

# REPORT TO COUNCIL



**Date:** July 30, 2019

**RIM No.** 0940-50

**To:** Council

**From:** City Manager

**Application:** DP19-0127 & DVP19-0128

**Owner:** Stuart McMillan & Jackie-Lynn Large

**Address:** 2960 Sexsmith Road

**Applicant:** CTQ Consultants Ltd.

**Subject:** Development Permit & Development Variance Permit

Existing OCP Designation: IND-L – Industrial - Limited

Existing Zone: A1 – Agriculture

Proposed Zone: I6- Low Impact Transitional Industrial

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11750 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0127 for Lot 33 Section 3 Township 23 ODYD Plan 18861, located at 2960 Sexsmith Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0128 for Lot 33 Section 3 Township 23 ODYD Plan 18861, located at 2960 Sexsmith Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 15.6.9: Landscape, buffering and parking**

To allow parking in the front yard setback (south) by reducing the front yard setback (from 4.5 m to 3.0 m);

To allow parking in the west side setback by reducing that side yard setback (from 4.5 m to 3.0 m);  
To allow parking in the east side setback by reducing the side yard setback (from 4.5 m to 0.0 m);  
To allow parking in the rear yard setback (north) by reducing the rear yard setback (from 7.5 m to 0.0 m);

**Section 7.6.1 (c): Landscape, buffering and parking**

To reduce the minimum landscape buffer on the east and north side from 3.0 m to 0.0 m;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Applications in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

**2.0 Purpose**

To consider the site layout for a Recreational Vehicle (RV) storage facility and to consider variances to the setbacks and landscape buffer areas.

**3.0 Community Planning**

Community Planning Staff are supportive of the development proposal and the requested variances as it meets the intent of the objectives and supporting policies of the Official Community Plan (OCP). Some of these include:

- Focusing industrial development to areas suitable for industrial use;
- Ensuring adequate industrial land supply;
- Ensuring compatibility with surrounding uses addresses visual impact, noise, odour, hours of operation, pollution and traffic.

The site fronts onto three streets and through this development, a cash-in-lieu payment will contribute to the future upgrading of Sexsmith Road to a four-lane arterial. Arab Road will be upgraded to an urban standard road with curb, gutter and drainage, sidewalk and streetlighting. Palomino Road will be upgraded to a rural standard to include drainage and streetlighting.

**4.0 Proposal**

**4.1 Background**

In 2010, the City amended the OCP designation for parcels in this area from Single Family Residential to Limited Industrial. This parcel along with many others in the area have been the subject of ongoing Bylaw enforcement action over the last few years. The parcel owners along with their consultants have been working with Planning Staff to achieve a development plan that balances the provision of sufficient perimeter landscape buffering while maximizing the useable site area for the Outdoor Storage use.

**4.2 Project Description**

Rezoning Bylaw 11750 received 3<sup>rd</sup> reading after the Public Hearing on February 13, 2019. The application was to rezone the site from A1 – Agriculture to I6 – Low Impact Transitional Industrial to align with the OCP Future Land Use of Limited Industrial. The I6 zone is intended to allow for a range of low-impact industrial uses that provide an appropriate transition between the general industrial areas to the south and east and the rural

residential and agricultural areas to the north and west. The proposal for RV storage is a permitted within the Outdoor Storage use.

The development regulations, screening requirements, parking and outdoor storage restrictions in the I6 zone are designed to reduce impacts to the nearby residential, rural and agricultural uses in the area. This includes a regulation that parking cannot extend into the required setback area; therefore, the proposal is seeking variances to reduce some of these restrictions.

#### Variances

The site will have a single access from Arab Road, and the original site access from Sexsmith Road has already been removed. Staff is supportive of the proposed variances to reduce the setback areas. The first variance is to reduce the setback area along both the west and south property lines from 4.5 m to 3.0 m as a 3.0 m landscape buffer is provided along both property lines to provide screening and buffering to the adjacent agricultural uses. The variances also include reducing the setback requirements to 0 m along the north (rear) property line and the east property line. This is a shared property line with the adjacent parcel which currently has a Rezoning application for Outdoor Storage under review. The site also has a FortisBC Right of Way that extends along the east property line which limits the use of the area.

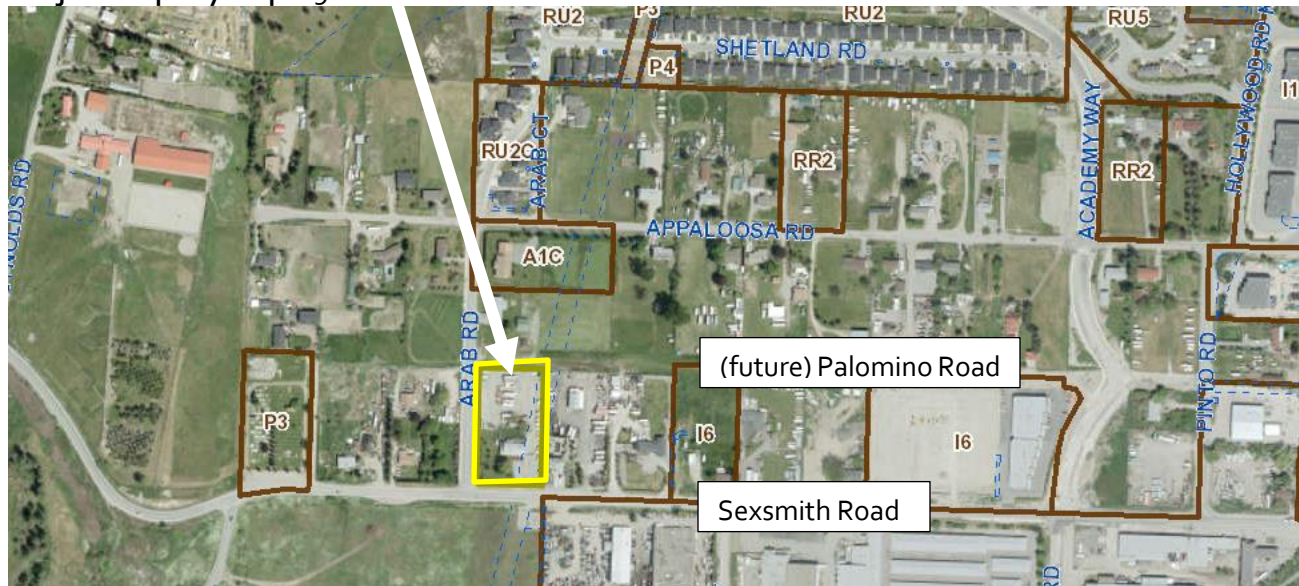
#### 4.3 Site Context

The subject property is located within the Arab/Appaloosa area. The parcel is designated as Industrial – Limited (IND-L) in the OCP and the lot is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning  | Land Use                |
|-------------|---|-------------------------|
| North       | A1 - Agriculture                              | Rural Residential       |
| East        | A1 – Agriculture (Rezoning to I6 in progress) | Outdoor Storage         |
| South       | A1 – Agriculture, I2 – General Industrial     | Agriculture/ Industrial |
| West        | A1 – Agriculture                              | Agriculture/ Industrial |

**Subject Property Map: 2960 Sexsmith Road**



4.4 Zoning Analysis Table

| Zoning Analysis Table  |   |   |
|--|---|---|
| CRITERIA   | I6 ZONE REQUIREMENTS                                  | PROPOSAL                                  |
| Development Regulations  |   |   |
| Max. Floor Area Ratio  | N/A   | N/A                                       |
| Max. Site Coverage (buildings)   | 50 %  | N/A                                       |
| Min. Front Yard  | 4.5 m   | 3.0 m <sup>①</sup>                        |
| Min. Side Yard (west)  | 4.5 m   | 3.0 m <sup>②</sup>                        |
| Min. Side Yard (east)  | 4.5 m   | 0.0 m <sup>③</sup>                        |
| Min. Rear Yard   | 7.5 m   | 0.0 m <sup>④</sup>                        |
| Outdoor Storage  |   |   |
| Screening  | Must be screened with an opaque fence and landscaping | Solid wood fence and landscaping provided |
| Landscape Buffers  |   |   |
| Front  | 3.0 m   | 3.0 m                                     |
| Side (west)  | 3.0 m   | 3.0 m                                     |
| Side (east)  | 3.0 m   | 0.0 m <sup>⑤</sup>                        |
| Rear   | 3.0 m   | 0.0 m <sup>⑤</sup>                        |
| <sup>①</sup> Indicates a requested variance to the front yard setback from 4.5 m to 3.0 m proposed.<br><sup>②</sup> Indicates a requested variance to the side yard (west) setback from 4.5 m to 3.0 m proposed.<br><sup>③</sup> Indicates a requested variance to the side yard (east) setback from 4.5 m to 0.0 m proposed.<br><sup>④</sup> Indicates a requested variance to the rear yard setback from 7.5 m to 0.0 m proposed.<br><sup>⑤</sup> Indicates a requested variance to reduce the landscape buffer area from 3.0 m to 0.0 m proposed. |   |   |

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)Chapter 5 Development Process Chapter

Objective 5.28 Focus industrial development to areas suitable for industrial use.

Policy 1 – Rezoning to Industrial. Consider allowing land not currently designated as industrial to be supported for an Official Community Plan amendment and subsequent rezoning to allow industrial uses provided that such a rezoning would be consistent with other Official Community Plan policies, provided that available municipal infrastructure can support the use, and provided that the industrial use would be compatible with existing and proposed future surrounding uses. Compatibility issues to consider include, but are not limited to, visual impact, noise, odour, hours of operation, pollution and traffic.

6.0 **Application Chronology**

Date of Application Received: May 30, 2019  
Date Public Consultation Completed: July 4, 2019  
Date of Rezoning Public Hearing: February 12, 2019

**Report prepared by:** Lydia Korolchuk, Planner II

**Reviewed by:** Dean Strachan, Subdivision and Rural Planning Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Attachment A: Draft Development Permit DP19-0127 & DVP19-0128