



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Michelle Austin, Senior Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: September 3, 2024
REPORT DATE: August 21, 2024
FILE: 3360-20 (ZON00423)

SUBJECT: ZONING AMENDMENT BYLAW FOR 1501 HIGHWAY 6

PURPOSE:

To present for Council's consideration a zoning amendment bylaw for the property located at 1501 Highway 6. The application seeks approval to allow a Minor Fuel Station and Drive-through Services.

RECOMMENDATION:

1. THAT Council support Zoning Application ZON00423 to allow Minor Fuel Station and Drive-through Services uses on LT 1, SEC 26, TWP 9, ODYD, PL 24027, Except PLs H14665 and KAP58251 (1501 Highway 6) as outlined in the report titled "Zoning Amendment Bylaw for 1501 Highway 6", dated August 21, 2024;

AND FURTHER, that prior to adoption of "Zoning Text (Drive-through Services and Minor Fuel Stations) Amendment Bylaw 6005, 2024", LT 1, SEC 26, TWP 9, ODYD, PL 24027, Except PLs H14665 and KAP58251 (1501 Highway 6) is consolidated with LT 25, SEC 26, TWP 9, ODYD, PL KAP58251 (1400 17 Street); LT 26, SEC 26, TWP 9, ODYD, PL KAP58251 (1401 17 Street); LT 24, SEC 26, TWP 9, ODYD, PL KAP58251 (1404 17 Street); LT 27, SEC 26, TWP 9, ODYD, PL KAP58251 (1405 17 Street); and LT 23, SEC 26, TWP 9, ODYD, PL KAP58251 (1406 17 Street).

2. THAT Bylaw 6005, "Zoning Text (Drive-through Services and Minor Fuel Stations) Amendment Bylaw 6005, 2024", a bylaw to authorize Drive-through Services and Minor Fuel Stations on LT 1, SEC 26, TWP 9, ODYD, PL 24027, Except PLs H14665 and KAP58251 (1501 Highway 6), be read a first and second time;

AND FURTHER, that the Public Hearing for Bylaw 6005 be scheduled for Monday, October 7, 2024, at 5:30 pm, in Council Chambers.

ALTERNATIVES & IMPLICATIONS:

Note: This alternative authorizes Drive-through Services only and does not permit a Minor Fuel Station. The developer would need to redesign the site, which could potentially align with the mixed-use intent of the existing zone and support the City's housing goals. If Council chooses this alternative, staff would present the corresponding Bylaw at the September 23, 2024, Regular Council meeting.

THAT Council support Zoning Application ZON00423 to allow Drive-through Services use on LT 1, SEC 26, TWP 9, ODYD, PL 24027, Except PLs H14665 and KAP58251 (1501 Highway 6) as outlined in the report titled "Zoning Amendment Bylaw for 1501 Highway 6", dated August 21, 2024;

AND FURTHER, that LT 1, SEC 26, TWP 9, ODYD, PL 24027, Except PLs H14665 and KAP58251 (1501 Highway 6) is consolidated with LT 25, SEC 26, TWP 9, ODYD, PL KAP58251 (1400 17 Street); LT 26, SEC 26, TWP 9, ODYD, PL KAP58251 (1401 17 Street); LT 24, SEC 26, TWP 9, ODYD, PL KAP58251 (1404 17 Street); LT 27, SEC 26, TWP 9, ODYD, PL KAP58251 (1405 17 Street); and LT 23, SEC 26, TWP 9, ODYD, PL KAP58251 (1406 17 Street) prior to adoption of a zoning amendment bylaw to allow Drive-

through Services use on LT 1, SEC 26, TWP 9, ODYD, PL 24027, Except PLs H14665 and KAP58251 (1501 Highway 6).

ANALYSIS:

A. Committee Recommendations:

At its meeting of August 13, 2024, the Advisory Planning Committee passed the following resolution:

THAT the Advisory Planning Committee recommends that Council support Zoning Application 00423 (ZON00423) to apply zoning overlays to LT 1, SEC 26, TWP 9, ODYD, PL 24027, Except PLs H14665 and KAP58251 (1501 Highway 6) to authorize the uses of Minor Fuel Station and Drive-through Services on the subject property as outlined in the report titled “Zoning Overlay Application for 1501 Highway 6” dated August 8, 2024;

AND FURTHER, that prior to final adoption of a zoning overlay bylaw, the subject property is consolidated with LT 25, SEC 26, TWP 9, ODYD, PL KAP58251 (1400 17 Street); LT 26, SEC 26, TWP 9, ODYD, PL KAP58251 (1401 17 Street); LT 24, SEC 26, TWP 9, ODYD, PL KAP58251 (1404 17 Street); LT 27, SEC 26, TWP 9, ODYD, PL KAP58251 (1405 17 Street); and LT 23, SEC 26, TWP 9, ODYD, PL KAP58251 (1406 17 Street);

AND FURTHER, that the landscape buffer, between the proposed convenience store/car wash and the residences along 15 Ave, be increased.

B. Rationale:

1. The development [site](#) consists of six parcels located in southeast Vernon at the corner of Highway 6 and 15 Street: 1501 Highway 6 and 1400, 1401, 1404, 1405 and 1406 17 Street. The total area is 3.42 hectares (8.44 acres) (Figures 1 and 2).

2. The [site](#) has an Official Community Plan (OCP) Land Use designation of [Community Commercial \(CCOM\)](#) (Attachment 1), which supports big box development, shopping centres and other large format retail. The ongoing OCP update aims to shift away from car-focused uses, like drive-throughs and gas bars, to reduce air pollution, combat climate change, and promote active transportation and healthier lifestyles.

3. Under [Zoning Bylaw 6000](#), the site is currently zoned [CMUB: Commercial Mixed-Use Business](#) (Attachment 2), which allows for medium scale commercial and [Mixed-Use Housing](#) developments.

4. There is an active development permit application (DP001057) for the site, proposing a grocery store, two drive-throughs (fast food and coffee), a nine-bay vehicle service facility, a gas bar with a convenience store, a car wash, and multiple other commercial units (Attachment 3).

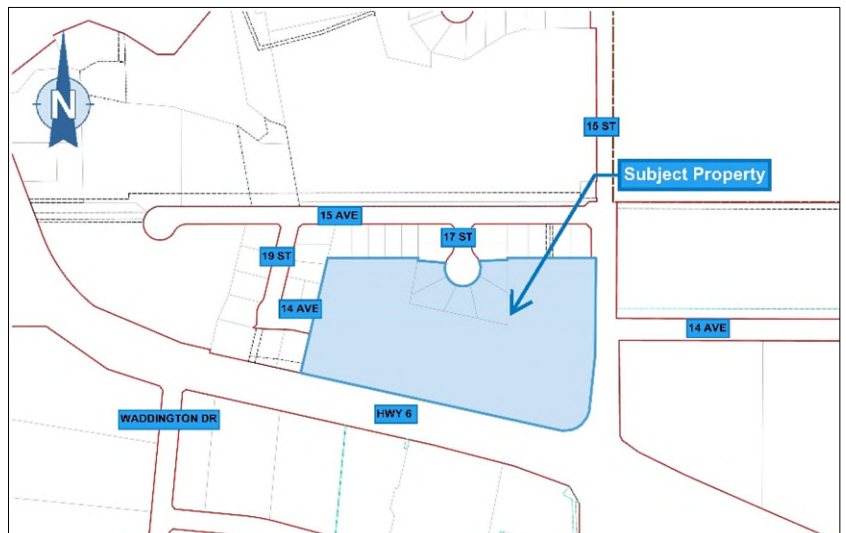


Figure 1: Site Location Map

5. DP001057 was submitted under the former Zoning Bylaw 5000 and the C5 – Community Commercial zone, which permitted gas bars and drive-throughs, requiring only a development permit (DP). The DP is under review, and Administration is working with the applicant to resolve outstanding issues. The City is awaiting confirmation on access, traffic flow, site layout, and supporting documentation.



Figure 2: Aerial View of the Site

6. Since the DP was not ready to be issued before Zoning Bylaw 6000 was adopted, the new regulations now apply. Under Bylaw 6000, Minor Fuel Stations and Drive-through Services are not permitted in the CMUB zone. These uses require Council approval through adoption of a zoning amendment bylaw (Attachment 4).

7. Administration is concerned about the proposed development's compatibility with surrounding land uses, as shown in Table 1. The auto repair shop and drive-through car wash, located next to properties on 15 Avenue, could have significant visual and noise impacts. Although Administration has worked with the applicant to explore redesign options, the applicant prefers to proceed with the current proposal. Through the DP process, Administration will continue to work with the applicant to reduce impacts on surrounding neighbourhoods.

	Zoning	Actual Use
North	MUS: Multi-Unit: Small Scale	Detached Housing (Single)
East	CMTY: Community	Interior Health – Vernon Health Centre School District No. 22 (Vernon)
South	INDL: Light Industrial	Vacant lot, Petro-Canada Gas Bar & 7-11 Convenience Store 3PL Ventures Inc. (Cannabis Cultivation & Processing Facility) Fox & Sons Woodland Equipment Inc.
West	MUS	Detached Housing (Single) and Semi-detached Housing

Table 1: Surrounding Properties – Zoning & Actual Use

8. The applicant intends to proceed with the applications as proposed, having already invested significant resources. The new CMUB zone allows residential units in a mixed-use form, which would strongly support the City's housing goals. Administration views this as a significant missed opportunity.

9. Administration supports adding Minor Fuel Station and Drive-through Services Drive-through Services to the site because:

- a. The proposed development aligns with the OCP; and
- b. The DP application was submitted under former Zoning Bylaw 5000 and the C5 – Community Commercial zone, which permitted these uses.

C. Attachments:

- Attachment 1: Official Community Plan Map
- Attachment 2: Zoning Map
- Attachment 3: Site Plan
- Attachment 4: Proposed Zoning Text Amendment Bylaw 6005, 2024

D. Council's Strategic Plan Alignment:

- | | |
|---|--|
| <input type="checkbox"/> Governance & Organizational Excellence | <input type="checkbox"/> Livability |
| <input type="checkbox"/> Recreation, Parks & Natural Areas | <input type="checkbox"/> Vibrancy |
| <input type="checkbox"/> Environmental Leadership | <input checked="" type="checkbox"/> Not Applicable |

E. Relevant Policy/Bylaws/Resolutions:

1. OCP Bylaw 5470:
 - Sec. 8, Community Commercial
 - Sec. 26, Development Permit Areas
 - Sec. 28, Development Permit Area 2 (Neighbourhood District)

2. Zoning Bylaw 6000
 - Sec. 11.2 CMUB – Commercial Mixed Use: Business

BUDGET/RESOURCE IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

- None
 Budget Previously Approved
 New Budget Request
 (Finance Review Required)

Prepared by:

Approved for submission to Council:

X Michelle Austin
 Signer 1
 Michelle Austin
 Senior Planner

Patricia Bridal
 Patricia Bridal, CAO
 Date: Aug 23/24

X Terry Barton
 Signer 2
 Terry Barton
 Director, Planning & Community Services

REVIEWED WITH

- | | | |
|---|---|---|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Aug. 13/24) | | |
| <input type="checkbox"/> OTHER: | | |