

# Request for Decision



To: Committee of the Whole

From: **Development, Engineering & Planning**

Date: August 12, 2019

Subject: Proposed Rezoning of the approximately 0.3399 Hectare (0.84 acre) parcel from Highway Commercial to Tourist Commercial.

Recommendation: **THAT the Committee of the Whole recommends to Council to give first and second readings to Zoning Bylaw Amendment No. 2039-A8 at the August 12, 2019, Regular Council Meeting.**

**THAT the Committee of the Whole recommends that Council waive the \$1,000.00 rezoning application fee.**

**THAT the Committee of the Whole recommends that Council direct staff to move forward with legislative requirements for the rezoning.**

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## Background

The City received an application from the property owner of 7351 Highway Drive to rezone the 0.3399 Hectare (0.84 acre) from Highway Commercial (HC) to Tourist Commercial (TC).

The subject property is legally described as Lot 1, Plan KAP89, District Lot 493, Similkameen Division of Yale Land District. The property is approximately 0.3399 Hectare (0.84 acre) in size. The property is adjacent to the Yale bridge on Highway 3 and backs onto the Granby River. The parcel report for the property is attached as Appendix A. The general location of the property is attached as Appendix B.

Staff have been working toward implementing the policies set out in the Official Community Plan (OCP). Schedule B of the OCP shows the future development of property as Highway & Tourist Commercial. The property is subject to two (2) Development Permit Area (DPA) criteria, namely Commercial (DPA) and Environmentally Sensitive Area DPA.

At the time of the application the property owner, Bayroot Enterprises Ltd. (Operating as Riverside Motel), reported that the motel operations on the property are still curtailed due to the impacts of the 2018 flooding. The rezoning would permit the use of the property or portions of the property as campgrounds.

At least 5 buildings and structures are currently located in the 30m floodplain setback. No site-specific exemptions have been found for the buildings and structures that are in the floodplain on the property.

The City’s floodplain bylaw is being updated to meet current and future conditions using best practices and incorporating observations from the 2018 flooding.

Considering the foregoing there is support for the City to waive the rezoning application fee because in the absence of the property owner coming forward, as part of implementing the OCP policies and Floodplain Bylaw regulations, the City would initiate the rezoning.

Table 1 provides clarity to the text amendment proposed for Subsection 49.2 of the Zoning Bylaw.

<b>Table 1: Summary of Proposed Zoning Bylaw Amendments</b>		
<b>SECTION REFERENCE</b>	<b>AMENDMENT</b>	<b>INTENT</b>
49.2 (a) Tourist Commercial Zone	To <u>delete</u> “inn” and <u>add</u> “motel” as a use in the zone.	Removes some ambiguity in the zoning bylaw. Inn is not defined in the zoning bylaw while hotel and motel are defined in the zoning bylaw.  In many respects an inn may be viewed and/or defined as a small hotel therefore the removal of this term clarifies the intent of the bylaw.

As shown in Table 2, the uses permitted in the TC zone are more restrictive than the HC zone; therefore, the rezoning is potentially reducing the risks associated with flooding on the property. The rezoning is generally consistent with the Official Community Plan (OCP), the City’s Strategic Plan and the City’s Floodplain Bylaw insofar as the repurposing of those portions of the property that are within the floodplain setbacks.

<b>Table 2: Permitted uses in the HC and TC zones</b>	
<b>EXISTING PERMITTED USES - Zoning Bylaw 2039 Section 47 HC (Highway Commercial) Zone</b>	<b>PROPOSED PERMITTED USES – Zoning Bylaw 2039 Section 49 TC (Tourist Commercial Zone)</b>
The following uses and no others are permitted in a <b>HC</b> zone: (a) Hotels and motels; (b) Restaurants; (c) Automobile sales and parts supply, service stations; (d) Convenience stores including gas bars;	The following uses and no others are permitted in the <b>TC</b> zone: (a) Hotels or motels; (b) Recreational businesses and campgrounds; (c) Tourist facilities and related amenities; (d) Retail establishments;

<b>Table 2: Permitted uses in the HC and TC zones</b>	
<b>EXISTING PERMITTED USES - Zoning Bylaw 2039 Section 47 HC (Highway Commercial) Zone</b>	<b>PROPOSED PERMITTED USES – Zoning Bylaw 2039 Section 49 TC (Tourist Commercial Zone)</b>
(e) Car wash establishments; (f) Retail sales establishments; (g) Personal service establishments (h) Liquor licensed premises (i) Animal hospitals; (j) Building supply establishments (k) Offices; (l) Tool and equipment rental establishments.	(e) Restaurants; (f) Convenience stores including gas bars

The draft zoning bylaw amendment bylaw is shown attached as Appendix C.

### **Proposed Timing**

If the rezoning application receives support from Council to move forward, the next steps and estimated time frame are as outlined below:

<b>ACTIVITY</b>	<b>TIMING</b>
<b>Committee of the Whole recommends that the application / bylaw move forward to the regular meeting for 1<sup>st</sup> and 2<sup>nd</sup> readings.</b>	<b>August 12, 2019</b>
<b>The rezoning bylaw goes before council for 1<sup>st</sup> and 2<sup>nd</sup> readings.</b>	<b>August 12, 2019</b>
Bylaw and Public Hearing advertised twice and residents within 30m notified in writing of the application.	August 21 <sup>st</sup> & August 28 <sup>th</sup> , 2019
Public Hearing held by City Council.	September 3 <sup>rd</sup> , 2019
Third reading of the rezoning bylaw	September 3 <sup>rd</sup> , 2019
Ministry of Transportation and Infrastructure Approval	September, 2019
Fourth (final) reading of the bylaw	September 16 <sup>th</sup> , 2019

### **Benefits or Impacts**

#### **General**

The rezoning of the property is in-line with the City's Strategic Plan economic growth principles of supporting the health, growth and retention of existing businesses. The property owner's stated goal of developing campgrounds on the property through this rezoning is an innovative alternative use of the property that if done correctly combines

flood resilience while fostering economic growth since campground users would likely use other City amenities and visit neighbouring businesses such as grocery stores, restaurants and pubs.

## Strategic Impact



### Community Engagement

- The public will be advised and invited to comment on the rezoning application in writing and through advertising in the local newspaper, the Grand Forks Gazette.
- Council will have an opportunity to hear any comments or concerns regarding the proposed rezoning.
- The public participated in the public process for the adoption of the OCP.



### Economic Growth

- Provides options for redevelopment of an existing business that is still closed due to flood damage.

## Policy/Legislation

The Official Community Plan, Zoning Bylaw, Local Government Act, Planning and Process and Fee Bylaw, City of Grand Forks Strategic Plan 2015-2019.

## Attachments

Appendix A Parcel Report (1 page).

Appendix B Location Current Zoning (3 pages).

Appendix C Draft Zoning Bylaw Amendment No. 2039-A8 (2 pages).

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## Recommendation

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## Options

1. THAT Committee of the Whole accepts the report.
2. THAT Committee of the Whole does not accept the report.
3. THAT Committee of the Whole refers the matter back to staff for further information.