

**CITY OF ENDERBY  
REZONING APPLICATION**

**AGENDA**

**File No: 0006-24-RZ-END**

**September 12, 2024**

---

**APPLICANT:** Beverley Humphrey

**OWNER:** GTI Petroleum (B.C.) Ltd.

**LEGAL DESCRIPTIONS:** i) NORTHERLY PORTION OF LOT 2 DISTRICT LOT 150 KAMLOOPS DIVISION YALE DISTRICT PLAN 1876 HAVING A UNIFORM WIDTH OF 60 FEET FRONTING EVERGREEN AVENUE AND EXTENDING THE FULL DEPTH OF SAID LOT AND ADJOINING LOT 1 PLAN 1876

ii) LOT 1 DISTRICT LOT 150 KAMLOOPS(FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 12563

iii) LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 12563

**PID #(s):** 011-083-638  
009-483-837  
009-483-861

**LOCATION:** 1600 George Street, Enderby BC  
1602 George Street, Enderby BC  
1604 George Street, Enderby BC

**PROPERTY SIZES:** 1600 George Street – 1,427.2 m<sup>2</sup> (15,362 square feet)  
1602 George Street – 713.8 m<sup>2</sup> (7,683 square feet)  
1604 George Street – 780.7 m<sup>2</sup> (8,403 square feet)

**PRESENT ZONING:** Residential Single Family (R.1-A)

**PROPOSED ZONING:** Highway and Tourist Commercial (C.2)

**OCP DESIGNATION:** Highway and Tourist Commercial

**PROPOSAL:** Rezone the properties to enable the future commercial development of the sites and legalize an existing non-conforming use (commercial parking lot)

## **RECOMMENDATION:**

THAT City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1802, 2024 which proposes to rezone the properties legally described as: i) NORTHERLY PORTION OF LOT 2 DISTRICT LOT 150 KAMLOOPS DIVISION YALE DISTRICT PLAN 1876 HAVING A UNIFORM WIDTH OF 60 FEET FRONTING EVERGREEN AVENUE AND EXTENDING THE FULL DEPTH OF SAID LOT AND ADJOINING LOT 1 PLAN 1876, and located at 1600 Evergreen Street, Enderby BC, ii) LOT 1 DISTRICT LOT 150 KAMLOOPS(FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 12563, and located at 1602 Evergreen Street, Enderby BC, and iii) LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 12563, and located at 1604 Evergreen Street, Enderby BC, from the Residential Single Family (R.1-A) zone to the Highway and Tourist Commercial (C.2) zone, be given First and Second Reading and forwarded to a Public Hearing.

## **BACKGROUND:**

This report relates to a Rezoning Application for the properties located at 1600, 1602 and 1604 Evergreen Street, Enderby BC. The applicant is proposing to rezone the properties from the Residential Single-Family (R.1-A) zone to the Highway and Tourist Commercial (C.2) zone, in order to enable the future commercial development of the sites and legalize an existing non-conforming use (commercial parking lot).

### Site Context

1602 and 1604 Evergreen Street are located on the west side of Evergreen Street and have areas of 713.8 m<sup>2</sup> (7,683 square feet) and 780.7 m<sup>2</sup> (8,403 square feet), respectively. 1600 Evergreen Street has frontage on both Evergreen Street and George Street (Highway 97A) and has an area of 1,427.2 m<sup>2</sup> (15,362 square feet). The properties are relatively flat and do not have any buildings on them. 1602 and 1604 Evergreen Street are currently being used as a gravel parking lot for the adjacent commercial business to the north, which is not a permitted use within the Residential Single Family (R.1-A) zone.

The Zoning and OCP designations of the subject property and surrounding properties are as follows:

- Subject and south properties - Zoned Residential Single Family (R.1-A) and designated in the OCP as Highway and Tourist Commercial
- North and northwest properties - Zoned Highway and Tourist Commercial (C.2) and designated in the OCP as Highway and Tourist Commercial
- West property – Zoned Residential Single Family (R.1-A) and designated in the OCP as Residential Medium Density
- East property – Zoned Transportation Corridor (S.2) and designated in the OCP as Transportation Corridor

The following figure shows the zoning designations of the subject and surrounding properties:



Figure 1. Zoning Map

- Yellow – Residential Single Family (R.1-A)
- Green – Highway and Tourist Commercial (C.2)
- Purple – Transportation Corridor (S.2)

The following orthophoto of the subject and surrounding properties was taken in 2024:



Figure 3: Orthophoto

**\*\*NOTE:** The property lines shown above are not an accurate representation of their true locations and are intended for display purposes only.

### The Proposal

The applicant is proposing to rezone the properties from the Residential Single-Family (R.1-A) zone to the Highway and Tourist Commercial (C.2) zone, in order to enable the future commercial development of the sites; at this time, the applicant has not yet determined what that the specific future commercial use(s) will be. The applicant is proposing to continue to use 1602 and 1604 Evergreen Street as a parking lot for the

adjacent commercial business to the north (Sutherlands Bakery/GTI Petroleum), until such time as the applicant is ready to develop the properties to a more intensive commercial use.

**ZONING BYLAW:**

The subject property is zoned Residential Single-Family (R.1-A) and uses within this zone include:

- Accessory residential
- Restricted agricultural use
- Single family dwellings
- Two family dwellings
- Three family dwellings
- Four family dwellings
- Attached secondary suites
- Detached secondary suites
- Bed and breakfasts
- Civic and public service use
- The keeping of backyard hens
- The keeping of backyard bees

Uses permitted within the proposed Highway and Tourist Commercial (C.2) zone include:

- Accessory buildings and structures
- Accommodation including apartments, dwelling units, hotels and motels
- Civic and public service use
- Auditoriums, youth centres, and social halls
- Food service including coffee shops, dairy bars, restaurants, bakeries, butcher shops, caterers, and fish shops
- Retail sales and service for: automobiles, farm equipment, boats, mobile homes, trucks, recreation vehicles, motorcycles, and sporting goods
- Retail sales including servicing where applicable: confectionery stores, flowers, fruit, plants, produce, nurseries, green houses, tire shops, wine and beer shops, appliances, beverages, bicycles, electronic equipment, furniture, garden supplies, glass, hardware, paint, pets, pet food, plants, animal beauty parlours, bakery shops, hairdressers, locksmith shops, optical shops, shoe repair, tailor shops, and watch repair
- Service - repair and rental: service stations, garages for automobile service and repairs, mini storage facilities, car washes, petroleum distribution, costume rentals, and video rentals
- Transportation facilities including commercial parking lots, passenger transportation depots, taxi dispatch offices, and weigh scales
- Retail sales of beer, wine and liquor
- Educational facilities and professional studios including art studios, business colleges, dance studios, music studios, photography studios, radio studios, television studios, and trade schools
- Entertainment and recreation facilities including arcades, billiard halls, bowling alleys, drive-in clubs, sports clubs, and sports facilities

- Office and commerce facilities and accommodations for engineers, funeral homes, land surveyors, management companies, mortuaries, newspapers, publishing, real estate, surveyors, veterinarians, massage therapy clinics, dentists, doctors, and any other professional office
- Cannabis-Related Business

As previously mentioned, the current use of 1602 and 1604 Evergreen Street as a parking lot for the commercial property to the north is not permitted under the R.1-A zoning designation. Although a successful rezoning of the properties to the C.2 zone would make the existing parking lot use lawful, the property owner would still need to complete certain works (i.e. paving/curbing the parking lot, connecting or consolidating the subject lots with the neighbouring commercial lot to the north), or alternatively seek variances through a separate Development Variance Permit application, in order to bring the parking lot use into compliance with the Zoning Bylaw.

#### **OFFICIAL COMMUNITY PLAN:**

Policies contained within the Official Community Plan which apply to this development include:

- Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.
- Policy 3.3.h - Council will utilize the development approval process, including Phased Development Agreements, to secure an adequate supply of quality affordable, attainable and special needs housing which meets the needs of all residents of the community, regardless of age, mobility, background or socio-economic status.
- Policy 4.4.c - Council will encourage and support a spectrum of housing choices throughout the community, including secondary suites, in order to meet the diverse housing needs of residents.
- Policy 12.3.c - Council encourages and supports creative and innovative infilling, development, redevelopment and renovation of existing buildings in order to maintain a strong focus on commercial activity in commercial areas.

#### **SUBDIVISION SERVICING AND DEVELOPMENT BYLAW**

In addition to having the ability to require off-site improvements as a condition of building permit issuance or subdivision approval, municipalities have the authority to require off-site improvements as a condition of rezoning. Historically, the City of Enderby has not required off-site improvements as a condition of rezoning, given that it is quite common for rezoning applications to be made without having a firm development proposal or site plan in place (as is the case for the subject application), therefore the impacts of the proposed development are not fully known. Furthermore, it is common for development plans to change over time, which could result in the City under-collecting or over-collecting for off-site improvements as a condition of rezoning. Given this, the City will consider the requirement for off-site improvements as a condition of a future building permit issuance or subdivision approval, at which point the City will have a better understanding of the extent of the proposed development of the subject properties and the potential impacts to the City's infrastructure.

## **REFERRAL COMMENTS:**

The application was referred to the following individuals/agencies:

- City of Enderby Public Works Manager;
- Building Inspector;
- Fire Chief;
- Ministry of Transportation and Infrastructure.

The following comments were received in response to the application

### Ministry of Transportation and Infrastructure

*The Ministry has reviewed the above noted rezoning referral. The proposed future development is unknown, and it is difficult to determine if the Ministry requires offsite works to mitigate the impact of future development traffic. Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the Transportation Act, subject to the following conditions:*

- 1. Provision of a suitably worded covenant, registered in favor of His Majesty the King in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure, stating that no development is to occur, beyond what is reasonable for the current use, without approval of the Ministry of Transportation and Infrastructure.*
- 2. In the absence of a Controlled Highway Access Permit for 1605 George Street, it is noted that an application and permit will be necessary for any existing and proposed driveway/entrance fronting Highway 97A. The landowner is encouraged to apply online.*

*The Ministry also appreciates the opportunity to provide comments on the proposed changes to the OCP. No approval is required from the Ministry, however, depending upon future development any concerns will be addressed at the time of proposal(s).*

No other comments were received in response to the referral.

## **PLANNING ANALYSIS:**

The City of Enderby Planner raises no objections to the applicant's request to rezone the properties from the Residential Single-Family (R.1-A) zone to the Highway and Tourist Commercial (C.2) zone, in order to enable the future commercial development of the sites. Upon consideration of input received at a Public Hearing, it is recommended that Council support the application for the following reasons:

- The City of Enderby has a finite amount of commercial land, and a commercial land use is the highest and best use of the properties; the proposal would enable an increase in commercial activity, which would result in significant economic development benefits to the broader community;
- The City's Official Community Plan supports the future commercial development of the tract of residentially zoned properties between Evergreen Street and George Street (Highway 97A), including the subject properties;

- Under the current zoning designation of Residential Single Family (R.1-A), the maximum number of dwelling units that can be developed on each property is 4, giving the properties a combined residential density potential of 12 units. However, the proposed Highway and Tourist Commercial (C.2) zone permits residential dwelling units to occur above or behind a principal commercial use, to a maximum gross density of 60 units per hectare (24.28 units per acre). Given the properties' combined area of 0.292 hectares, if the properties were to be rezoned to the C.2 zone, the combined residential density potential of the properties would be increased to 17 dwelling units; given this, the proposal is consistent with the objectives of the City of Enderby Housing Needs Assessment Report related to increasing the availability of housing within the community.

As described by the Ministry of Transportation and Infrastructure in its referral comments above, the Ministry's approval of the rezoning bylaw is subject to the applicant satisfying two conditions. Should Council give First and Second Readings to the bylaw and forwards it to a public hearing, and then gives the bylaw third reading following the conclusion of the public hearing, the City will not be able to adopt the bylaw until such time as the applicant has satisfied the Ministry's conditions and the Ministry has endorsed the bylaw.

#### **SUMMARY**

This report relates to a Rezoning Application for the properties located at 1600, 1602 and 1604 Evergreen Street, Enderby BC. The applicant is proposing to rezone the properties from the Residential Single-Family (R.1-A) zone to the Highway and Tourist Commercial (C.2) zone, in order to enable the future commercial development of the sites and legalize an existing non-conforming use (commercial parking lot).

The City of Enderby Planner is supportive of the application.

---

**Prepared By:**



---

Kurt Inglis, MCIP, RPP  
Planner

**Reviewed By:**



---

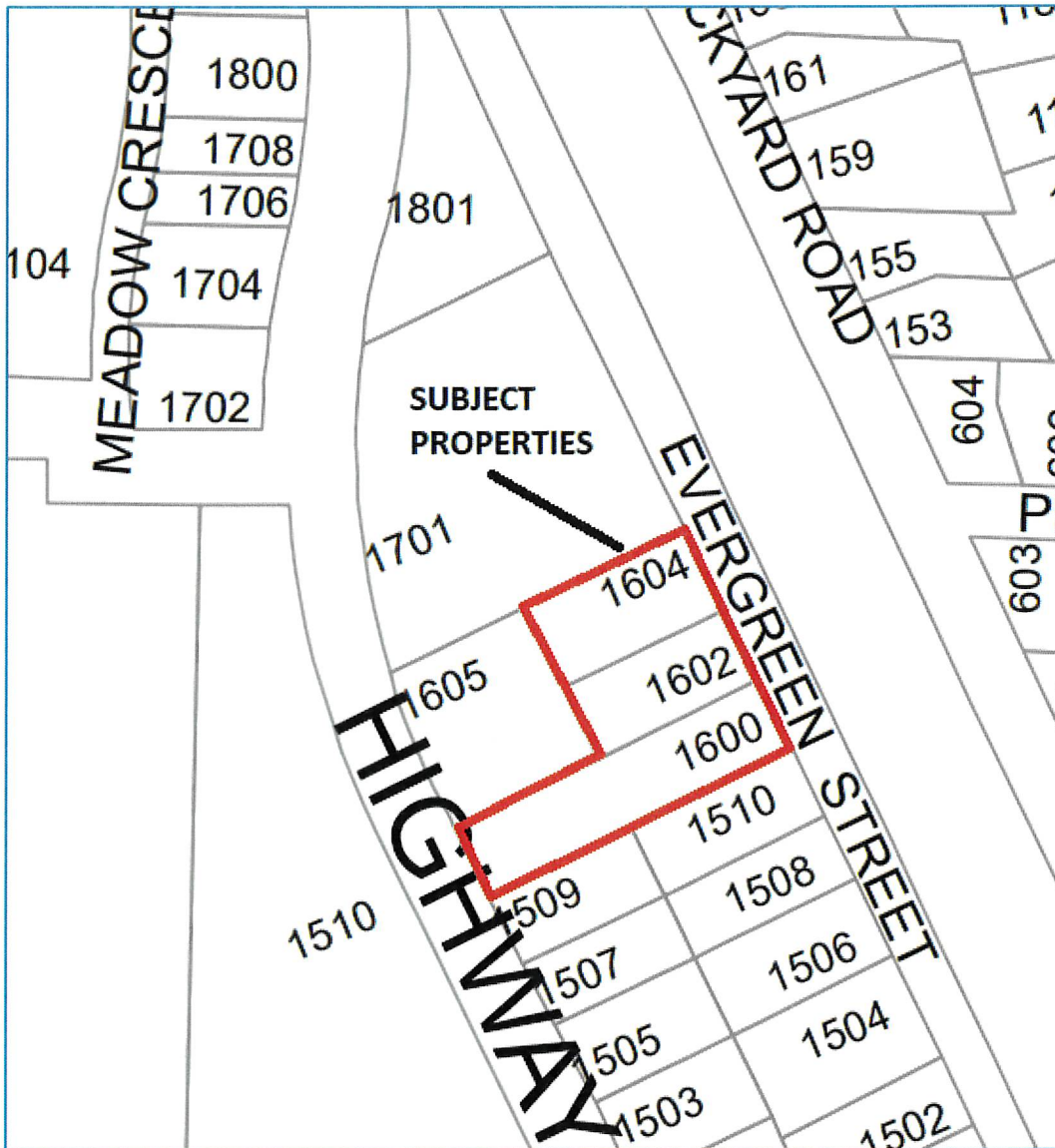
Tate Bengtson  
Chief Administrative Officer



THE CORPORATION OF THE CITY OF ENDERBY  
REZONING APPLICATION  
SUBJECT PROPERTY MAP

File: 0006-24-RZ-END (GTI Petroleum)  
Applicant: Beverley Humphrey  
Owners: GTI Petroleum (B.C.) Ltd.  
Location: 1600, 1602, 1604 Evergreen Street

---



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1802

A BYLAW TO AMEND THE CITY OF ENDERBY ZONING BYLAW NO. 1550, 2014

---

WHEREAS pursuant to Section 479 of the *Local Government Act*, Council of the City of Enderby may, by bylaw, divide the whole or part of the City of Enderby into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS Council has created zones, named each zone, established boundaries for those zones and regulated uses within those zones by Bylaw No. 1550, cited as "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

WHEREAS Council of the City of Enderby has determined to make an amendment to "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1802, 2024".
2. The zoning designation of the property legally described as NORTHERLY PORTION OF LOT 2 DISTRICT LOT 150 KAMLOOPS DIVISION YALE DISTRICT PLAN 1876 HAVING A UNIFORM WIDTH OF 60 FEET FRONTING EVERGREEN AVENUE AND EXTENDING THE FULL DEPTH OF SAID LOT AND ADJOINING LOT 1 PLAN 1876, and located at 1600 Evergreen Street, Enderby BC, is hereby changed from the *Residential Single Family (R.1-A) zone* to the *Highway and Tourist Commercial (C.2) zone*.
3. The zoning designation of the property legally described as LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 12563, and located at 1602 Evergreen Street, Enderby BC, is hereby changed from the *Residential Single Family (R.1-A) zone* to the *Highway and Tourist Commercial (C.2) zone*.
4. The zoning designation of the property legally described as LOT 2 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 12563, and located at 1604 Evergreen Street, Enderby BC, is hereby changed from the *Residential Single Family (R.1-A) zone* to the *Highway and Tourist Commercial (C.2) zone*.

READ a FIRST time this day of , 2024.

READ a SECOND time this day of , 2024.

Public notice provided in an edition of the local/regional print newspaper on the day of , 2024 and posted on the City of Enderby website on the day of , 2024, and a Public Hearing held pursuant to the provisions of Section 464 of the *Local Government Act* on the day of , 2024.

READ a THIRD time this day of , 2024.

Approved pursuant to section 52(3)(a) of the *Transportation Act*  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
for Minister of Transportation & Infrastructure

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER