



BOARD REPORT

TO:

Chair and Directors

File No:	DP725-139 PL20180036 DVP701-79 PL20180037
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SUBJECT:

Electoral Area C: Development Permit No. DP725-139 and Development Variance Permit No. DVP701-79 (1133071 BC Ltd)

DESCRIPTION:

Report from Dan Passmore, Senior Planner, dated March 14, 2018. 3107 Trans Canada Highway, Blind Bay.

RECOMMENDATION #1:

THAT: in accordance with Section 498 of the Local Government Act Development Variance Permit No. DVP701-79 for Parcel A (Plan B6049) of the SE 1/4, Section 8, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, varying South Shuswap Zoning Bylaw No. 701 as follows:

1. Section 19.2.3: Minimum front parcel line setback from 5 m to 0.0 m for the new gas bar canopy structure only.
2. Section 19.2.3: Minimum exterior side parcel line setback from 4.5 m to 0.0 m for the new canopy structure only.

be approved for issuance this 19th day of April, 2018.

RECOMMENDATION #2:

THAT: in accordance with Section 490 of the Local Government Act Development Permit No. DP725-139 for proposed construction of a replacement gas bar canopy structure on Parcel A (Plan B6049) of the SE 1/4, Section 8, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, be approved for issuance this 19th day of April, 2018.

SHORT SUMMARY:

The applicant is proposing to remove an existing gas bar canopy which was encroaching into the Ministry of Transportation and Infrastructure (MoT) Right of Way (RoW) for the Trans Canada Highway and construct a replacement within the boundaries of the subject property. The proposed new canopy, while it will be sited on the subject property, does not comply with either of the front parcel line or exterior side parcel line setbacks and so the owner has applied to vary these setbacks.

Additionally, as a Commercially designated property in the Electoral Area C Official Community Plan Bylaw No. 725, there is a requirement for a Commercial form and character Development Permit. The Development Permit area contains guidelines for form and character of buildings.

VOTING:	Unweighted Corporate <input type="checkbox"/>	LGA Part 14 (Unweighted) <input checked="" type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (Weighted) <input type="checkbox"/>
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BACKGROUND:

REGISTERED OWNER:
1133071 BC Ltd.

APPLICANT:
Mr. Jordie Wiens

ELECTORAL AREA:
C

LEGAL DESCRIPTION:
Parcel A (Plan B6049) of the SE 1/4, Section 8, Township 22, Range 10, West of the 6th Meridian,
Kamloops Division Yale District

PID:
006-268-978

CIVIC ADDRESS:
3107 Trans Canada Highway

SURROUNDING LAND USE PATTERN:
North: Agriculture/White Lake Road
South: Trans Canada Highway/Sprockets Café/Agriculture
East: Agriculture
West: Vacant

CURRENT USE:
Gas station and Convenience Store

PROPOSED USE:
Gas station and convenience store

PARCEL SIZE:
0.404 ha (1.0 ac)

DESIGNATION:
HC- Highway Commercial

ZONE:
C2 – Community Commercial

POLICY:

Electorate Area 'C' Official Community Plan Bylaw No. 725

The subject property is designated Highway Commercial in Bylaw No. 725, but is not within a Secondary Settlement Area. As such the following Policies apply:

3.8 Commercial

3.8.1 Objective

- .1 To recognize existing commercial uses and provide for future commercial opportunities within the Secondary Settlement Areas.

3.8.2 Policies

- .1 Commercial development that is incompatible with the community, or would have unmitigated negative impacts on the environment, is not acceptable anywhere in the South Shuswap.
- .2 Large scale commercial development is not acceptable in the Secondary Settlement Areas or rural areas of the South Shuswap. Such development is directed to the Village Centre.
- .3 The Village Centre (VC) designation encompasses a broad range of commercial uses, including retail, food services, offices, business and personal services, community and health-related services, public and institutional uses, recreation, arts and cultural activities, highway commercial uses, personal, professional and financial services.
- .4 Neighbourhood Commercial (NC) is acceptable in Secondary Settlement Areas, allowing a limited range of retail, and personal, professional and community services that meet the daily needs of local residents. Housing above grade level commercial is also acceptable.
- .5 Existing Commercial (C), Tourist Commercial (TC) and Resort Commercial (RC) land use designations are recognized on Schedules B and C. New Commercial (C), Tourist Commercial (TC) and Resort Commercial (RC) may be considered in the Secondary Settlement Areas through individual redesignation and rezoning applications.
- .6 Existing Waterfront Commercial (WC) developments are recognized on the Schedules B and C. New Waterfront Commercial (WC) developments are not supported.
- .7 Small-scale Highway Commercial (HC) which caters to the travelling public, is acceptable along the Trans-Canada Highway, but not between the Village Centres.
- .8 Multi-unit residential development is encouraged to locate near major commercial developments within the Sorrento Village Centre, in order to help create a more walkable community and to provide a population base to support businesses.
- .9 All new redesignation and rezoning applications for commercial uses which would require additional sewer or water capacity and which are located in proximity to a community sewer system and a community water system must connect to that system.

Commercially designated properties are identified as requiring a form and character Development Permit. The following are the guidelines for a commercial form and character Development Permit:

12.7 Commercial Development Permit Area

.1 Purpose

The Commercial Development Permit Area is designated under the *Local Government Act* for the establishment of objectives for the form and character of commercial development for areas designated as Commercial in the OCP,

.2 Justification

The justification of this Commercial DP is to promote pedestrian movement and a high level of site and building design which integrates well with the character of the surrounding built environment. As some commercially designated parcels are outside of the Village Centre and Secondary Settlement Areas it is important that commercial development fit with the primarily residential and rural character of the area.

.3 Area

This DPA applies to the areas designated as commercial (C, TC, RC, WC, HC) as set out in Schedules B and C.

.4 Exemptions

- .1 A single storey accessory building with a gross floor area less than 10 m² (107.4 ft²);
- .2 Non-structural external repairs or alterations exempted by the BC Building Code; or,
- .3 Creation of impervious or semi-impervious surfaces less than 100 m² (1,076.4 feet²).

.5 Guidelines

- .1 A landscaped buffer between parking areas and public streets should be provided. Additional landscaping within parking lots is encouraged;
- .2 The primary pedestrian entrance to all units and all buildings should be from the street, or if from the parking lot, a pedestrian sidewalk should be provided. Entries must be visible and prominent;
- .3 Weather protection in the form of awnings or canopies should be provided over all grade level entries to residential and retail units;
- .4 Use of non-combustible external building materials is encouraged;
- .5 Outside storage, garbage and recycling areas should be screened with fencing or landscaping or both;
- .6 Design of signage and lighting should be integrated with the building facade and with any canopies or awnings; and,
- .7 Buildings on corners should have entries, windows and an active street presence on the two public facades, to avoid the creation of blank walls in prominent locations

South Shuswap Zoning Bylaw No. 701

The subject property is zoned Community Commercial (C2) in South Shuswap Zoning Bylaw No. 701. The permitted uses in the C2 zone are as follows:

1. bakery
2. convenience store;
3. post office;
4. restaurant;
5. service station;
6. craft and gift shop;
7. neighbourhood pub;
8. commercial daycare facility;
9. personal service establishment;
10. car wash, permitted only if connected to a community sewer system;
11. public assembly facility;
12. gallery or studio (but not including music, television or radio studio);
13. police station;
14. ambulance station;
15. accessory residential use, limited to one dwelling unit per parcel;
16. accessory use.

17. mini storage, permitted only on Lot A, Section 4, Township 23, Range 9, W6M, KDYD, Plan 11725

Minimum Setback from:

Front parcel line: 5 m
Exterior Side parcel line: 4.5 m
Interior Side parcel line: 3 m
Rear parcel line: 5 m

Maximum height for:

Principal buildings and structures: 11.5 m
Accessory buildings: 10 m

FINANCIAL:

There are no financial implications to the CSRD with regard to this application.

KEY ISSUES/CONCEPTS:

Site Development Proposal

The current owner has purchased the Balmoral Store and has undertaken a number of internal improvements to the business. This application is to support the first phase of external improvements to the property which will result in the demolition of an existing gas bar canopy roof which encroached into the Trans-Canada Highway Right-of-Way, and a relocation of the gas pumps to an area on the property where the encroachment issue can be resolved and general aesthetic appearance improvements can be made through the construction of a new gas bar canopy structure.

Servicing

The property is serviced by an onsite septic system and water is from a license providing for 500 gpd from the White Lake Community water system.

Access

The property is accessed from driveways off Balmoral Road and White Lake Road.

Development Variance Permit

This application proposes to vary the minimum front parcel line setback required from 5.0 m to 0.0 m, and the exterior side parcel line setback from 4.5 m to 0.0 m.

Ministry of Transportation and Infrastructure (MoT)

The proposal involves the removal of an existing gas bar canopy structure which encroaches into the Trans Canada Highway Right of Way (RoW). The existing canopy structure has been granted an encroachment permit (2017-07557) for both the gas pump island and the canopy.

The proposed new canopy would be situated fully within the property, but would still encroach into Provincial setback requirements of 4.5 m from property lines adjacent to MoT RoW. as established in *Provincial Public Undertakings Regulation No. 513/2004* under Section 12 and pursuant to Section 90 of the Transportation Act. The applicant has made an application to MoT to obtain a waiver to the Provincial Setback requirement. MoT has provided the owner a letter indicating they would issue the required setback encroachment permit for the new canopy.

Due to this letter and the applicant's work to date with Mot, staff did not refer the applications to MoT for comment.

Form and Character Development Permit Guidelines

The proposed new canopy complies with the form and character guidelines.

SUMMARY:

Development Services staff are recommending that both Development Variance Permit No. DVP701-79 and Development Permit No. DP 725-139 be approved for issuance as the proposed aesthetic improvements to the site comply with the Development Permit guidelines and will resolve existing encroachments into the Trans-Canada Highway Right-of-Way. Further, the reduced setbacks are not directly adjacent to any neighbouring properties and do not cause a visual obstruction for traffic using the Trans-Canada Highway and Balmoral Road intersection.

IMPLEMENTATION:

If the Board approves the requested variance, the owner will be notified and notice of a Development Variance Permit and Development Permit will be registered on the title of the property.

COMMUNICATIONS:

Property owners and tenants in occupation within 100 m of the subject property will be given notification a minimum of 10 days prior to the CSRD Board of Directors considering this application. All interested parties will have the opportunity to provide comments regarding this application prior to the Board Meeting.

Referrals have been sent to the following:

- Area 'C' APC

The Electoral Area C Advisory Planning Commission reviewed the applications at their March 26, 2018 meeting and passed resolutions in support of both applications.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Electoral Area C Official Community Plan Bylaw No. 725
2. South Shuswap Zoning Bylaw No. 701

3. APC Minutes

Report Approval Details

Document Title:	2018-04-19_Board_DS_DP725-139_DVP701-79_1133071-BC-LTD.docx
Attachments:	- DVP701-79.pdf - DP725-139.pdf - Maps_Plans_DVP701-79_DP725-139.pdf
Final Approval Date:	Apr 9, 2018

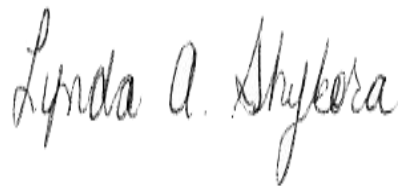
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Apr 6, 2018 - 11:09 AM



Gerald Christie - Apr 6, 2018 - 11:25 AM



Lynda Shykora - Apr 9, 2018 - 9:54 AM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Apr 9, 2018 - 11:39 AM