

# REPORT TO COUNCIL



**Date:** June 28, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z21-0058

**Owner:** 463679 B.C. LTD., Inc. No.  
BC0978460

**Address:** 3130 Sexsmith Road

**Applicant:** Protech Consulting

**Subject:** Rezoning Application

**Existing OCP Designation:** Industrial – Limited (IND -L)

**Existing Zone:** A1 – Agriculture 1

**Proposed Zone:** I6 – Low-Impact Transitional Industrial

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## 1.0 Recommendation

THAT Rezoning Application No. Z21-0058 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 28 Section 3 Township 23 ODYD Plan 18861 Except Plan EPP85268, located at 3130 Sexsmith Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I6 – Low-Impact Transitional Industrial zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND FURTHER 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 June 28, 2021.

## 2.0 Purpose

To consider a rezoning application to rezone the property from the A1 – Agriculture 1 zone to the I6 – Low-Impact Transitional Industrial zone, and to waive the Public Hearing.

## 3.0 Development Planning

Staff support the rezoning application from the A1 – Agricultural zone to the I6 – Low Impact Transitional Industrial zone. The Official Community Plan (OCP) designates the property as Industrial Limited (IND-L)

which was created for the I6 zone. The Industrial – Limited Future Land Use (IND-L) designation was established in 2011 after public consultation associated with the 2030 OCP review. The IND-L designation and the I6 zone allow for a range of low-impact industrial land uses that are intended to act as a transition between the general industrial areas to the south and east and the rural residential areas to the north and west. The permitted uses, development regulations, screening requirements, parking restrictions, outdoor storage restrictions, and other regulations in the I6 zone are designed to mitigate impact of the industrial uses on nearby residential, rural and agricultural properties in this area.

#### **4.0 Proposal**

##### **4.1 Background**

An application to rezone the property was originally submitted on May 1, 2018. Initial Consideration of the Rezoning Bylaw was on May 13, 2019 and Public Hearing, 2<sup>nd</sup> & 3<sup>rd</sup> readings followed two weeks later, on June 4, 2019.

After the Public Hearing, the subject property was sold to a new owner. During this time, the new owner has met the Development Engineering servicing requirements. This included entering into a service agreement and providing \$222,170.00 security for the upgrades and construction of both Sexsmith and Palomino Roads and the sewer connection for the area. A Technical Subdivision application has been completed for the 5.0 m road dedication along the parcel frontage of Sexsmith Road.

While working to meet these requirements, the new owner inadvertently allowed the Rezoning Bylaw to lapse, as an application requesting a one-year extension of the Rezoning Bylaw was not submitted. Due to this oversight, the previous 2<sup>nd</sup> and 3<sup>rd</sup> readings of Bylaw No. 11832 were rescinded and a new application was required.

There are no changes to the application and the new owner wishes to complete the Rezoning of the site in order to bring the existing use into conformity. The owner would like to continue to utilize the site for outdoor storage, which is a principal use allowed within the I6 – Low-Impact Transitional Industrial zone.

##### **4.2 Project Description**

The existing tenant will be relocating to a new property. Once this occurs, the current landowner will proceed with the redevelopment of the site. In anticipation of this, a direct development permit has been submitted for staff review and consideration. As the proposal meets the Zoning Bylaw regulations and no variances will be required, the proposal will not come before Council for consideration.

The development regulations, screening requirements, parking and outdoor storage restrictions in the I6 zone are designed to reduce impacts to the nearby residential, rural and agricultural uses in the area.

The parcel owner along with their consultants have been working with Planning Staff to achieve a development plan that balances the provision of sufficient perimeter landscape buffering while maximizing the useable site area for the Outdoor Storage use.

##### **4.3 Site Context**

The subject property is located within the Arab/Appaloosa area. The site is designated as Industrial – Limited (IND -L) in the OCP and the parcel is within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning   | Land Use                              |
|-------------|--|---------------------------------------|
| North       | A1 -Agriculture  | Agricultural/ Industrial/ Residential |
| East        | I6 – Low Impact Transitional Industrial                    | Industrial                            |
| South       | I2 – General Industrial                                    | Industrial                            |
| West        | A1 – Agriculture & I6 – Low Impact Transitional Industrial | Agricultural/ Industrial/ Residential |

**Subject Property Map: 3130 Sexsmith Road**



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5 Development Process Chapter

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

Policy 1 – Rezoning to Industrial. Consider allowing land not currently designated as industrial to be supported for an Official Community Plan amendment and subsequent rezoning to allow industrial uses provided that such a rezoning would be consistent with other Official Community Plan policies, provided that available municipal infrastructure can support the use, and provided that the industrial use would be compatible with existing and proposed future surrounding uses. Compatibility issues to consider include, but are not limited to, visual impact, noise, odour, hours of operation, pollution and traffic.

Objective 5.29 Ensure efficient use of industrial land supply

Policy 2 - Secondary Housing in Light Industrial Areas. Consider the limited expansion of housing as a secondary use within industrial buildings in light or transitional industrial areas.

## **6.o Application Chronology**

|   |                |
|---|----------------|
| Date of Application Received:                                       | May 1, 2018    |
| Date of Public Consultation:  | April 27, 2018 |
| Date of Initial Consideration by Council:                           | May 13, 2019   |
| Date of Public Hearing, 2 <sup>nd</sup> & 3 <sup>rd</sup> Readings: | June 4, 2019   |
| Date of Rescindment of Bylaw 11832:                                 | June 21, 2021  |

**Report prepared by:** Lydia Korolchuk, Planner Specialist

**Reviewed by:** Jocelyn Black, Urban Planning & Development Policy Manager

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

### **Attachments:**

Schedule A: Development Engineering Memo dated May 2<sup>nd</sup> 2018

Attachment A: Landscape Plan