

Request for Decision



To: Regular Meeting

From: **Development & Planning**

Date: July 11, 2022

Subject: First and Second Readings to Zoning Bylaw Amendment Bylaw No.2039-A24, and OCP Amendment Bylaw No. 2089-A1 for 1980 68th Ave.

Recommendation: **THAT Council gives first and second readings to Zoning Bylaw Amendment Bylaw No. 2039-A24.**

THAT Council gives first and second readings to the Official Community Plan Amendment Bylaw No. 2089-A1.

Purpose

For Council to review information on a proposed land use change requiring amendments to the Zoning Bylaw and Official Community Plan to allow “Moving vehicle and equipment rental” on the subject parcel located at 1980 68th Ave and legally described as PARCEL E (BEING A CONSOLIDATION OF LOTS 1 AND 2, SEE CA2726529) BLOCK 18 DISTRICT LOT 380 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 35 PID 028-897-731.

Background

On April 8th, 2022, Staff received an application for rezoning to accommodate the storage and rental of U-Haul trucks, trailers and other related equipment at 1980 68th Avenue. The equipment would be a mix of vehicles and trailers (for example, <https://www.uhaul.com/Truck-Rentals/> and <https://www.uhaul.com/Trailers/>.) The proposed layout is included in Figure 1 below.

Staff review of relevant bylaws indicated that amendments would be required to both the Official Community Plan (OCP) and Zoning Bylaw, in addition to future decisions regarding the Development Permit, business licence and other matters. This would be a significant change in land use because the proposed use is normally only permitted in industrial and highway commercial zones.

Official Community Plan

The land use designation in the 2022 OCP is “Neighbourhood Node” (Section 3.2), which supports the evolution of a higher density mixed-use area mainly servicing the growing neighbourhood around it. The intent in Section 3.2 specifies that commercial use in Neighbourhood Nodes is “small-format commercial/retail for daily needs”. The key policy about commercial use in Neighbourhood Nodes is 3.2.6:

“Encourage small-format, neighbourhood scale commercial, mixed use development, and neighbourhood amenities to be integrated into Neighbourhood Nodes.”



Figure 1. Proposed site layout at 1980 66th Ave

The proposed use would not service the local neighbourhood, but instead would service the larger community and region. Further, it would not support the intent in the OCP of providing a walkable destination that is well connected to the local neighbourhood through active transportation. The siting and traffic of large moving trucks and trailers could disrupt pedestrian and cycling comfort and movement in an area that does not have established sidewalks or continuous bicycle routes.

Because the land use policies in the OCP are highly integrated with the intent for the neighbourhood, an amendment of adding a single 'use' as for the Zoning Bylaw does not work for the OCP. If accepted by Council, staff recommend changing the entire land use of the property so the suite of intersecting policies in the OCP could apply.

The most appropriate 'district' land use for the proposed use in the OCP is Mixed-Use Corridor (MUC). The MUC is currently located on the east side of Donaldson Drive from Highway 3 north to 78th Ave except McCallum View intersection. The intent of the area is to be a transition from legacy light industrial and service commercial business to the neighbourhood commercial businesses in the Neighbourhood Node. This would enable a range of service, commercial, light industrial and small enterprise land uses with provision for secondary residential uses (OCP Policy 4.2.3).

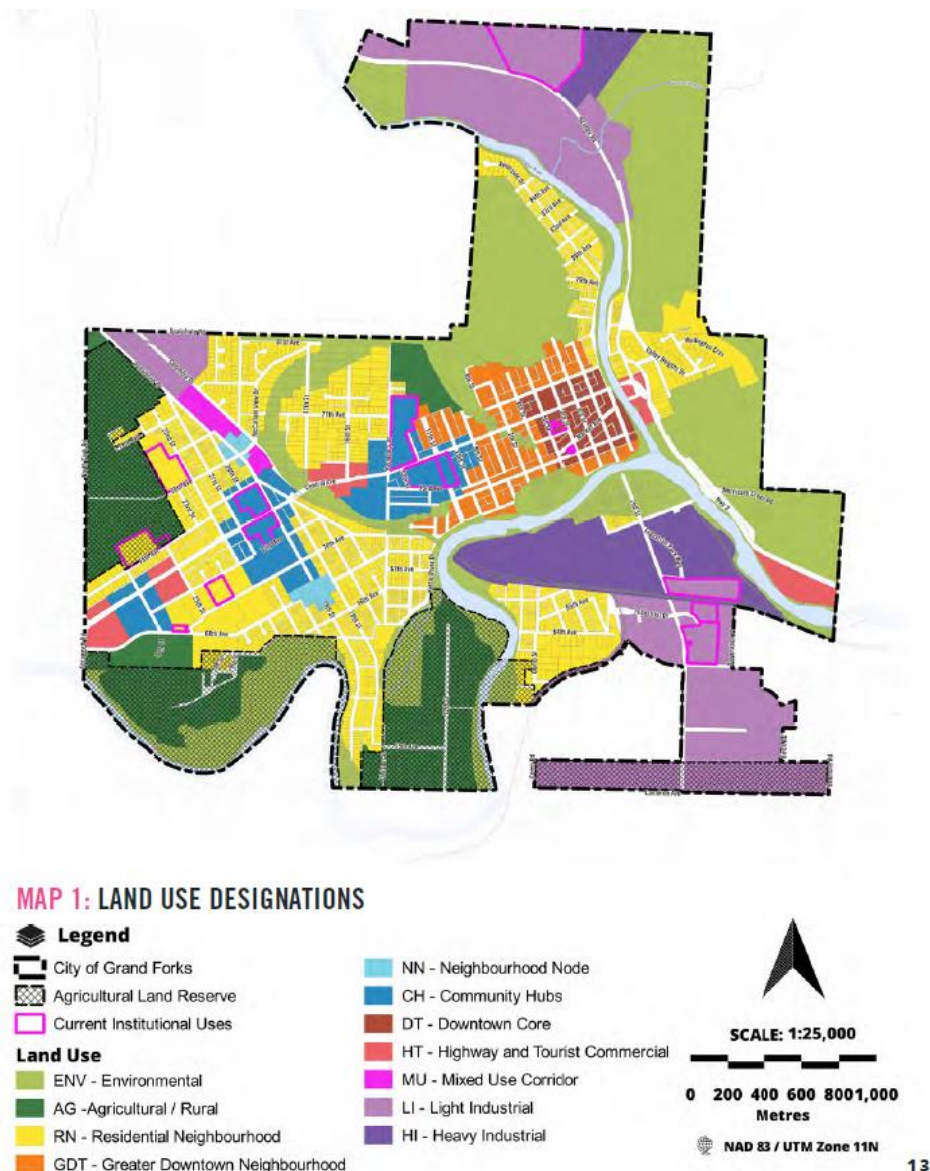


Figure 2: Land Use Designations in the OCP Bylaw no. 2089, 2022

Development Permit Area

The proposed development generally affects access, parking, site layout and signage. If OCP and Zoning Bylaw amendments are completed, the proponent would need to apply for a Development Permit under the new OCP to allow the business to proceed.

While this property is currently within a Neighbourhood Node and directly adjacent Neighbourhood land use, staff recommend amending the Development Permit Area Map 7 to include the property in the GC – Gateway and Corridor Development Permit Area to correspond with the MUC land use as more of the policies and guidelines of that DPA would apply. The relevant section of the new OCP is attached to this report.

Zoning Bylaw

The City regulates specific uses of properties and the associated intensity of development and impact through the Zoning Bylaw (no. 2039, 2018). Generally, land uses having larger visual, noise and traffic impacts on the neighbouring parcels, or on the City objectives for an area, are separated to avoid conflicts with more sensitive land uses. In turn, overall City land use objectives for an area as well as requirements for form and character of developments are specified in the Official Community Plan.

The Zoning Bylaw (Bylaw no. 2039, 2018) currently designates the subject property as “Neighbourhood Commercial”, which includes only the following uses:

- (a) Convenience stores;
- (b) Restaurants and liquor licensed premises;
- (c) Personal service establishments;
- (d) Dwelling units above or in conjunction with the commercial operation;
- (e) Professional services;
- (f) Post office;
- (g) Animal hospitals.

Permitted Accessory uses and buildings include:

- (a) Buildings or structures accessory to permitted uses;
- (b) One garden suite.

The current use of the parcel is for a music studio and includes a residential suite at the back. The proposed use is not consistent with the Zoning Bylaw, which currently has related uses listed only in the following zones:

- I-1 (Light Industrial) – 50.2 (c) warehousing, cartage, express, freight facilities, indoor storage;
- I-2 (General Industrial) – 51.2 (c) storage, warehousing, cartage, express and freight facilities; and
- I-3 (Airport Industrial – 55.2 (a) warehousing, cartage, express, and freight facilities.
- HC (Highway Commercial) – 47.2 (c) automobile sales and parts supply, service stations; and (l) tool and equipment rental establishments).

The change recommended in the draft Zoning Bylaw Amendment is to add the site-specific use designation of “Moving vehicle and equipment rental” to this specific parcel, with a definition added in Section 2.1 as follows:

Moving vehicle and equipment rental means a commercial operation where moving vehicles and equipment (including trucks, vans, trailers and other moving equipment) are stored and rented, together with incidental maintenance services and sale of parts and accessories.

Evaluation of Recommendation

Staff has determined that the proposed use does not meet the intent of the Official Community Plan and the Zoning Bylaw. Such changes in use should be considered very carefully, as a Council decision to adopt these bylaw amendments and subsequently permit the development through the Development Permit could signal that the long-range intent of the OCP and Zoning Bylaw is arbitrary.

However, staff think it is desirable to bring the proposed bylaw amendments to Public Hearing to ensure that concerns of the neighbourhood may be heard and understood by Council before deciding whether to proceed.

An alternative to amending the OCP and Zoning Bylaw is a Temporary Use Permit (TUP). The TUP would enable the proponent to use the site as proposed for three years, renewable by resolution for an additional three years. Over that time, the proponent could seek a more suitable location for the business in Mixed-Use Corridor, Light Industrial or Highway Commercial locations.

Point of Decision

Council's point of decision is whether to give first and second reading to Official Community Plan Bylaw no. 2089-A1 and Zoning Bylaw No.2039-A24. Giving first and second readings to these amending bylaws would allow the amendments to proceed to Public Hearing and the legislated public notification and agency referral processes.

Tentative Timeline

Activity	Date (2022)
Application received and paid	Jun 20
Staff review document initiated	Jun 20
Referral (Internal) sent to Staff	Jun 28
Notice to Council External Referrals to be sent	Jun 28
Referral (External) sent to agencies	Jun 28
RFD for 1st & 2nd readings of Zoning Bylaw Amendment	Jul 11
Notice of public hearing mailed to adjacent property owners	Jul 12
Referral (External) comments back by	Jul 29
Gazette ad #1 published	Aug 3
Gazette ad #2 published	Aug 10
Written comments/feedback from public by	Aug 10
Public hearing	Aug 15
RFD 3 rd reading	Aug 15
MOTI approval of bylaw	Aug 15-Sept 8
RFD for adoption	Sep 19
Implementation	Sep - Oct

Benefits or Impacts

General

While moving and rental companies are an important service in the community, the proposed use of “Moving and storage” on this parcel does not align with the City’s Official Community Plan or Zoning Bylaw.

Finances

No significant impacts are anticipated.

Strategic Impact

- “We attract and retain sustainable businesses that provide a strong economic future”

Risk Assessment

Compliance:

- Local Government Act – Part 14
- Official Community Plan Bylaw No.2089
- Zoning Bylaw No.2039
- Transportation Act s.52 (Zoning amendment within 800 m of a provincial controlled access highway requires MOTI approval)
- Planning Procedures and Fees Bylaw No.1669

Risk Impact:

Moderate

Internal Control Process:

Staff are following City bylaws and the legislated requirements set out in the Local Government Act

Next Steps / Communication

Should Council give first and second readings to Official Community Plan Bylaw 2018-A1 and Zoning Bylaw Amendment Bylaw No.2039-A24, staff will continue the legislative process required.

If Council should resolve to pass the OCP and Zoning Bylaw amendments, matters relating to the General Neighbourhood Development Permit Area (DPA), Neighbourhood Node DPA, and specific General District and Corridors and Gateways DPA policies and guidelines would be processed in a subsequent application.

Attachments

- 1) Property Maps
 - 2) Zoning Bylaw Amendment Bylaw No.2039-A23
 - 3) Official Community Plan section on District land uses.
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Recommendation

THAT Council gives first and second readings to Zoning Bylaw Amendment Bylaw No. 2039-A24.

THAT Council gives first and second readings to the Official Community Plan Amendment Bylaw No. 2089-A1.

Options

1. Council could decide not to proceed to public hearing with the OCP and Zoning amendment bylaws. Staff has not recommended this as it removes the opportunity to hear from affected property owners regarding the potential decision.
2. Council could direct staff to request the proponent apply for a Temporary Use Permit (TUP) to allow the use on a three-year (once renewable) basis. Staff has also not recommended this as the TUP has less required opportunities for public input. However, this would have the benefit of allowing the use to proceed for a period of time until the proponent finds a more suitable location.