

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: September 2, 2021
RE: Zoning Bylaw Amendment – Electoral Area “F”

Administrative Recommendation:

THAT Bylaw No. 2461.17, 2021, a bylaw to amend the Electoral Area “F” Zoning Bylaw to allow a thrift store to operate at 2002 West Bench Drive be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated September 2, 2021, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT the holding of the public hearing be delegated to Director Gettens;

AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Gettens;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

Folio: F-07464.090

Legal: Lot 1, Plan KAP14266, District Lot 5076, ODYD

OCP: Commercial (C)

Zone: General Commercial Site Specific (C1s)

Proposed Development:

The applicant is seeking to amend the zoning of their property to allow a retail store-general as a permitted use in the Site Specific General Commercial (C1s) zone to operate a thrift store.

The amendment replaces Section 17.3.1(a)(iv) retail sale-convenience, under Section 17.13 (Site Specific General Commercial (C1s) Provisions in its entirety with “retail sales-general”.

Site Context:

The subject property is approximately 0.24 ha in area and is situated on the west side of West Bench Drive, approximately 1.2 km from the municipal boundary for Penticton. It is understood that the parcel is comprised of a building that has an accessory dwelling on the upper floor, commercial space on the main floor, and a garage.

The surrounding pattern of development is generally characterised by residential uses to the north and east, administrative and institutional to the south and Penticton Indian Band land directly to the west of the property.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on July 13, 1964, while available Regional District records indicate that building permits for a horse barn (1974), retaining wall (1975), Single family dwelling (1975), deck extension (2004), garage (2006), and a commercial building (2006) have previously been issued for this property.

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Commercial (C), and is the subject of a Watercourse Development Permit (WDP) Area designation.

Under the Electoral Area “F” Zoning Bylaw No. 2461, 2008, the property is currently zoned General Commercial Site Specific (C1s), which restricts permitted uses to “eating and drinking establishment”, “offices”, “personal service establishment”, “retail sales, convenience”, “one (1) accessory dwelling” and “accessory buildings and structures”.

A “thrift store” is seen to constitute a “retail store, general” use, which is defined as meaning a “premises where goods, merchandise, and other materials, and personal services, including those listed for convenience retail stores, are offered for sale at retail to the general public ...” As “retail store, general” is not a listed use in the C1s Zone, an amendment to the zoning bylaw is required.

BC Assessment has classified the property as part “Residential” (Class 01), and part “Business and Other” (Class 06).

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97 & 3).

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 67 have been made aware of the proposed amendment bylaw.

Public Process:

On August 10, 2021, an Electronic Public Information Meeting (PIM) was held via Webex and was attended by approximately 5 members of the public, as well as the applicants and their proposed tenants, the Area “F” Director and RDOS Staff.

At its meeting of August 23, 2021, the Electoral Area “F” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

Analysis:

Convenience stores are increasingly uncommon in residential neighbourhoods and properties with zoning for a convenience store are increasingly being converted into other more viable uses (i.e. daycares, cafes, etc.).

The OCP Bylaw has designated the subject property as Commercial (C) and this supports its use for smaller-scale, neighbourhood-serving commercial activities, such as “retail store, general”.

The applicants are not proposing any new construction within the existing building footprints and, additionally, the number of permitted uses on the property will remain the same.

The surrounding development is primarily residential in nature. The OCP generally directs commercial uses to primary growth areas such as the City of Penticton. The proposed amendment constitutes a relatively minor change to the zoning designation.

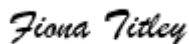
Alternatives:

1. THAT Bylaw No. 2461.17, 2021, Electoral Area “F” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of September 23, 2021;

AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
2. THAT first reading of Bylaw No. 2461.17, 2021, Electoral Area “F” Zoning Amendment Bylaw be deferred; or
3. THAT first reading of Bylaw No. 2461.17, 2021, Electoral Area “F” Zoning Amendment Bylaw be, be denied.

Respectfully submitted:



Fiona Titley

Endorsed By:



C. Garrish, Planning Manager

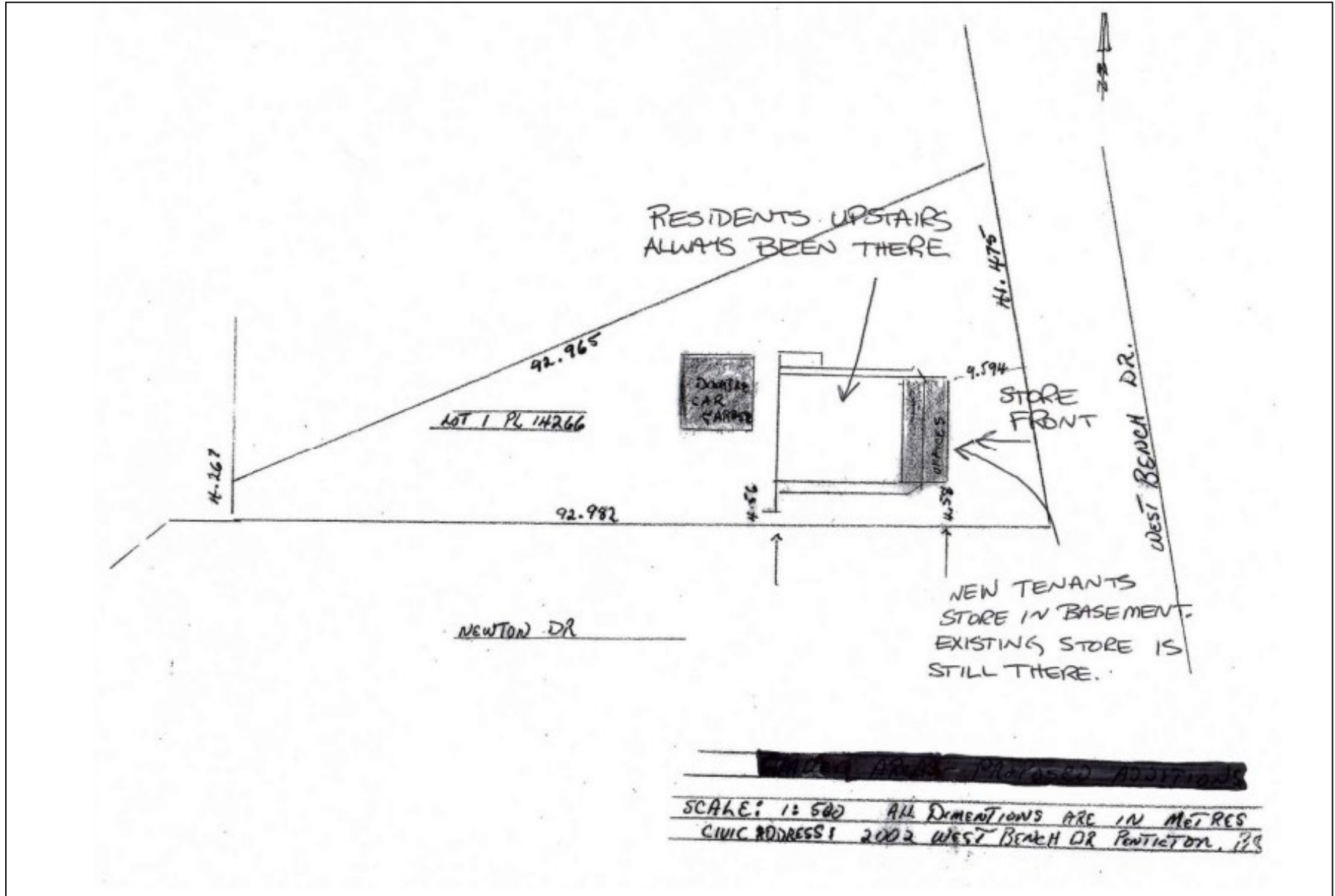
Attachments: No. 1 – Agency Referral List
No. 2 – Applicant’s Site Plan
No. 3 – Applicant’s Floor Plan
No. 4 – Applicant’s Parking Plan

Attachment No. 1 – Agency Referral List

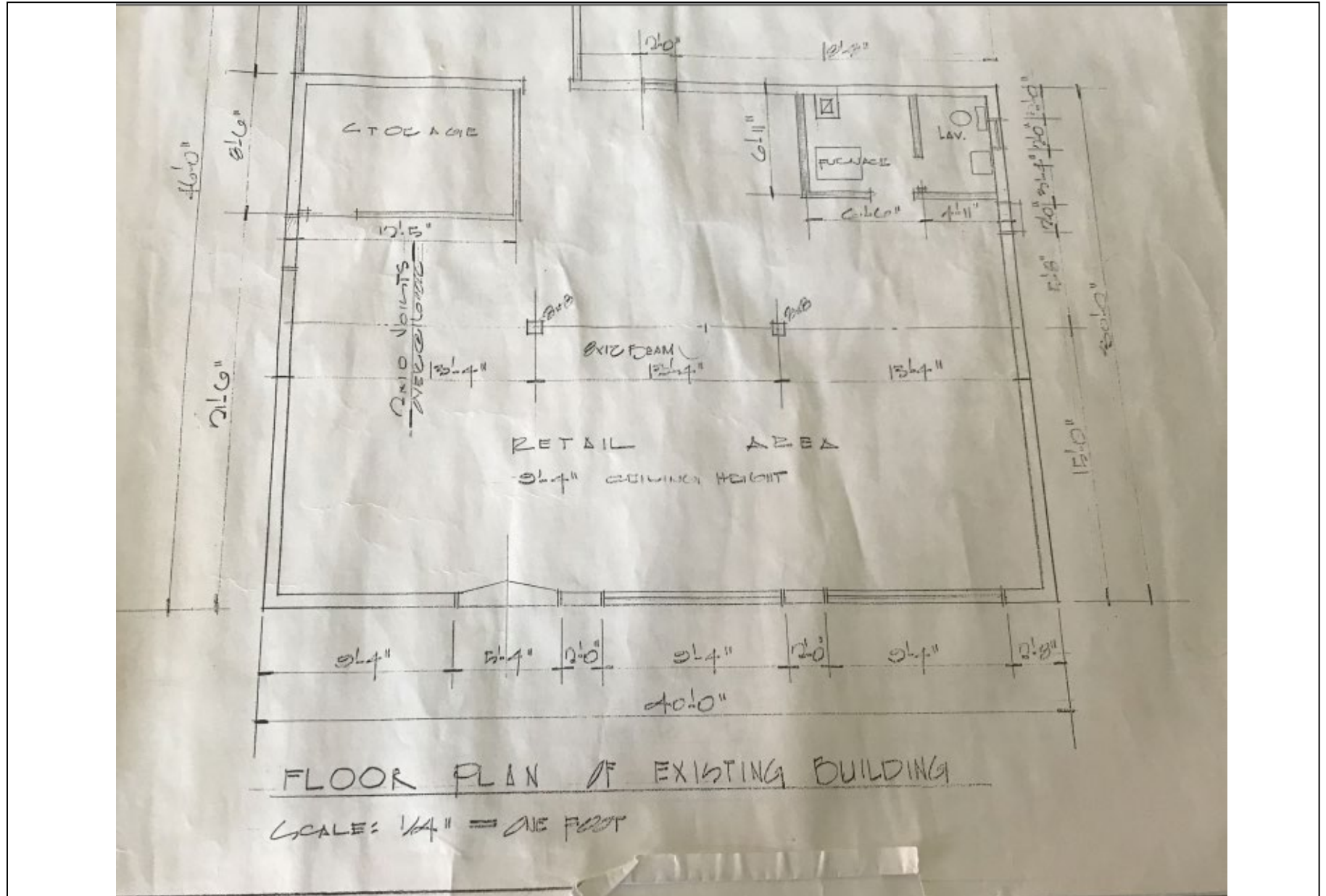
Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering first reading of Amendment Bylaw No. 2461.17, 2021.

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input checked="" type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input checked="" type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Band (USIB)
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	Lower Similkameen Indian Band (LSIB)
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Environment Canada
<input checked="" type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Canadian Wildlife Services
	Kootenay Boundary Regional District	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Kaleden Irrigation District
<input type="checkbox"/>	Fraser Valley Regional District	<input checked="" type="checkbox"/>	Penticton Fire Department

Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Applicant's Floor Plan



Attachment No. 4 – Applicant’s Parking Plan

