

# REPORT TO COUNCIL



**Date:** May 2, 2016

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (RR)

**Application:** Z15-0053 / OCP15-0016      **Owner:** Raif Holdings Ltd.,  
Inc. No. 129371

**Address:** 820 Finns Road      **Applicant:** McBeetle Holdings Ltd

**Subject:** OCP Amendment and Rezoning Application

**Existing OCP Designation:** IND - Industrial

**Proposed OCP Designation:** SC - Service Commercial

**Existing Zone:** A1 - Agriculture

**Proposed Zone:** C10 - Service Commercial

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## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP15-0016 to amend Map 4.1 in the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 1, Section 34, Township 26, ODYD, Plan 18592 located at 820 Finns Road, Kelowna, BC from the IND - Industrial designation to the SC - Service Commercial and PARK - Major Park/Open Space designations be considered by Council;

AND THAT Rezoning Application No. Z15-0053 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 34, Township 26, ODYD, Plan 18592, located at 820 Finns Road, Kelowna, BC from the A1 - Agriculture zone to the C10 - Service Commercial and P3 - Parks and Open Space zones be considered by Council;

AND THAT the OCP Amending Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 475 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated May 2, 2016;

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

AND THAT final adoption of the Rezoning Bylaw be considered in conjunction with the issuance of an Environmental Development Permit for the subject property.

AND FURTHER THAT prior to final adoption of the Rezoning Bylaw, that the Riparian Management Area be dedicated to the City as protected area.

## **2.0 Purpose**

To amend the Official Community Plan to change the future land use designation and rezone the subject property to allow the lands to be used for service commercial development.

## **3.0 Community Planning**

Community Planning recommends that the bylaws be given initial consideration and forwarded to public hearing. The property is currently vacant and, given its size and location, is unlikely to be developed for agricultural use. The property is not within the ALR.

While the Official Community Plan designates the property for industrial use, the amendment to Service Commercial is in keeping with the neighbourhood development pattern. The proposed use on the site, a car dealership, is also in keeping with similar land uses along Highway 97 in the area. Orchard Ford is located to the south of the property, and an application for a new automotive dealership has been received for another dealership on an adjoining property.

Prior to any development occurring, the applicant will be required to apply for a Development Permit.

## **4.0 Proposal**

### **4.1 Background**

The property is an undeveloped lot between Highway 97 and Finns Road. The property is currently zoned A1 - Agriculture, but is not being used for any agricultural purposes. The property is currently designated for future Industrial use in the OCP Future Land Use Map.

The subject property, as well as several in the area, are subject to negotiations regarding land swaps for the highway expansion and future road re-alignments. The land swap will not effect the applicant's development plans for the site, and the property will be usable as a C10 zoned parcel after the swap is completed.

### **4.2 Project Description**

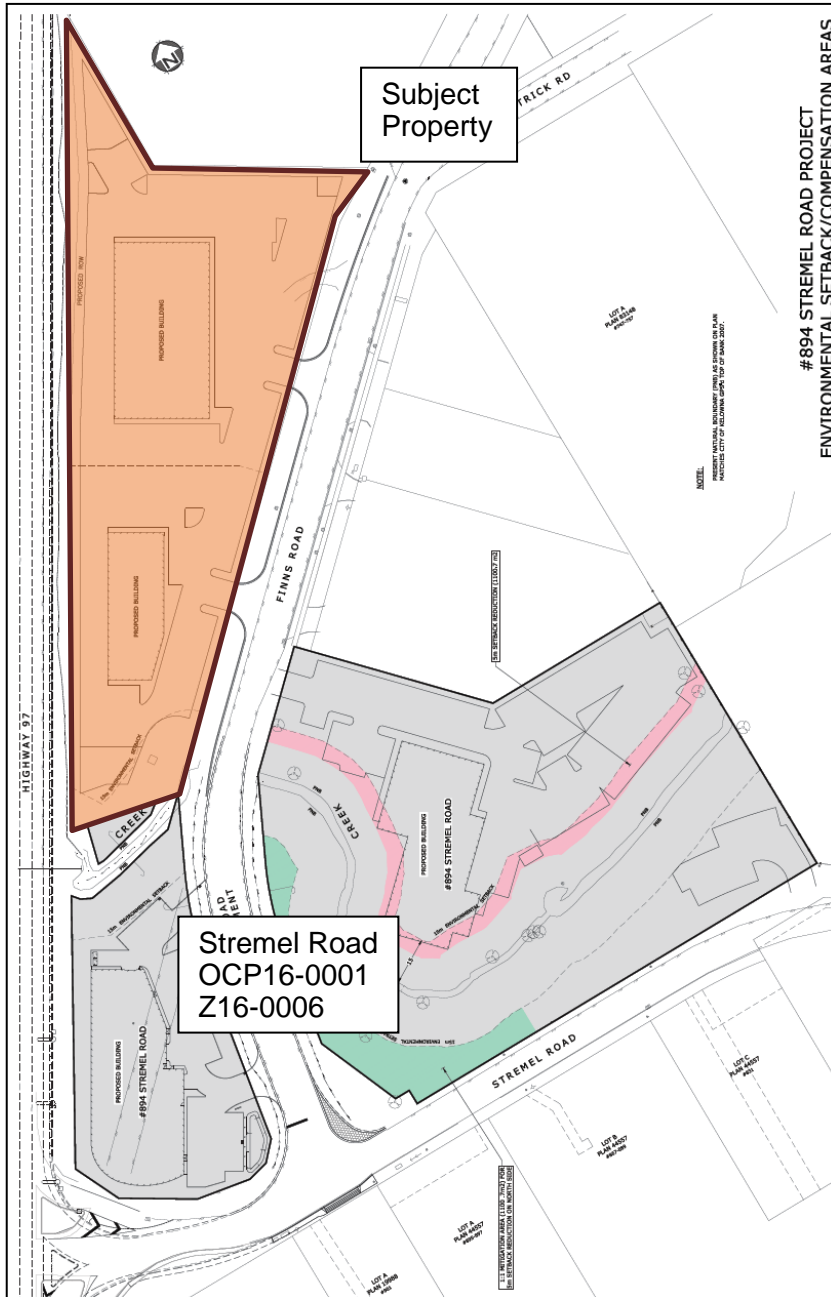
The applicant has made application to amend the Official Community Plan and Zoning Bylaw to allow the property to be used for service commercial purposes under the C10 zone. The applicant has indicated that the property will be used as a car dealership. Designs for the dealership will be submitted as part of the development permit, which will be a condition of zoning bylaw approval.

### **4.3 Site Context**

The property is a vacant parcel that tapers out between Highway 97 and Finns Road. It is located in an area with primarily service commercial uses, with a boat storage and business park nearby.

The property will be impacted by the 6-laning of Highway 97, and a 15 m road dedication will be required along the northerly property line for future road alignment.

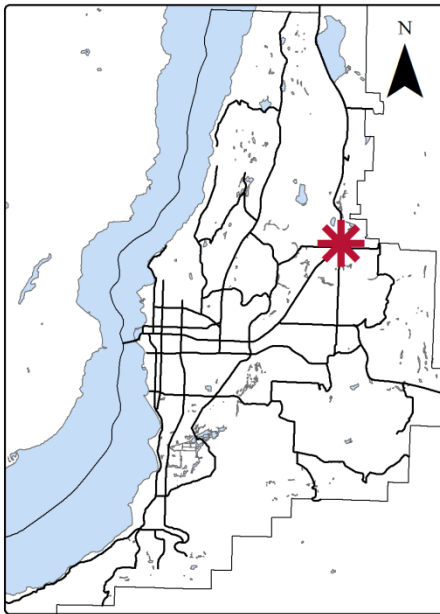
Gopher Creek runs near the south boundary of the property. While the creek itself is outside of the property, a portion of the 15 m riparian management area runs into the property. This land will be dedicated to the city as a condition of bylaw adoption for its long term protection.



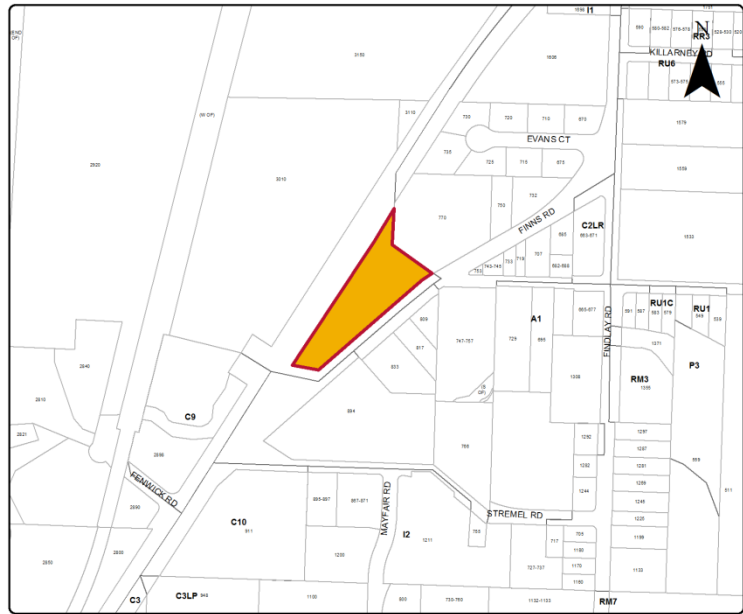
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 - General Industrial	Boat Storage / Building
East	I1 - Business Industrial	Business Park
South	RU1 - Large Lot Housing	Residence
West	A1 - Agriculture	Vacant / Pasture

### Subject Property Map:



CONTEXT



NEIGHBOURING ZONING



SUBJECT PROPERTY

## 5.0 Current Development Policies

## 5.1 Kelowna Official Community Plan (OCP)

### Service Commercial (SC)

Developments for the provision of business support services and other commercial uses requiring extensive on-site storage. Building densities would be consistent with the provision of the C10 zone of the Zoning Bylaw.

### Riparian Management Area

Table 12.1 establishes a 15m Riparian Management Area around Francis Brook Creek.

### Dedication of Linear Parks

At subdivision and rezoning for all development types secure a minimum 10-metre wide linear corridor for public access as included in Table 5.1 Linear Park - Public Access and/or are shown on Map 5.9 - Linear Corridors / Paths. The 10-metre wide corridor may be in addition to, and outside, any riparian management area requirements imposed through the Environmental Development Permit (see Chapter 12) requirements of the OCP. On the private property side of the public access corridor, the City may, as necessary, consider stipulating additional "no disturb" zones. Lot line adjustments or other subdivision applications not resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy.

## 5.2 Public Notification & Consultation for Development Applications Policy #367

The applicant has delivered notifications to surrounding property owners.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

No concerns at this time, will make further comments during the Development Permit Process.

### 6.2 Development Engineering Department

See attached document dated October 29, 2015.

### 6.3 Bylaw Services

No concerns

### 6.4 Iplan / Parks Planning

1. The RMA should be dedicated titled property in favour of the City and zoned P3 Parks and Open Space for environmental protection, drainage and recreation.
2. A 1.2m high black chain link fence built to City standards should be installed 15cm inside the new western private property line to delineate the private / public parkland.

### 6.4 Fire Department

No concerns at this time, will make further comments during the Development Permit Process.

### 6.5 Ministry of Transportation

No concerns at this time, bylaw will require Ministry approval.

## 7.0 Application Chronology

Date of Application Received: Sept. 21, 2015

Report prepared by:

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Ryan Roycroft, Planner

Reviewed by: ☐ Terry Barton, Urban Planning Manager

Approved for Inclusion: ☐ Ryan Smith, Community Planning Department Manager

### Attachments:

Development Engineering Memorandum