colossus site. The CD-29 zone includes as a permitted use “*liquor primary uses including accessory licensee retail stores*”.

The applicant has applied to amend the CD-29 zone to allow a licensee retail store as an outright and stand-alone permitted use rather than as an accessory use to liquor primary uses.

DISCUSSION/ANALYSIS:

Bentall Kennedy (on behalf of Sun Life Assurance Company of Canada) has applied to amend Comprehensive Development Zone CD-29 as it pertains to land located at 20159 - 88 Avenue (the Thunderbird Centre / Mid-Village) to allow a licensee retail store use. The current zoning allows for this use, however only as an accessory to a liquor primary use in order to operate.

The following is an excerpt from the applicant’s rationale (Attachment A) regarding the proposed addition of a licensee retail store to the permitted uses section:

Original policy associated with Licensee Retail Store (LRS) locations dictated that a LRS must be located on the same property or appear to be on the same property as the Liquor-Primary (LP) establishment with which the LRS license was required to be associated. The LRS and the LP could not operate separately and remote to each other. Policy Directive No. 03-12 which took effect November 10, 2003 amended regulations to permit LRS licensees to operate remotely and away from LP sites. From a Liquor Control Licensing Branch (LCLB) perspective, an LRS can now move to any location in the Province that meets LCLB criteria and local municipal zoning requirements.

No exterior changes are proposed to the existing site or buildings.

Adjacent Uses:

North: Latimer Creek, beyond which is the Colossus Movie Theatre site (the North Village) zoned Comprehensive Development Zone CD-29;
 South: 88 Avenue, a tributary of Latimer Creek and six (6) apartment buildings (“The Grove” and “Hawthorne” developments) zoned Comprehensive Development Zone CD-23;
 East: 202 Street, beyond which is a tributary of Latimer Creek and a mixed use development zoned Comprehensive Development Zone CD-25 and the “Langley Gardens” development zoned Civic Institutional P-1; and
 West: 88 Avenue, beyond which is vacant land zoned Comprehensive Development Zone CD-51 (designated Gateway in the Carvolth Neighbourhood Plan).

Northwest Langley Community Plan:

The subject property is designated Comprehensive Development in the Northwest Langley Community Plan. The purpose of the Comprehensive Development designation is to provide for the creation of Comprehensive Development zones to accommodate comprehensively planned and designed projects involving a mix of land use types. The proposed amendments to Comprehensive Development Zone CD-29 comply with the Comprehensive Development land use designation.

Zoning Bylaw:

The subject properties are currently zoned Comprehensive Development Zone CD-29. Rezoning Bylaw No. 5211 proposes to amend Comprehensive Development Zone CD-29 as it pertains to land located at 20159 – 88 Avenue (the Thunderbird Centre / Mid-Village) as follows:

1. By deleting the current wording of Section 929.1(9) “*liquor primary* uses including accessory *licensee retail stores*”;
2. By inserting as Section 929.1 (9) “*liquor primary* use subject to the provisions of the “Liquor Control and Licensing Act” and Regulations pursuant thereto”; and
3. By inserting as Section 929.1 (10) “*licensee retail store* subject to the provisions of the “Liquor Control and Licensing Act” and Regulations pursuant thereto”, and renumbering subsequent sections accordingly.

Licensee Retail Store

The definition of a “Licensee Retail Store” in the Zoning Bylaw is as follows:

“means a business establishment specifically licensed by the Liquor Control and Licensing Branch as a Licensee Retail Store pursuant to the Liquor Control Licensing Act and Regulations where beer, wine, spirits, and other alcohol based products are sold to the public. May also include as accessory uses the accessory sale of convenience items customarily incidental and subordinate to a Licensee Retail Store”.

A Licensee Retail Store is consistent with “commercial uses”, and is generally included as a use in zones that allow for “commercial uses” (subject to conditions of the Liquor Control and Licensing Act and Regulations pursuant thereto and the Township’s Liquor License Endorsement Policy). The CD-29 zone currently permits a Licensee Retail Store, provided it is accessory to a liquor primary use. The proposed amendment to add “Licensee Retail Store” as a permitted use in the CD-29 zone (without the requirement of being accessory to a liquor primary use) is consistent with changes to provincial regulations resulting from a policy directive which decoupled licensee retail stores from liquor primary uses. The proposed zoning amendment aligns the CD-29 zone with provincial regulations.

Public Information Meeting

Given the application's consistency with the Northwest Langley Community Plan and its compatibility with commercial uses, the requirement for the applicant to hold a public information meeting pursuant to Section 3.1 of the Developer Held Public Information Meeting Policy has been waived. Staff note that should Council advance the subject application, a Public Hearing will be required with notification including newspaper advertisement, mail-outs, and on-site signage consistent with Provincial statute as well as Township bylaws and policy.

Servicing:

Full urban services currently exist to the subject site.

Intergovernmental Implications:

As the subject site is located within 800 m of a controlled access highway (Highway 1), approval of the rezoning bylaw by the Ministry of Transportation and Infrastructure is required prior to Council's consideration of final reading. On May 10, 2016, the Ministry of Transportation and Infrastructure granted preliminary approval to the proposal.

Development Prerequisites:

Prior to final reading of Rezoning Bylaw No. 5211, the following item must be finalized:

1. Approval of the rezoning bylaw by the Ministry of Transportation and Infrastructure.

POLICY CONSIDERATIONS:

The proposed amendments to Comprehensive Development Zone CD-29 comply with the Northwest Langley Community Plan. Accordingly, staff recommend that Council give first and second reading to Bylaw No. 5211 (subject to the one (1) development prerequisite) and authorize staff to schedule the required public hearing.

Respectfully submitted,

Ruby Sandher
DEVELOPMENT PLANNER
for
COMMUNITY DEVELOPMENT DIVISION

ATTACHMENT A Applicant's Rationale, dated April 8, 2016

Rationale for Amending Zoning Bylaw – CD29 – 20159 – 88th Avenue, Langley BC (Thunderbird Centre)

This application seeks two changes to the existing Comprehensive Development Zone CD-29 bylaw which governs the composition of Thunderbird Centre:

1. Amend Section 929.1 9) to remove the words “including accessory licensee retail stores” modifying the item to the following:

9) *liquor primary uses*

2. Amend Section 929.1 by adding an additional item as follows:

14) *licensee retail store*

Reasoning: Original policy associated with Licensee Retail Store (LRS) locations dictated that a LRS must be located on the same property or appear to be on the same property as the Liquor-Primary (LP) establishment with which the LRS license was required to be associated. The LRS and the LP could not operate separately and remote to each other. Policy Directive No. 03-12 which took effect November 10, 2003 amended regulations to permit LRS licensees to operate remotely and away from LP sites. From a Liquor Control Licensing Branch (LCLB) perspective, an LRS can now move to any location in the Province that meets LCLB criteria and local municipal zoning requirements. While the current zoning does allow for an LRS to operate at 20159 88th Avenue, Langley, the CD-29 Zoning Bylaw has not yet been updated to allow an LRS to operate independently without the need for an appurtenant LP use. Implementation of the text amendments requested above will bring the Township of Langley's zoning bylaw up-to-date with the current LCLB regulations. This addition of a LRS licensee to the merchandising mix of the IGA/Shoppers Drug Mart anchored Thunderbird Village will create a stronger and more convenient retail destination to the benefit of the community.

