

# REPORT TO COUNCIL



**Date:** May 15, 2017

**RIM No.** 1250-20, 1250-30

**To:** City Manager

**From:** Community Planning Department (TB)

**Application:** OCP16-0021  
Z16-0072

**Owner:** o802333 BC Ltd., Inc. No.  
BCo802333

**Address:** 2800 Hwy 97 N

**Applicant:** Stephen M. St Paul Butler

**Subject:** Official Community Plan Amendment and Rezoning Application

Existing OCP Designation: REP – Resource Protection Area

Proposed OCP Designation: IND – Industrial

Existing Zone: A1 – Agriculture

Proposed Zone: I2 – General Industrial

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## 1.0 Recommendation

THAT Official Community Plan Bylaw Amendment Application No. OCP16-0021 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 1 District Lots 124 and 143 ODYD Plan KAP83915 Except Plan KAP84828 and EPP57498, located at 2800 Hwy 97 N, Kelowna, BC from the REP – Resource Protection Area designation to the IND - Industrial designation as shown on Map "A" attached to the Report from the Community Planning Department dated May 15, 2017, be considered by Council;

AND THAT Rezoning Application No. Z16-0072 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 1 District Lots 124 and 143 ODYD Plan KAP83915 Except Plan KAP84828 and EPP57498, located at 2800 Hwy 97 N, Kelowna, BC from the A1 – Agriculture 1 zone to the I2 – General Industrial zone as shown on Map "B" attached to the Report from the Community Planning Department dated May 15, 2017, be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment and Zoning Bylaw Amendment be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated May 15, 2017;

AND FURTHER THAT final adoption of the Official Community Plan Bylaw Amendment and Zoning Bylaw Amendment be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated May 10, 2017.

## **2.0 Purpose**

To consider an Official Community Plan Amendment and Rezoning application to amend the Future Land Use designation to IND - Industrial and rezone a portion of the property to I2 – General Industrial.

## **3.0 Community Planning**

Community Planning supports the proposed Official Community Plan Amendment and Rezoning application as it is consistent with the use of the property and will allow the entire property to fall under one designation. The subject property is not developable under the existing A1 - Agriculture zone due to an irregularly shaped and narrow lot.

## **4.0 Proposal**

### **4.1 Background**

The subject property is a narrow remnant parcel that is flanked by the previous CN Rail line and Highway 97 N. It has a split zone between I2 – General Industrial and A1 – Agriculture. The Future Land Designation for the entire property is REP – Resource Protection Area, and it is not located within the Agricultural Land Reserve. It is currently used for outdoor storage with a small construction office located on the Industrial portion of the land. Ministry of Transportation and Infrastructure recently required a highway dedication along the entire length of the property, causing the lot to become even narrower.

### **4.2 Project Description**

The proposed OCP Amendment and subsequent rezoning would allow the whole subject property to be one zone, I2 – General Industrial instead of split-zoned. This is consistent with the current use of the property which is outdoor storage. The recent land acquisition by Ministry of Transportation and Infrastructure to widen Highway 97 N resulted in 2 permanent access points for the subject property, as well as a sewer connection and boulevard improvements. Under the current zoning of A1 – Agriculture, the property is not developable due to large setbacks in the zone. The property is not located in the Agricultural Land Reserve, and due to the irregular shape it is not suitable for Agriculture.

The property is flanked by the old CN Rail line, now known as Rails with Trails on the west, and Highway 97 N on the east. This makes it suitable for industrial use and development. At this time the applicant has no plans for development. Some potential future uses include automotive sales, commercial storage, contractor services, equipment rentals, food primary establishments, service stations, and others.

Other zones in the nearby vicinity include C10 – Service Commercial, C3 – Community Commercial, A1 – Agriculture, and I2 – General Industrial.

The applicant completed Neighbourhood Consultation in accordance with Council Policy #367 in September 2016, and completed the Public Information Session for a major OCP Amendment on April 1, 2017. Staff have reviewed the application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

#### 4.3 Site Context

The subject property is located in the Highway 97 City Sector, north of McCurdy Road. It is flanked by the Rails with Trails property and Highway 97 N. It is near Mill Creek and any future development would be required to adhere to any riparian setbacks and floodplain requirements.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Automotive Centre
East	C3 – Community Commercial	Shopping Centre
South	A1 – Agriculture/ I2 – General Industrial	Vacant/ Automobile Dealership
West	A1 - Agriculture	Rails with Trails

**Subject Property Map: 2800 Hwy 97 N**



#### 5.0 **Current Development Policies**

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

##### **Development Process**

**Industrial Land Use Intensification.**<sup>1</sup> Encourage more intensive industrial use of currently under-utilized industrial sites during site redevelopment or by permitting lot subdivision where new lots can meet the minimum lot size requirements of the Zoning Bylaw.

**Industrial Supply Protection.**<sup>2</sup> Protect existing industrial lands from conversion to other land uses by not supporting the rezoning of industrial land to preclude industrial activities unless there are environmental reasons for encouraging a change of use.

## **6.o Application Chronology**

Date of Application Received: October 26, 2016

Date Public Consultation Completed: September 2016

Date of Public Information Session: April 1, 2017

**Report prepared by:** Trisa Brandt, Planner

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

### **Attachments:**

Map "A": Official Community Plan Amendment

Map "B": Zoning Amendment

Schedule "A": Memorandum dated November 1, 2016

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<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.29.1 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.30.1 (Development Process Chapter).