

# REPORT TO COUNCIL



**Date:** June 15, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z20-0016

**Owner:** Marian B. Gruber

**Address:** 729 Fitzpatrick Road

**Applicant:** Birte Decloux, Urban Options  
Planning & Permits

**Subject:** Rezoning Application

**Existing OCP Designation:** IND – Industrial  
PARK – Major Park / Open Space

**Existing Zone:** A1 – Agriculture 1

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

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## 1.0 Recommendation

THAT Rezoning Application No. Z20-0016 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7, Section 34, Township 26, Osoyoos Division Yale District Plan 3236 Except Plan B5456, located at 729 Fitzpatrick Road, Kelowna, BC from the A1-Agriculture 1 zone to the I2 – General Industrial zone and P3 – Parks and Open Space, 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 Schedule "A" attached to the Report from the Development Planning Department dated May 26, 2020;

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 issuance of an Environmental Development Permit for the subject property;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter for the dedication of the linear park and riparian management area along Francis Brook.

## **2.0 Purpose**

To consider an application to rezone the subject property from the A1-Agriculture 1 zone to the I2 – General Industrial zone and the P3 – Parks and Open Space zone, to facilitate the use of the subject property for an industrial development, and to dedicate a portion of the property as parkland.

## **3.0 Development Planning**

Staff are supportive of the proposed rezoning of the subject property to I2-General Industrial zone and to dedicate a portion of the property as parkland, as it is consistent with the Official Community Plan (OCP) future land use designation. The subject property is located within the Permanent Growth Boundary and is located adjacent to and near other industrially zoned properties. The I2 – General Industrial zone would allow several industrial uses on the property similar to a number of properties in the immediate area. The riparian area of Francis Brook would be protected by the P3- Parks and Open Space zone for environmental purposes.

## **4.0 Proposal**

### **4.1 Project Description**

In addition to a single-family dwelling that is located at the northwest corner of the property, there are three additional accessory structures located within the center of the property, and Francis Brook is located along the southern portion of the parcel. Subject to finalization of sale, the future landowner intends to move his business to the property with no immediate plans to demolish or construct any structures on the property.

The rezoning of the parcel will allow the City to acquire and protect the lands along Francis Brook. The City has already acquired lands along Francis Brook to the west of the subject property with the development of the Porsche Car Dealership on Finns Road, and other properties along the Francis Brook corridor are in different stages of rezoning process. With the rezoning of the subject property, the City will acquire 10.0 meters from top-of-bank along north side of the Brook and the remaining portion of the lands to the south of the Brook. Francis Brook is an important drainage corridor and habitat area, and the City will be able to protect it in perpetuity.

The applicant has indicated they are willing to provide a Statutory Right of Way (SRW) along the western property line to provide access for City maintenance and in case of emergency flood protection. As there are no short-term plans for a public trail connection through the property at this time, the SRW would be fenced, gated and locked for maintenance purposes, for the foreseeable future.

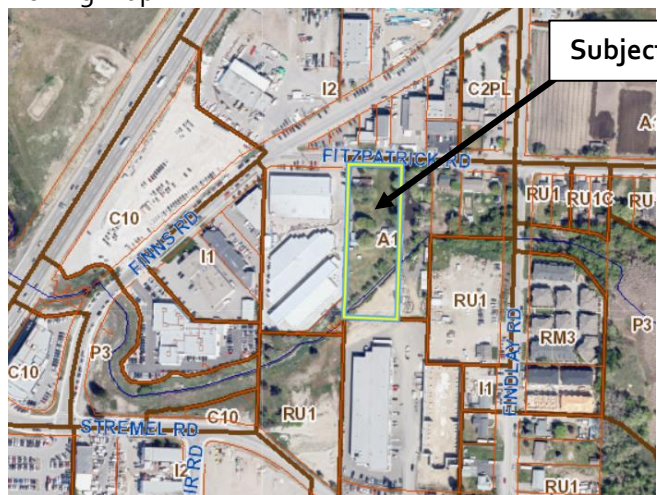
### **4.2 Site Context**

The subject property is located near the corner of Fitzpatrick Road and Finns Road within the Rutland Sector of the city, and is predominantly surrounded by industrial or commercial lands. Adjacent land uses are as follows:

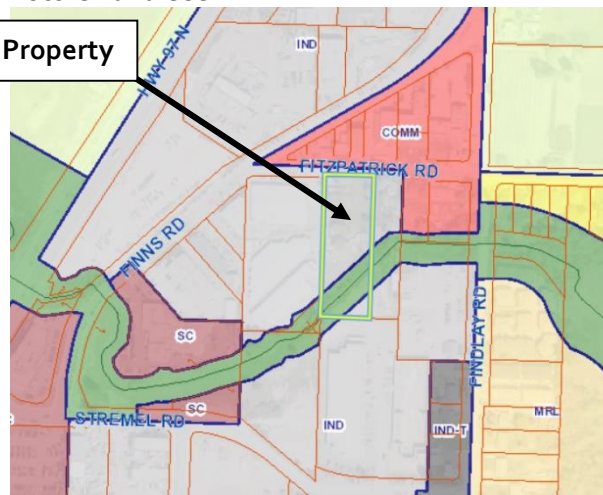
Orientation	Zoning	Land Use
North	I2 – General Industrial C2pl – Neighbourhood Commercial	Industrial Commercial
East	A1 – Agriculture 1 RU1 – Urban Residential Zone	Residential
South	I2 – General Industrial RU1 – Urban Residential Zone	Francis Brook Industrial Residential
West	I2 – General Industrial C10 – Service Commercial	Industrial Commercial

### Subject Property Map: 729 Fitzpatrick Road

Zoning Map:



Future Land Use:



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 10: Development Process

#### Objective 5.28 Industrial Land Use Policies:

Focus industrial development to areas suitable for industrial use.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- Refer to attached Schedule A, Development Engineering Department Memorandum, dated May 26, 2020.

### 6.2 Parks and Building Planning

- Per OCP Policy 5.14.2, a 5-meter-wide linear park must be dedicated at the north end of the property, outside the riparian management area requirements per OCP Chapter 12 (15 m width per Table 12.1 in the OCP). The OCP outlines that this dedication is to occur at rezoning, so the

definition of the riparian area and adjacent linear park must occur at rezoning and not wait for the Environmental Development Permit.

- A Statutory Right of Way for maintenance by City crews (minimum 3.0m with a 2.4m access route) is required from Fitzpatrick Road to the creek lot.
- The construction of a multi-use path Class 4 – Multi-Use should be required and bonded for through the Servicing Agreement, as part of the required infrastructure of the site.

## **7.0 Application Chronology**

Date of Application Received: December 20, 2019

Date Public Consultation Completed: March 31, 2020

**Report prepared by:** Barbara B. Crawford, Planner II

**Reviewed by:** James Moore, Urban Planning & Development Policy Manager

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

### **Attachments:**

Schedule A: Development Engineering Memo

Attachment A: Site Plan

Attachment B: Applicant's Rationale Letter