

REPORT TO COUNCIL



Date: April 16, 2018

RIM No. 1250-40

To: City Manager

From: Community Planning Department (TA)

Application: LUC17-0003

Owner: Serra Holdings (No. 9) Ltd. Inc.
No. BC0950182

Address: 144 Old Vernon Road

Applicant: Urban Design Group Architects
Ltd.

Subject: Land Use Contract Discharge

Existing OCP Designation: IND - Industrial

Existing Zone: C2 – Neighbourhood Commercial

1.0 Recommendation

THAT Application No. LUC17-0003 to discharge LUC77-1015 from Lot A (X26413) Section 2, Township 23, ODYD, Plan 7301, located at 144 Old Vernon Road, Kelowna, BC, be considered by Council;

AND THAT the Land Use Contract Discharge be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To consider a Land Use Contract Discharge for LUC77-1015 on the subject property.

3.0 Community Planning

Community Planning supports the Land Use Contract Discharge for LUC77-1015 on the subject property to facilitate the development of a food primary establishment with drive through service (McDonald's). The underlying zone of C2 – Neighbourhood Commercial is appropriate for this use. Associated with this Discharge, Staff have brought forward a Land Use Contract Termination for LUC77-1015 and LUC77-1082 which are in the nearby vicinity in accordance with regulations from the Local Government Act to have all Land Use Contracts terminated by 2022.

4.0 Proposal

4.1 Background

Under LUC77-1015 the subject property has been used primarily for industrial purposes over the years and is currently has a business license for Automobile Dealer (new and used). The following uses were permitted by LUC77-1015:

SCHEDULE "C"

- i) Building Trade Offices
- ii) Catering Services
- iii) Commercial Printing
- iv) Communication Equipment Supply & Service
- v) ✓ Delivery and Express Terminals and Storage Facilities
- vi) Drapery Manufacturing and Installation Services
- vii) Farm and Garden Supplies (Retail Sales)
- viii) Frozen Food Lockers
- ix) Instrument and small equipment supply and service
- x) Janitorial Services, including window cleaning, disinfecting, extermination services
- xi) Locksmith and Gunsmith
- xii) Re-upholstery and furniture repair shop
- xiii) Sanitary Supplies
- xiv) Sign Painting and Fabricating
- xv) Trailer Parts Supply and Repair
- xvi) Used Good Sales
- xvii) Cabinet Manufacturing

4.2 Project Description

The applicant has applied to develop a food primary establishment with drive through services (McDonald's). This is not an allowed use under LUC77-1015 and therefore a Land Use Contract Discharge is required. Should Council support the Discharge of LUC77-1015 the underlying zone of C2 – Neighbourhood Commercial would be assumed. After LUC77-1015 has been discharged, Staff will bring forward a Development Permit and Development Variance Permit application to facilitate the development of the McDonald's restaurant. A variance for the height of the freestanding sign will be required, as well as a variance to allow drive through service. The subject property will be consolidated with the adjacent property 120 Old Vernon Road to achieve this development.

4.3 Site Context

The subject property is located on the east of Hwy 97 N near "Reid's Corner" at the corner of Old Vernon Road and Rutland Road. It is a vehicle oriented neighbourhood with a mix of Service Commercial and Industrial Uses.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	Auctioneering Establishment
East	I2 – General Industrial	Automotive and Minor Recreation Vehicle Sales/Rentals

South	C2 – Neighbourhood Commercial LUC77-1015, LUC77-1082	General Industrial
West	A1 - Agriculture	Ministry of Transportation Highway Buffer

Subject Property Map: 144 Old Vernon Road



Land Use Contract Map LUC77-1015: 144 Old Vernon Road and 155-165 Old Vernon Road



5.0 Technical Comments

5.1 Ministry of Transportation and Infrastructure

Preliminary approval of land use contract release by way of Land Use Contract Amendment Bylaw to be received.

6.0 Application Chronology

Date of Application Received: August 14, 2018

Preliminary Approval by MOTI: March 8, 2018

Report prepared by: Trisa Atwood, Planner II

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager