

REPORT TO COUNCIL



Date: February 24th, 2020

To: Council

From: City Manager

Department: Development Planning (TC)

Application: LUC20-0001 & Z19-0132 **Owner:** N&T Properties Ltd., No. BC0963818

Address: 925-929 McCurdy Road **Applicant:** Grant Maddock – Protech Consulting 2012

Subject: Land Use Contract Discharge (LUC77-1045) and Rezoning Application

Existing OCP Designation: IND – Industrial

Existing Zone: A1 – Agriculture 1

Proposed Zone: I2 – General Industrial

1.0 Recommendation

THAT Application No. LUC20-0001 to discharge LUC77-1045 from Lot A, District Lot 143, ODYD, Plan KAP66598 located at 925-929 McCurdy Road, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0132 to amend City of Kelowna Zoning Bylaw No. 8000 by changing classification of Lot A, District Lot 143, ODYD, Plan KAP66598 located at 925-929 McCurdy Road, Kelowna, BC from A1 – Agriculture 1 to I2 – General Industrial be considered by Council;

AND THAT the Land Use Contract Discharge and Zoning Amending Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent the outstanding conditions of approval as set out in Schedule A to the Report from the Development Planning Department dated February 24th, 2020;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

2.0 Purpose

To terminate the Land Use Contract (LUC77-1045) on the subject property and to rezone the property from A1 – Agriculture 1 to I2 – General Industrial.

3.0 Development Planning

Development Planning Staff support the Land Use Contract (LUC) discharge and proposed Rezoning to allow for a Big Box Storage Depot. The proposed land use is compatible with surrounding land uses and meets the intent of the Official Community Plan. The Rezoning and LUC Discharge would also remove a Heavy Industrial use that is currently in close proximity to a residential neighbourhood.

In conformance with Council Policy No. 282, Staff will bring a bylaw terminating the Land Use contract on the remaining adjacent parcels. This is a separate process from the discharge of a LUC, as the termination eliminates the LUC one year after Council adoption (whereas a discharge is immediate).

4.0 Proposal

Project Description

The current LUC affects thirteen parcels in the McCurdy Road and Leathead Road area and has varying restrictions based on the specific property. The LUC allows the subject property to operate under the previous Zoning Bylaw No. 4500's I3 – Heavy Industrial zone. Since the LUC was first signed, a concrete plant has been operating on the subject property. The applicant has applied to rezone the property from A1 – Agriculture 1 to I2 – General Industrial to accommodate a new site for Big Steel Box storage. The underlying A1 -Agriculture zone is not appropriate for the current or proposed land use.



Site Context

The subject property is located at 925-929 McCurdy Road, is in the Rutland OCP Sector and has a Future Land Use designation of IND - Industrial. The property is east of Hwy 97 N and McCurdy Road intersection.

Most of the surrounding area is under the same Land-Use Contract, operating industrial uses, but zoned A1 – Agriculture 1, while the rest of the surrounding area is C3 – Community Commercial, C10 – Service Commercial, RU1 – Large Lot Housing and RU6 – Two Dwelling Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C3lp – Commercial (Liquor Primary) & C10 – Service Commercial	Commercial
East	A1 – Agriculture 1	Industrial Material Suppliers
South	A1 – Agriculture 1	Auto Repair & Industrial Manufacturing
West	A1 – Agriculture 1	Auto Repair, Sheet Metal Contractor & Lumber Yard

Subject Property Map: 925-929 McCurdy Rd



Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	I2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	4000m ²	15,904m ²
Min. Lot Width	40m	53.3m
Min. Lot Depth	35m	297.5m
Development Regulations		
Max. Floor Area Ratio	1.5	0.11
Max. Site Coverage (buildings)	60%	10%
Min. Front Yard	7.5m	9.5m
Min. Side Yard (West)	0.0m	0.0m
Min. Side Yard (East)	4.5m	34.8m
Min. Rear Yard	6.0m	169m

Other Regulations		
Min. Parking Requirements	23	30

5.0 Current Development Policies

Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

That the City of Kelowna initiate proceedings to discharge the contracts to consultation with affected owners of the land and subject approval by Council regarding affected contracts.

Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.28- Policy .2: *Location of Heavy Industry*: Direct heavy industries to areas that would not negatively affect existing neighbourhoods or businesses and that natural environment.

Objective 5.31- Policy .2: *Impact of Neighbourhood / Roads*: Discourage aggregate extraction that creates undue impact to neighbourhood residential uses or excessive truck traffic, safety and road conditions.

6.0 Technical Comments

Development Engineering Department

See Schedule A: Development Engineering Memo dated December 17th, 2019.

Ministry of Transportation and Infrastructure

Preliminary approval granted.

7.0 Application Chronology

Date of Application Received: November 26th, 2019

Date Public Consultation Completed: January 12th, 2020

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Wesley Miles, Acting Community Planning and Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: Development Engineering Memo

Attachment A: Site Plan