

AGENDA

CITY OF ENDERBY
OFFICIAL COMMUNITY PLAN AMENDMENT AND REZONING APPLICATION

File No: 0016-24-OR-END

September 12, 2024

APPLICANT: Beverley Humphrey

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

LEGAL DESCRIPTION: LOT 4 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 12563

PID #(s): 009-483-853

LOCATION: 1605 George Street, Enderby BC

PROPERTY SIZE: 1,426.3 m² (15,353 square feet)

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

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

PRESENT O.C.P DESIGNATION: Residential Medium Density

PROPOSED O.C.P DESIGNATION: Highway and Tourist Commercial

PROPOSAL: Change the OCP future land use designation and zoning designation of the property to enable a future commercial development on the site

RECOMMENDATION:

THAT City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1800, 2024 which proposes to change the future land use designations of the property legally described as LOT 4 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 12563, and located at 1605 George Street, Enderby BC, from *Residential Medium Density* to *Highway and Tourist Commercial*, be given First Reading;

AND THAT after First Reading of City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1800, 2024 and in accordance with Sections 473 (2.1) and 477 of the *Local*

Government Act, Bylaw No. 1800 be considered in conjunction with the City's Housing Needs Assessment Report, Financial Plan, and Regional Solid Waste Management Plan;

AND THAT after considering City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1800, 2024 in conjunction with the City's Housing Needs Assessment Report, Financial Plan, and Regional Solid Waste Management Plan, Bylaw No. 1800 be given Second Reading and forwarded to a Public Hearing;

AND THAT the referral process which requests that various authorities and organizations review the amendments proposed by City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1800, 2024, as outlined in this Staff Report, be considered appropriate consultation for the purposes of Sections 475 and 476 of the *Local Government Act*;

AND FURTHER THAT City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1801, 2024 which proposes to rezone the property legally described as LOT 4 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 12563, and located at 1605 George 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 Joint Official Community Plan Amendment and Rezoning Application for the property located at 1605 George Street, Enderby BC. The applicant is proposing to change the Official Community Plan (OCP) designation for the subject property from *Residential Medium Density* to *Highway and Tourist Commercial* and to rezone it 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 property.

Site Context

The relatively flat property is 1,426.3 m² (15,353 square feet) in size and is located on the east side of George Street (Highway 97A). A one-storey single family dwelling, built in 1963, is located in the central portion of the property. Access to the property is gained via a paved driveway off of George Street (Highway 97A).

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

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

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

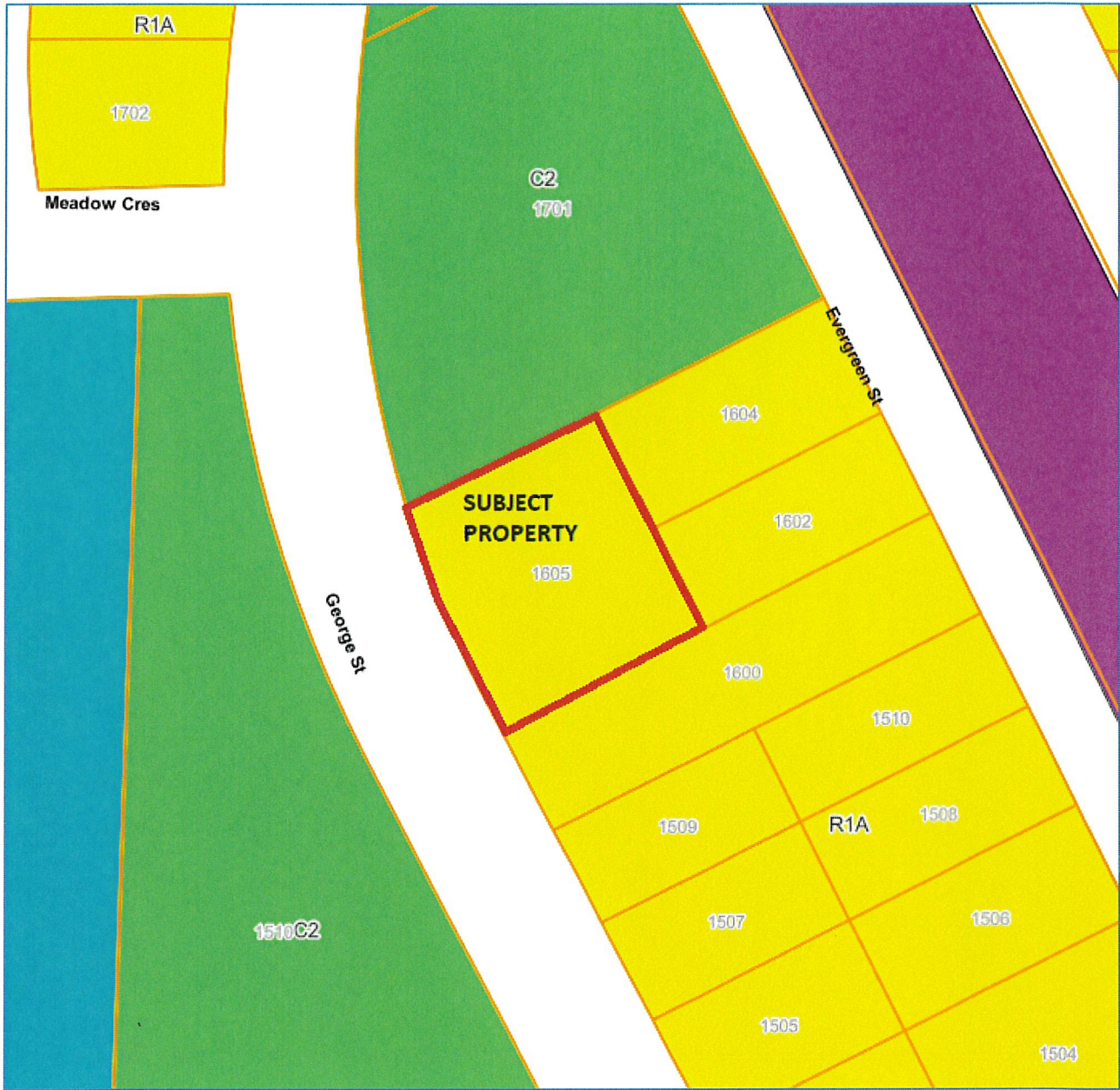


Figure 1. Zoning Map

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

The following figure shows the OCP future land use designations of the subject and surrounding properties:



Figure 2. OCP Future Land Use Designations

Orange – Residential Medium Density
Yellow – Residential Low Density
Green – Highway and Tourist Commercial
Blue – Transportation Corridor

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 change the OCP designation for the subject property from *Residential Medium Density* to *Highway and Tourist Commercial* and to rezone it 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 property. At this time, the applicant has not yet determined what the specific future commercial use(s) will be. Should the applicant be successful in their application, the existing single-family dwelling would be deemed 'legally non-conforming' (i.e. grandfathered) and would be subject to the provisions contained in Division 14 of Part 14 of the *Local Government Act*. Under Division 14 of Part 14 of

the *Local Government Act*, a legally non-conforming use is permitted to continue but is subject to a number of restrictions, including:

- Section 530 - Does not authorize the non-conforming use of land to be continued on a scale or to an extent or degree greater than that at the time of the adoption of the land use regulation bylaw.
- Section 531 - A structural alteration or addition must not be made in or to a building or other structure while a non-conforming use is continued in all or any part of it, unless i) required by enactment, ii) permitted by the Board of Variance, or iii) is done to a protected heritage property through a heritage alteration permit.
- Section 532 - If the building associated with a legally non-conforming use is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the building inspector, the structure must not be repaired or reconstructed except for a conforming use in accordance with the bylaw.

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

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. It should be noted that given that the subject property only fronts an arterial highway under jurisdiction of the Ministry of Transportation, the City's consideration of the requirement for off-site improvements would be limited to the extent to which the proposed development impacts municipal infrastructure (i.e. water, sanitary or storm sewer infrastructure within the highway right of way).

HOUSING NEEDS REPORT

As per Section 473 (2.1) of the *Local Government Act*, when a local government is amending its OCP in relation to statements or map designations relating to the location, amount, type and density of residential development required to meet anticipated housing needs, the local government must consider its most recently received Housing Needs Report. The City of Enderby received its first Housing Needs Report at the Regular Council Meeting of November 2, 2020, which can be accessed through the following link:

<https://www.cityofenderby.com/enderby-housing-needs-assessment-report/>

An overview of how the proposal relates to the outcomes of the Housing Needs Assessment Report is provided in the Planning Analysis section of this report.

REGIONAL SOLID WASTE MANAGEMENT PLAN

As per Section 477 (3)(a) of the *Local Government Act*, after giving first reading to an OCP amendment bylaw a local government must consider the bylaw in conjunction with any waste management plan under Part 3 [Municipal Waste Management] of the *Environmental Management Act* that is applicable in the municipality. Below is a link to the Regional District of North Okanagan Solid Waste Management Plan which is applicable to the City of Enderby:

https://www.rdno.ca/sites/default/files/2021-04/180620_RDNO_SWMPUpdate_Final.pdf

The application was referred to the Regional District of North Okanagan Manager of Regional Engineering Services, as discussed below

REFERRAL COMMENTS:

The application was referred to the following individuals/agencies:

- City of Enderby Public Works Manager;
- City of Enderby Chief Financial Officer;
- Building Inspector;
- Fire Chief;
- Regional District of North Okanagan Manager of Regional Engineering Services; and
- Ministry of Transportation and Infrastructure.

The following comments were received in response to the application:

City of Enderby Chief Financial Officer

The application raises no concerns regarding the City's Financial Plan.

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 change the OCP designation for the property from *Residential Medium Density* to *Highway and Tourist Commercial* and to rezone it from the Residential Single-Family (R.1-A) zone to the Highway and Tourist Commercial (C.2) zone. Upon consideration of input received at a Public Hearing, it is recommended that Council approve the application for the following reasons:

- The City of Enderby has a finite amount of commercial land, particularly along the highway corridor which has a strong potential for intensive commercial development; the proposal would enable an increase in commercial activity, which would result in significant economic development benefits to the broader community;
- The proposed OCP future land use designation of *Highway and Tourist Commercial* for the subject property is consistent with the OCP designations of all surrounding properties, with the OCP envisioning this tract of land between Evergreen Street and George Street as a highway and tourist commercial corridor;
- The subject property and neighbouring properties to the east and south are all under the same ownership, and the neighbouring properties are also proposed to have their zoning designations

changed in support of future commercial development; this creates the potential for the properties to be consolidated, which would result in the creation of a large commercial lot which would have the potential for a very intensive commercial highway development;

- Although the proposal would eliminate the potential for a significant, *standalone* multi-family development on the property, there would still be the potential for significant residential development on the site, given that the Highway and Tourist Commercial (C.2) zone supports mixed-use development; the C.2 zone allows for dwelling units to be located above or behind a principal commercial use, with residential densities up to 60 units per hectare (which is the same residential density allowances as the City's most intensive multi-family residential zone), therefore the proposal would be consistent with the objectives of the City of Enderby Housing Needs Assessment Report related to increasing the availability of housing within the community; and
- Given the scarcity of commercial property with highway frontage, there are other more appropriate areas upon which to focus residential development 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 Joint Official Community Plan Amendment and Rezoning Application for the property located at 1605 George Street, Enderby BC. The applicant is proposing to change the Official Community Plan (OCP) designation for the subject property from *Residential Medium Density* to *Highway and Tourist Commercial* and to rezone it 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 property.

The City of Enderby Planner is supportive of the application.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner

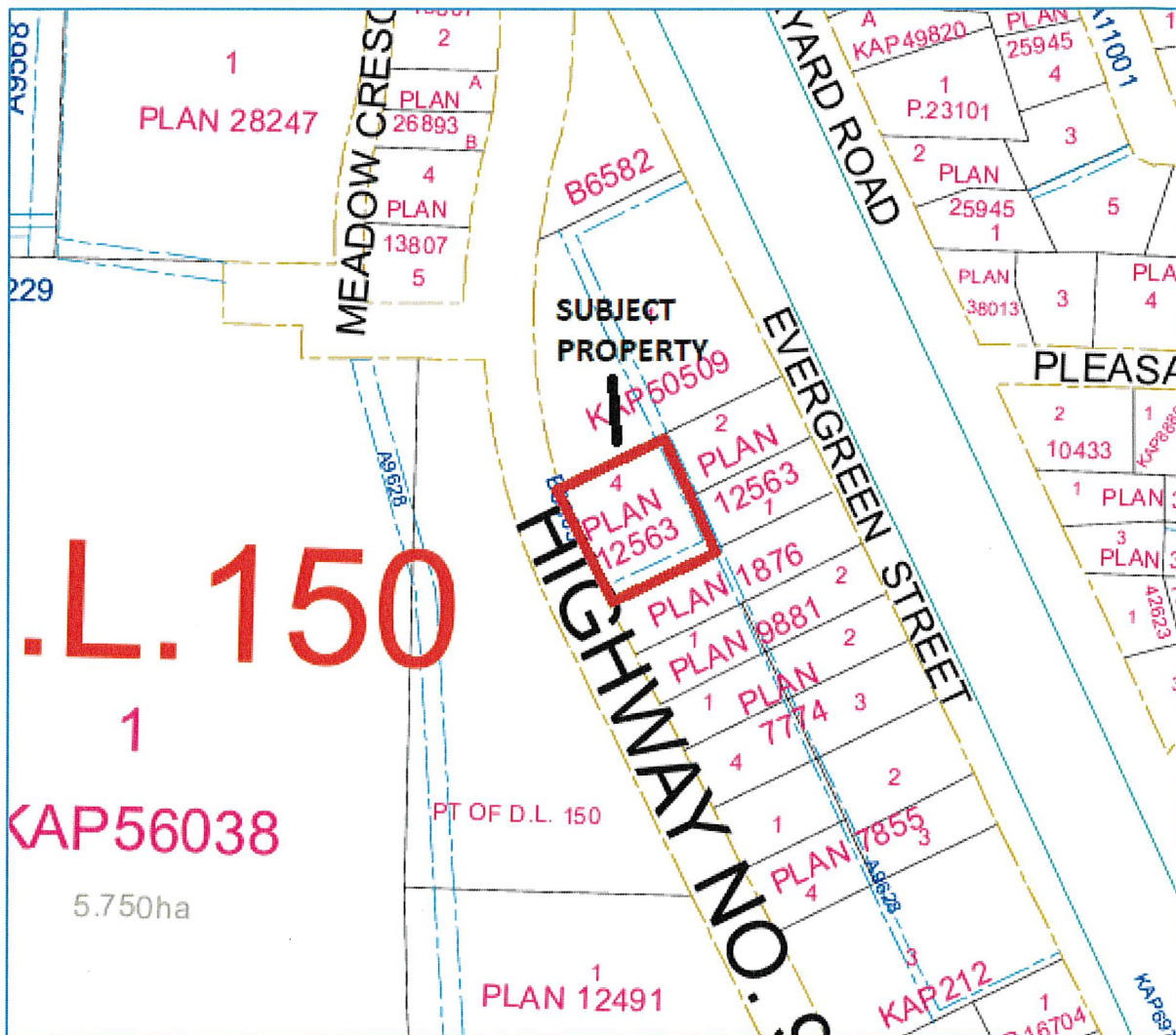
Reviewed By:



Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY
JOINT OFFICIAL COMMUNITY PLAN AMENDMENT AND REZONING APPLICATION
SUBJECT PROPERTY MAP

File: 0016-24-OR-END
Applicant: Beverley Humphrey
Owner: GTI Petroleum (B.C.) Ltd.
Location: 1605 George Street, Enderby BC



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1800

A BYLAW TO AMEND THE CITY OF ENDERBY OFFICIAL COMMUNITY PLAN BYLAW NO.
1549, 2014

WHEREAS Council of the City of Enderby has determined to make an amendment to "City of Enderby Official Community Plan Bylaw No. 1549, 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 Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1800, 2024".
2. The future land use designation of the property legally described as LOT 4 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 12563 and located at 1605 George Street, Enderby BC is hereby changed from *Residential Medium Density* to *Highway and Tourist Commercial*.

READ a FIRST time this day of , 2024.

READ a SECOND time this day of , 2024.

Advertised 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.

ADOPTED this day of , 2024.

MAYOR

CORPORATE OFFICER

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1801

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. 1801, 2024".
2. The zoning designation of the property legally described as LOT 4 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 12563 and located at 1605 George 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