

REPORT TO COUNCIL



Date: November 2, 2020

To: Council

From: City Manager

Department: Development Planning

Application: OCP20-0005/Z20-0011 **Owner:** 0966447 B.C. LTD., Inc.No. BC0966447, Gurjeet Singh Johal, Meena Johal.

Address: 2090 Byrns Road **Applicant:** DiStefano Jaud Architecture inc.

Subject: Official Community Plan Amendment and Rezoning Application

Existing OCP Designation: REP – Resource Protection

Proposed OCP Designation: COMM - Commercial

Existing Zone: A1 – Agriculture 1

Proposed Zone: C3rls - Community Commercial (Retail Liquor Sales)

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0005 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Parcel A, Block 2, District Lot 128, ODYD, Plan 415B Except Plan KAP64062 located at 2090 Byrns Road, Kelowna, BC from the REP – Resource Protection designation to the COMM - Commercial designation, as shown in the Report from the Development Planning Department dated November 2, 2020 NOT be considered by Council.

AND THAT Rezoning Application No. Z20-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Parcel A, Block 2, District Lot 128, ODYD, Plan 415B Except Plan KAP64062, located at 2090 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to the C3rls - Community Commercial (Retail Liquor Sales) zone, as shown in the Report from the Development Planning Department dated November 2, 2020 NOT be considered by Council.

2.0 Purpose

To consider a Staff recommendation to NOT amend the Official Community Plan or rezone the subject property that would facilitate future commercial development.

3.0 Development Planning

Development Planning does not support the application to amend the Official Community Plan (OCP) and rezone the subject property to accommodate proposed commercial development. The proposal development would include a gas station, convenience store (with retail liquor sales), car wash, and two general commercial retail buildings. The subject property is located outside of the Permanent Growth Boundary (PGB) and designated REP – Resource Protection in the OCP. The proposal does not meet a number of OCP objectives and policies in regards to intensive urban development, focused growth or protection of agricultural lands.

In review of similar community commercial services within the area, staff note that there are three gas stations located within an approximate two-kilometer radius. All having a range of other associated commercial uses and listed as follows:

1. Shell Gas Station, and convenience store located on the corner of Springfield Road and Benvoulin Court. (Approx. 1.2 km's north);
2. Shell Gas Station, convenience store and car wash, located on the corner of KLO Road and Benvoulin Road (Approx. 1.2 km's south); and
3. Chevron Gas Station, and Guisachan shopping centre, located on the corner of Guisachan Road and Gordon Drive (Approx. 2.0 km's west).

Given the proximity of the services listed and their location, the Guisachan Village Centre, Midtown Urban Centre and KLO corner, staff do not see the community benefit in adding further services in an area that does not have the associated urban development and is predominately agricultural.

The Benvoulin area is considered an important agriculture corridor for both in existing agricultural activity and heritage. Further development may lead to increased land speculation and development pressure on similar properties along Benvoulin Road. The property itself is 2.14 acres in sized, flat with no significant obstructions to agriculture uses. It has been used for hay crop in the past and given its size the property is considered to have enough farmable area to be used for a variety of agricultural purposes.

4.0 Proposal

4.1 Background

The subject property is designated REP – Resource Protection in the OCP, is zoned A1 – Agriculture, is outside of the PGB, but is not within the Agricultural Land Reserve (ALR). However, the property is bordering ALR lands to the north and west. There is currently a single-family dwelling on the property and its current use is rural residential.

4.2 Project Description

The proposed conceptual commercial development consists of a gas station, convenience store (with retail liquor sales), car wash, and two general commercial retail buildings. The two general commercial buildings

and proposed convenience store which would have a total of 1757 m² of commercial lease space. Access would be restricted to right in, right out only from Benvoulin Road and one access/egress at the furthest point west from Byrns Road.

4.3 Site Context

The subject property is located on the Benvoulin Road corridor in the South Pandosy – KLO City Sector. It is located at the intersection of Byrns Road and Benvoulin Road and is approximately 2.1 acres in size.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A ₁ - Agriculture	Agriculture / Residential
East	A ₁ - Agriculture	Benvoulin Road / Agriculture
South	A ₁ - Agriculture	Byrns Road / Residential
West	A ₁ - Agriculture	Agriculture

Subject Property Map: 2090 Byrns Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 4 – Land Use Designation Definitions

Resource Protection Area

Generally, land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses.

Chapter 5 - Development Process

Objective 5.3 Focus Development to Designated Growth Areas

Policy .1 Permanent Growth Boundary. Lands outside the Permanent Growth Boundary will not be supported for urban or intensive uses with the exception of the extent permitted as per the OCP Future Land Use designations.

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns through development, conversion, and re-development within Urban Centres.

Agricultural Land Use Policies

Objective 5.33 Protect and enhance local agriculture.

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

6.0 Technical Comments

6.1 Development Engineering Department

- Refer to Development Engineering Memo Dated February 12, 2020

7.0 Application Chronology

Date of Application Received: December 20, 2019
Date Public Consultation Completed: September 24, 2020

8.0 Alternate Recommendation

THAT Official Community Plan Map Amendment Application No. OCP20-0005 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Parcel A, Block 2, District Lot 128, ODYD, Plan 415B Except Plan KAP64062, located at 2090 Byrns Road, Kelowna, BC from the REP – Resource Protection Area designation to the COMM - Commercial designation, be considered by Council;

THAT Rezoning Application No. Z20-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Parcel A, Block 2, District Lot 128, ODYD, Plan 415B Except Plan KAP64062, located at 2090 Byrns Road, Kelowna, BC from the A1 – Agriculture 1 zone to C3rls - Community Commercial (Retail Liquor Sales) zone, be considered by Council;

AND THAT the Official Community Plan Amendment and 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 November 2, 2020;

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

Report prepared by:	Wesley Miles, Planner Specialist
Approved for Inclusion:	Dean Strachan, Community Planning and Development Manager
Approved for Inclusion:	Terry Barton, Development Planning Department Manager

Attachments:

Attachment A – Applicant Rationale and Conceptual Site Plan