

Request for Decision



To: Regular Meeting

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 Council give first and second readings to Zoning Bylaw Amendment No. 2039-A8 at the August 12, 2019 Regular Council Meeting.**

THAT Council waive the \$1,000.00 rezoning application fee.

THAT Council direct staff to move forward with the legislative requirements for the rezoning.

Background

At the August 12th, 2019 meeting, the Committee of the Whole recommended that Council give first and second readings to Zoning Bylaw Amendment No. 2039-A8.

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.

Table 1: Summary of Proposed Zoning Bylaw Amendments		
SECTION REFERENCE	AMENDMENT	INTENT
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 the 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.

Table 2: Permitted uses in the HC and TC zones	
EXISTING PERMITTED USES - Zoning Bylaw 2039 Section 47 HC (Highway Commercial) Zone	PROPOSED PERMITTED USES – Zoning Bylaw 2039 Section 49 TC (Tourist Commercial Zone)
The following uses and no others are permitted in a HC zone: (a) Hotels and motels; (b) Restaurants;	The following uses and no others are permitted in the TC zone: (a) Hotels or motels; (b) Recreational businesses and campgrounds;

Table 2: Permitted uses in the HC and TC zones	
EXISTING PERMITTED USES - Zoning Bylaw 2039 Section 47 HC (Highway Commercial) Zone	PROPOSED PERMITTED USES – Zoning Bylaw 2039 Section 49 TC (Tourist Commercial Zone)
(c) Automobile sales and parts supply, service stations; (d) Convenience stores including gas bars; (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.	(c) Tourist facilities and related amenities; (d) Retail 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:

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

Recommendation

THAT Council give first and second readings to Zoning Bylaw Amendment No. 2039-A8 at the August 12, 2019 Regular Council Meeting.

THAT Council waive the \$1,000.00 rezoning application fee.

THAT Council direct staff to move forward with the legislative requirements for the rezoning.

Options

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

Report Approval Details

Document Title:	2019-08-12-ZA1908 Rezone 7351 Hwy 3 FirstSecond.docx
Attachments:	- 2019-08-12-ZA1908-Appendix A Parcel Report.pdf - 2019-08-12-ZA1908-Appendix B Location Current Zoning.pdf - 2019-08-12-ZA1908-Appendix C DRAFT_Bylaw_2039- A8_Rezoning.pdf
Final Approval Date:	Aug 6, 2019

This report and all of its attachments were approved and signed as outlined below:

Dolores Sheets - Aug 6, 2019 - 10:46 AM

Diane Heinrich - Aug 6, 2019 - 10:55 AM

Request for Decision



To: Regular Meeting

From: **Development, Engineering & Planning**

Date: September 3, 2019

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

Recommendation: **THAT Council give Third reading to Zoning Bylaw Amendment 2039-A8 at the September 3, 2019, Regular Meeting.**

Background

On August 12th, 2019 council gave 1st and 2nd readings to Bylaw No. 2039-A8 (See Appendix "A" attached). Appendix "A" also provides background information for this rezoning application.

As per subsection 464(2) of the Local Government Act council may waive the holding of a public hearing because there is an Official Community Plan (OCP) that covers the area and the proposed rezoning bylaw is consistent with the OCP. As per the statutory requirement for public hearings, notice of the public hearing was advertised in the August 21st and August 28th issues of the Grand Forks Gazette (See Appendix "B" attached). A draft copy of Bylaw 2039-A8 is attached as Appendix "C." On August 22nd, 2019 a notification letter was hand delivered to two (2) property owners/tenants within 30 meters of the property boundaries (See Appendix "D" Attached).

On September 3rd, 2019 council heard comments and concerns from the public at the public hearing held for that purpose.

The rezoning application is now before council for third (3rd) reading.

Next Steps

The next steps are as follows:

1. Council considers the rezoning bylaw amendment for third (3rd) reading at the regular meeting on September 3rd, 2019.
2. If passed, the bylaw will be sent to the Ministry of Transportation and Infrastructure for approval (Section 52 of the Transportation Act requirements – development within 800 metres of a controlled access highway).
3. Council would then consider the bylaw for 4th (final) reading on September 16th, 2019, assuming all other conditions for the rezoning have been met.

Summary

The statutory notification requirements for the public hearing respecting Bylaw No. 2039-A8 have been fulfilled. Council has heard comments and concerns from the public and received written submissions at the September 3rd, 2019 public hearing.

Attachments

Appendix “A” – Background Information – for the proposed Rezoning.

Appendix “B” – Copy of the Grand Forks Gazette ads.

Appendix “C” – DRAFT copy of Bylaw 2039-A8.

Appendix “D” – Notice to Property Owners.

Recommendation

THAT Council give Third reading to Zoning Bylaw Amendment 2039-A8 at the September 3, 2019, Regular Meeting.

Options

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

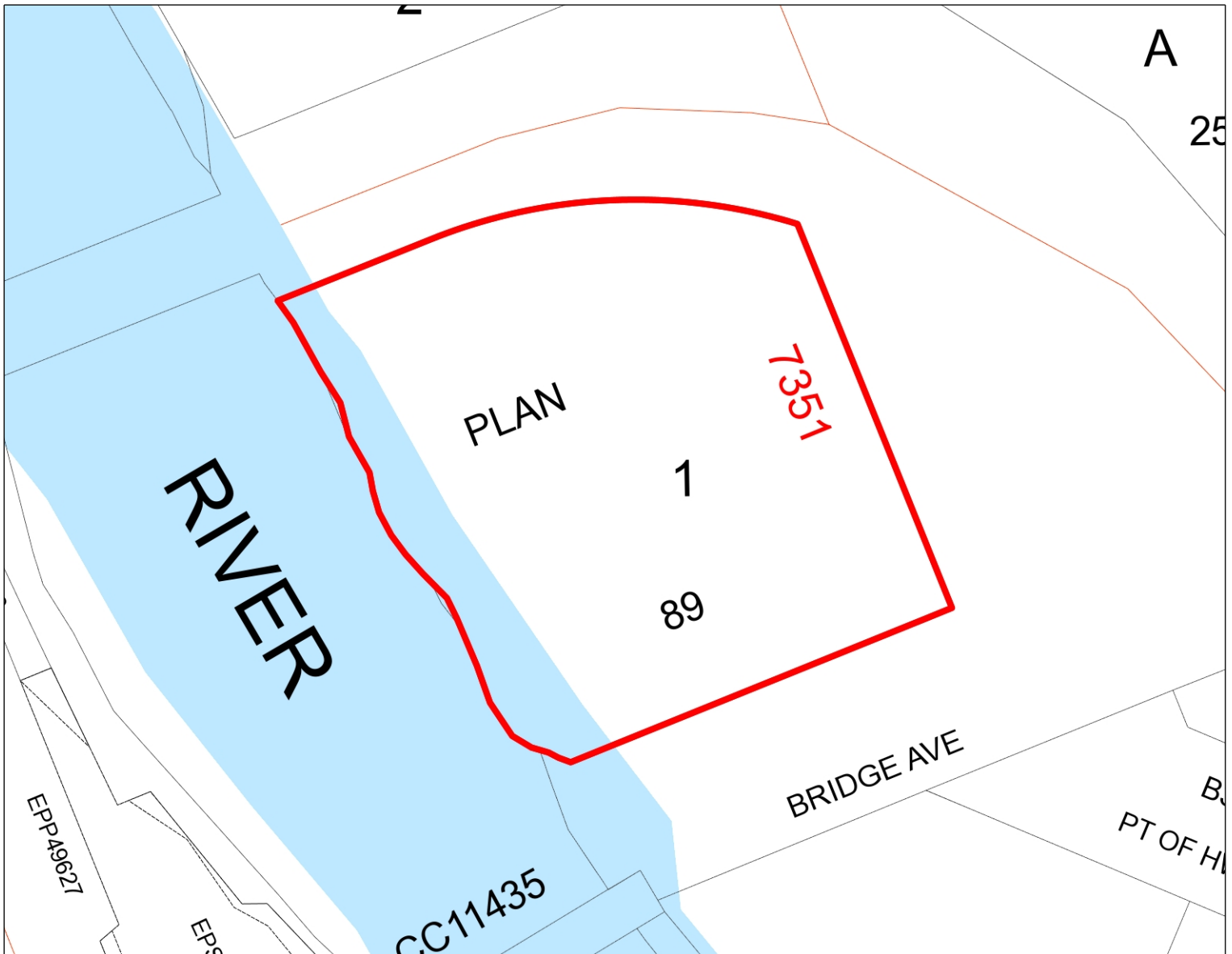
Report Approval Details

Document Title:	2019-09-03-Bylaw-2039-A8-ZA1908-3rdReading.docx
Attachments:	<ul style="list-style-type: none">- 20190903-ZA1908-AppendixA Rezone 7351 Hwy 3 FirstSecond - COPY FROM COUNCIL AGENDA.pdf- 20190903-ZA1908-AppendixB Gazette Ad Rezoning 7351 Hwy 3.pdf- 20190903-ZA1908-AppendixC DRAFT_Bylaw_2039-A8_Rezoning.pdf- 20190903-ZA1908-AppendixD 7351 Hwy3 Notice 30m Property Owners.pdf
Final Approval Date:	Aug 27, 2019

This report and all of its attachments were approved and signed as outlined below:

Dolores Sheets - Aug 27, 2019 - 2:00 PM

Diane Heinrich - Aug 27, 2019 - 3:03 PM



Scale 1: 564

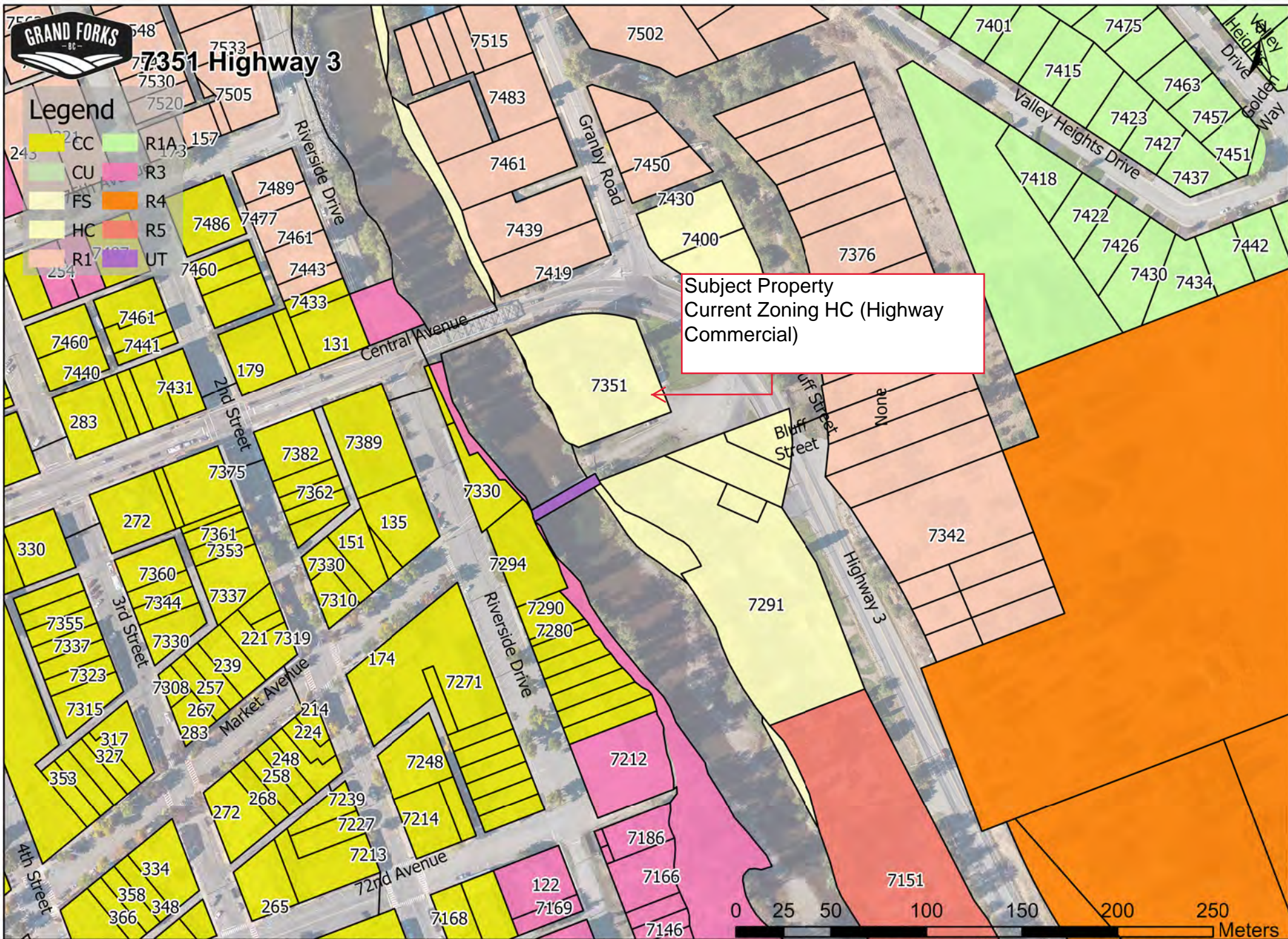
Legal Information

Plan: KAP89	Section:	Jurs: 210	Lot Area: 0.84
Block:	Township:	Roll: 1330000	Area Unit: acr
Lot: 1	Land District: 54	PID: 012647497	Width (ft):
District Lot: 493	Electoral Area: City of Grand Forks		Depth (ft):
Street: 7351 HIGHWAY 3 W			
Description: Lot 1, Plan KAP89, District Lot 493, Similkameen Div of Yale Land District			



Subject Property

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August 1, 2019

Map Produced By: Leford Lafayette

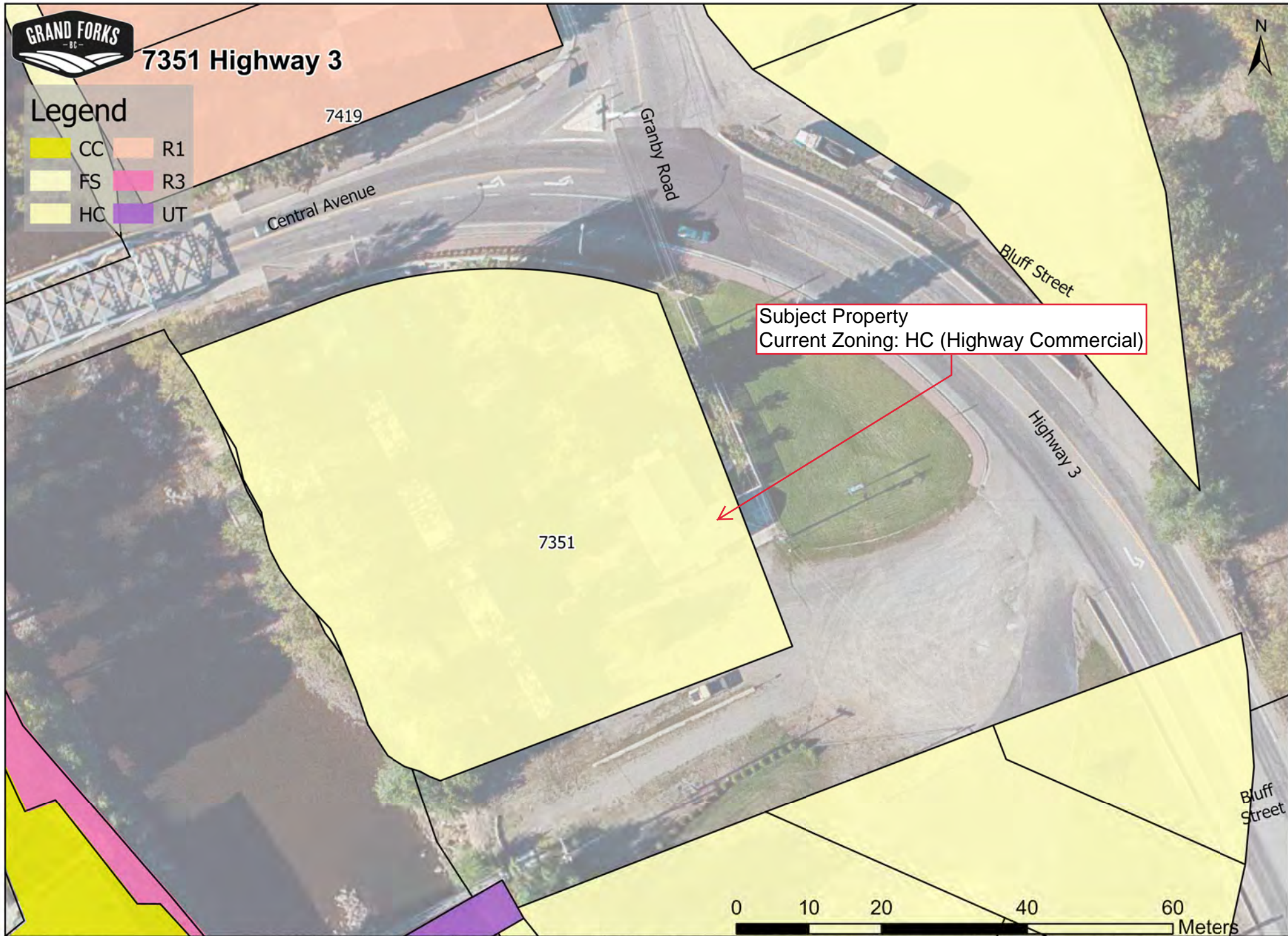
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7351 Highway 3

Legend

CC	R1
FS	R3
HC	UT



Subject Property
Current Zoning: HC (Highway Commercial)

7351

0 10 20 40 60 Meters