

# REPORT TO COUNCIL



**Date:** February 24, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** Z19-0061      **Owner:** Otto Odermatt and Paul Odermatt

**Address:** 2840 Fenwick Rd      **Applicant:** MJI Contracting Inc.

**Subject:** Rezoning Application

**Existing OCP Designation:** IND – Industrial/ PARK - Park

**Existing Zone:** A1 – Agriculture 1

**Proposed Zone:** I2 – General Industrial and P3 – Parks and Open Space

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## 1.0 Recommendation

THAT Rezoning Application No. Z19-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Section 34, Township 26, ODYD Plan 22142 located at 2840 Fenwick Rd, Kelowna, BC from the A1 – Agriculture 1 zone to the I2 – General Industrial zone and to P3 – Parks and Open Space as shown on Map "A" attached to the Report from the Planning & Development Services Department dated February 24<sup>th</sup>, 2020 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 approval of the Ministry of Transportation and Infrastructure;

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

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to a technical subdivision for the registration of a right of way for the linear park and riparian management area along Mill Creek.

## 2.0 Purpose

To consider an application to rezone the subject property from the A1 – Agriculture 1 zone to the I2 – General Industrial zone to facilitate the use of the property for an industrial development and to the P3 – Parks and Open Space zone for the linear park.

**3.0 Development Planning**

Staff are supportive of the proposed rezoning of the subject property to I2 – General Industrial zone as it is consistent with the Official Community Plan (OCP) Future Land Use Designation and policies. The property is located within the Permanent Growth Boundary and is located adjacent to and near other industrially zoned properties. The I2 – General Industrial zone allows general industrial uses on the property similar to other properties in the immediate area.

Mill Creek meanders through the south side of the property. Per OCP Policy 5.14.2, a 10-meter-wide linear park must be allocated in addition to the riparian management area requirements. This is a requirement of the rezoning and will require an Environmental Development Permit to establish the area. In addition, the area will be rezoned to P3 – Parks and Open Space.

**4.0 Proposal**

**4.1 Project Description**

The subject property currently has a residential dwelling on the north east corner and Mill Creek flowing through the south end of the property and borders the Agricultural Land Reserve (ALR) along the north property line. The applicant would like to use the property for industrial purposes. Staff are not tracking any variances associated with the proposal. While it is not part of this application, there are future plans to construct up to five industrial buildings on the site. This application does trigger two Development Permits (DP); a Farm Protection DP and a Natural Environmental DP. Should Council support the Rezoning bylaw, Staff will process the Natural Environmental DP and Farm Protection DP prior to development of the property.

**4.2 Site Context**

The subject property is in the Highway 97 Sector of the city. Adjacent land uses are as follows:

Orientation	Zoning	Land Use	Size	FLU	Access
North	A1 - Agriculture	Vacant	28.1 acres	Park/REP	via 2810
East	C9 – Tourist Commercial	Amusement Park/ Miniature Golf Course	3.89 acres	Comm/Park	Fenwick Rd
South	A1 – Agriculture (LUC77-1004)	Warehousing/Manufacture	3.18 acres	Ind/Park	Fenwick Rd
West	A1 - Agriculture	Residential	2.4 acres	Ind/Park	Fenwick Rd

**Subject Property Map: 2840 Fenwick Rd**



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

**Chapter 5 Development Process**

**Objective 5.14.2** Provide parks for diversity of people and a variety of uses.

**Industrial Land Use Policies**

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

**6.0 Technical Comments**

**6.1 Development Engineering Department**

- See Schedule A.

**6.2 Application Chronology**

Date of Application Received: May 7, 2019  
Date Public Consultation Completed: September 12, 2019

Report prepared by: Sergio Sartori, Development Technician  
Reviewed by: Wesley Miles, Acting Community Planning & Development Manager  
Approved for Inclusion: Terry Barton, Development Planning Department Manager

**Attachments:**

Schedule A: Development Engineering Memorandum  
Attachment A: Map A – Proposed Zoning Amendment Plan