REPORT TO COUNCIL

Date:	May 13, 2019		
RIM No.	1250-30		
To:	City Manager		
From:	Community Planning Department (AC)		
Application:	Z18-0049	**Owner:**	DL Capital Inc., Inc.No. BC0820774
Address:	3130 Sexsmith Rd	**Applicant:**	Protech Consulting - Grant Maddock
Subject:	Rezoning Application		
Existing OCP Designation:	IND-L – Industrial Limited		
Existing Zone:	A1 – Agriculture 1		
Proposed Zone:	I6 – Low Impact Transitional Industrial		

1.0 Recommendation

THAT Rezoning Application No. Z18-0049 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 28, Section 3, Township 23, ODYD, Plan 18861, located at 3130 Sexsmith Rd, Kelowna, BC from the A1 – Agriculture 1 Zone to the I6 – Low Impact Transitional Industrial Zone, be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated May 2nd 2018;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property.

2.0 Purpose

To rezone the subject property from the A1 – Agriculture Zone to the I6 – Low Impact Transitional Industrial Zone.

3.0 Community Planning

Staff support the rezoning application from the A1 zone to the I6 zone. The Official Community Plan (OCP) designates the property as Industrial Limited (IND-L) which was created for the I6 zone. The Industrial – Limited Future Land Use (IND-L) designation was established in 2011 after public consultation associated with the 2030 OCP review. The IND-L designation and I6 zone allow for a range of low-impact industrial land uses that are intended to act as a transition between the general industrial areas to the south and east and the rural residential areas to the north and west. The permitted uses, development regulations, screening requirements, parking restrictions, outdoor storage restrictions, and other regulations in the I6 zone are designed to mitigate the industrial uses on nearby residential, rural and agricultural uses in this area.

4.0 Proposal

4.1 Project Description

Should the rezoning bylaw be supported by Council, the project will need a form and character development permit which will also be considered by Council. The applicant is in the midst of selling the property. The land deal is contingent on rezoning. The buyer will submit a Development Permit and will be reviewed by Council prior to final adoption of the rezoning bylaw. Staff are comfortable with this arrangement as the I6 zone is consistent with the Official Community Plan and the Development Permit will review the site planning details.

4.2 Applicant Rationale Letter – April 24th 2019

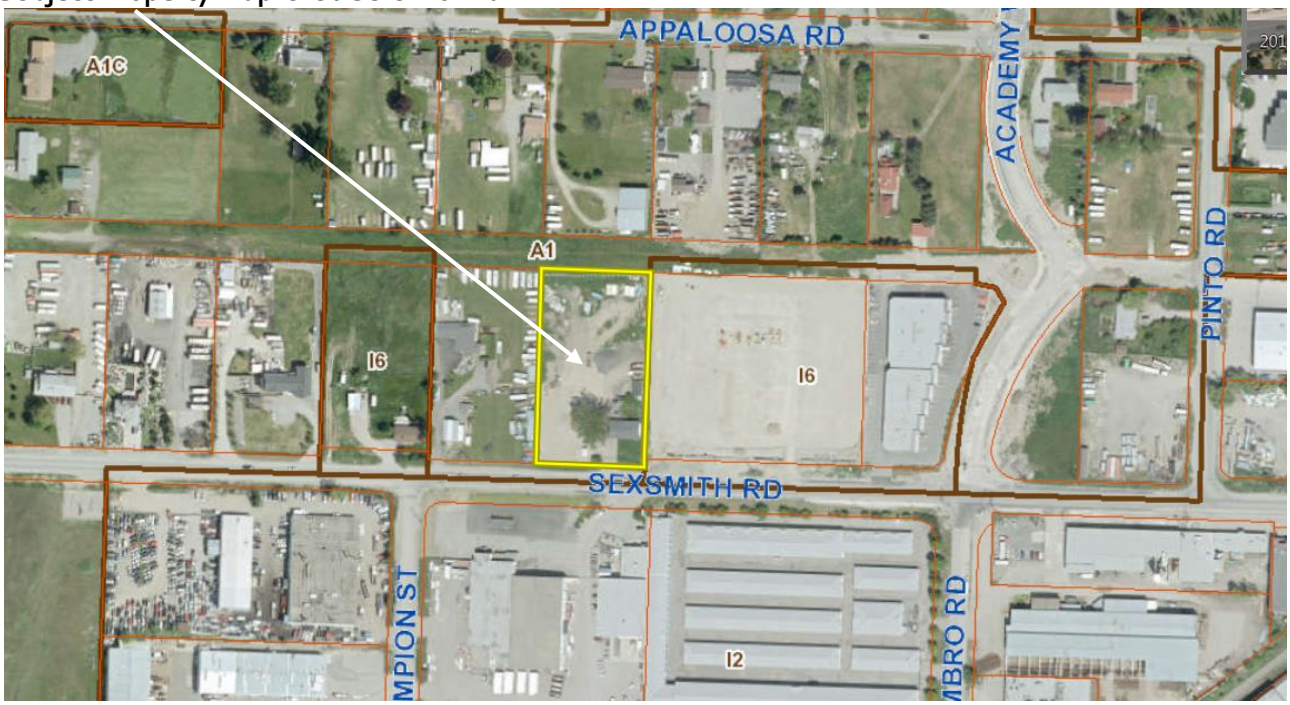
> "We are writing today to ask for your consideration in deferring our development plan for 3130 Sexsmith Road until the property is successfully rezoned.
>
> As you are aware the above-mentioned property is under contract for purchase. As the buyer we have a significant amount of diligence, including the rezoning that must be completed prior to closing. The sellers are not prepared to provide what would be considered a reasonable amount of time to allow us to complete all the typical city requirements prior to rezoning. This time constraint combined with the availability of our architect is proving to be very problematic for us.
>
> Our intent: We are ready and prepared to meet all the city requirements necessary to rezone the property. We will move quickly and diligently in our development plan application once we receive final rezoning.
>
> We respectfully request that our development plan for 3130 Sexsmith Road be deferred until after the rezoning is final."

4.3 Site Context

The subject parcel is located within the Arab/Appaloosa area. The subject property is designated as Industrial – Transitional (IND-T) in the OCP and the lot is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Agriculture/industrial/residential
East	I6 – Low Impact Transitional Industrial	Industrial
South	I2 – General Industrial	Industrial
West	A1 – Agriculture & I6 – Low Impact Transitional Industrial	Agriculture/industrial/residential

Subject Property Map: 3130 Sexsmith Rd



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Industrial Land Use Policies
Objective 5.28.[1] Focus industrial development to areas suitable for industrial use.

Industrial Supply Protection.[2] Protect existing industrial lands from conversion to other land uses by not supporting the rezoning of industrial land to preclude industrial activities unless there are environmental reasons for encouraging a change of use.

Secondary Housing in Light Industrial Areas.[3] Consider the limited expansion of housing as a secondary use within industrial buildings in light or transitional industrial areas.

Public and private open space. [4] Design industrial developments to include outdoor break areas, green space, bicycle racks, skylights and windows in work areas, and linkages to recreational opportunities (e.g. linear parks).

6.0 Technical Comments

6.1 Development Engineering Department

See attached memorandum dated May 2nd 2018.

[1] City of Kelowna Official Community Plan, Objective 5.28, Chapter 10 (Development Process Chapter).
[2] City of Kelowna Official Community Plan, Policy 5.28.1, Chapter 5 (Development Process Chapter).
[3] City of Kelowna Official Community Plan, Policy 2, Objective 5.29, Chapter 5 (Development Process Chapter).
[4] City of Kelowna Official Community Plan, Policy 7.5, Chapter 14 (Urban Design Development Permit Areas).

7.0 Application Chronology

Date of Application Received: May 1st 2018
Date Public Consultation Completed: April 27th 2018

Report prepared by: Adam Cseke, Planner Specialist
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Development Engineering Memo dated May 2nd 2018