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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** May 9, 2001  
**File No.:** (3360-20) **Z01-1015**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

APPLICATION NO. Z01-1015

OWNER: JAG VENTURES LTD.  
(INC. NO. 507857)

AT: 809 FINNS ROAD

APPLICANT: JAG VENTURES LTD. /  
RAY GAGNON

PURPOSE: TO REZONE THE SUBJECT PROPERTY TO PERMIT THE  
CONSTRUCTION OF A NEW 926.7 M<sup>2</sup> BUILDING FOR  
BUSINESS INDUSTRIAL USES

EXISTING ZONE: A1 – AGRICULTURAL 1

PROPOSED ZONE: I1 – BUSINESS INDUSTRIAL

REPORT PREPARED BY: PAUL McVEY

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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1.0 RECOMMENDATION

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Sec. 34, Twp. 26, O.D.Y.D., Plan 16944, located on Finns Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the I1 – Business Industrial zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a reciprocal access and parking easement as a priority charge at the Land Titles Office in Kamloops;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

## 2.0 SUMMARY

The applicant wishes to rezone the subject property in order to construct a new, 2 storey, 926.7 m<sup>2</sup> building for Business industrial uses. As the property is less than the minimum required 4,000 m<sup>2</sup> necessary for the I1 – Business Industrial zone, a Development Variance Permit has been made concurrently with the application to rezone. The Development Variance Permit application also seeks to reduce the east side yard to 0.0m where the bylaw requires a minimum side yard of 6.0m. A Development Permit application is not required as the subject property is not located in an Mandatory Development Permit area.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant rezoned the adjacent property to the south (Lot 2, Plan 16944, now KAS2197) in 1995, and constructed a new business industrial building on the site soon after. This current application seeks to rezone the subject property to the I1 – Business Industrial zone in order to permit the development of the subject property with a similar type of Business Industrial building.

The site plan of the proposed development anticipates the use of the subject property together with the adjacent property as if the two lots were developed together. The subject property is accessed only from what was Lot 2, Plan 16944, now KAS2197. The design of the new building is virtually the same as the original building constructed on lot 2, Plan 16944, now KAS2197. It is anticipated that once the development is complete, that the site construction will look as if it both buildings had been developed at the same time, as if it had been one comprehensive development.

It has been necessary for the applicant to apply for a Development Variance Permit in conjunction with the application to rezone, as the subject property does not meet the minimum lot size requirements of the I1 – Business Industrial zone, and the side yard setback to the east side is proposed to be 0.0m where the bylaw requires a minimum setback of 6.0m.

As the property is not located within a mandatory Development Permit area, there has been no application for a Development Permit associated with this application to rezone.

The proposal as compared to the I1 zone requirements is as follows:

CRITERIA	PROPOSAL	I1 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	1,477 m <sup>2</sup> *	4,000.00 m <sup>2</sup>
Site Width (m)	42.6 m	40.0 m
Site Coverage (%)		N/A
Total Floor Area (m <sup>2</sup> )	422.9 m <sup>2</sup>	1,772.4 m <sup>2</sup> @ FAR = 1.2
F.A.R.	0.28	1.2 Max
Storeys (#)	2 stories	3 stories (16.0 m)
Setbacks (m)		
- Front	6.0 m	6.0 m
- Rear	N/A	0.0 m adj. to Ind. / Com. Zones 6.0 m to other zones
- South West Side	13.5 m	0.0 m adj. to Ind. / Com. Zones 6.0 m to other zones
- East Side	0.0 m **	0.0 m adj. to Ind. / Com. Zones 6.0 m to other zones
Parking Stalls (#)	19 stalls provided	Office uses 2.0 per 100 m <sup>2</sup> Warehousing uses 0.5 per 100 m <sup>2</sup>
Loading Stalls (#)	1 stall provided	1 per 1,900 m <sup>2</sup>

Parking calculations; main floor (417 m<sup>2</sup>) – 45% Office 187.6 m<sup>2</sup> 4 stalls required,  
55% warehousing 229.3 m<sup>2</sup> 2 stalls req'd  
Upper floor (509 m<sup>2</sup>) – 93% office use = 473.3 m<sup>2</sup> 10 stalls req'd  
Total parking req'd 16 stalls

#### Variances required

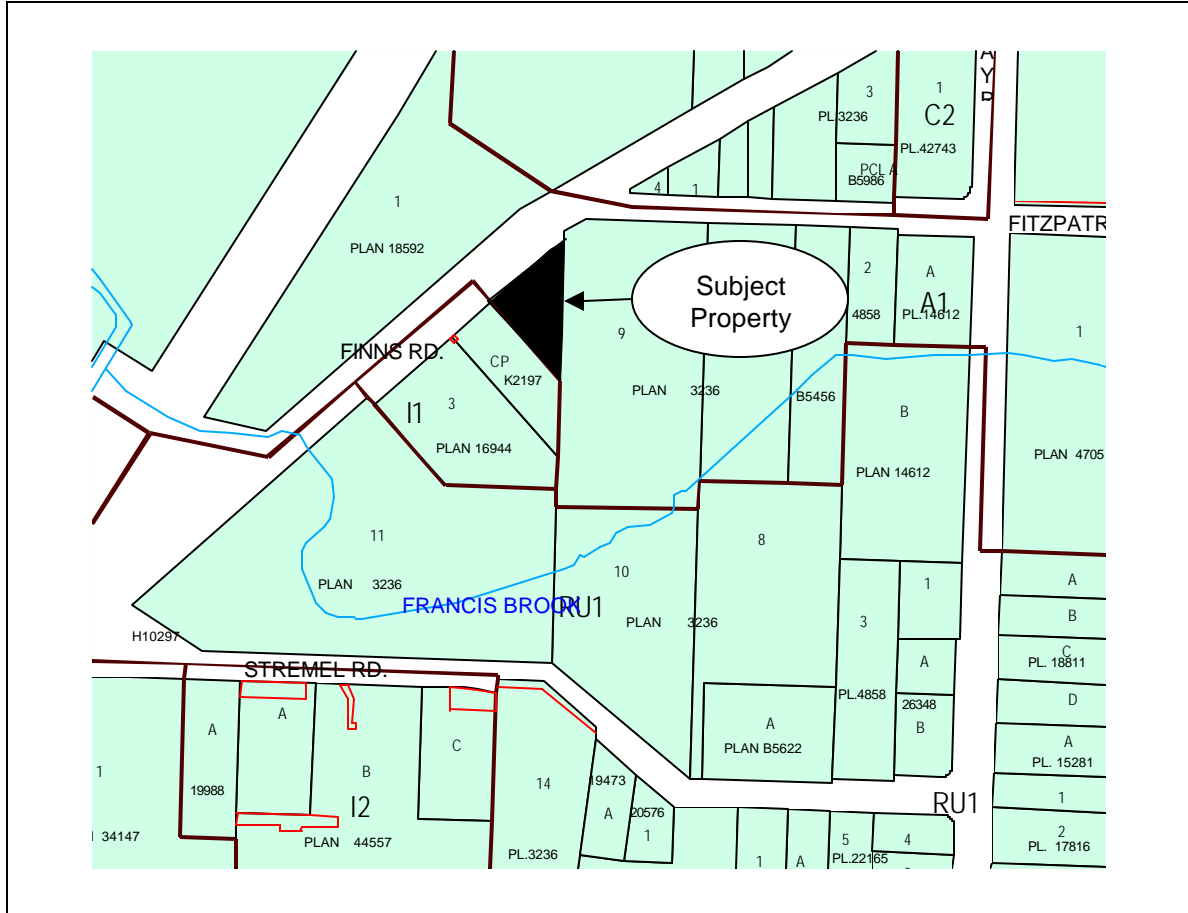
- \* Section 15.1.4 (c.) Minimum lot area of 4,000 m<sup>2</sup> be varied to permit minimum lot area of 1,477 m<sup>2</sup>
- \*\* Section 15.1.5 (d) Minimum side yard is 6.0 m be varied to permit 0.0 m setback

### 3.2 Site Context

Adjacent zones and uses are, to the:

- Northwest A1 - Agricultural 1, Finns Rd., vacant lot with old Expo building
- East - A1 - Agricultural 1, single family residential uses
- Southwest - I1 - Business Industrial / Multi-unit Business Industrial building
- West - A1 - Agricultural 1 / Finns Rd., vacant lot with old Expo building

## Subject Property Map



### 3.3 Existing Development Potential

The existing zone of A1 - Agricultural 1 allows for agriculture, animal clinics – major (in existence prior to July 1, 1998), aquaculture, greenhouses and plant nurseries, mobile homes, single detached housing, and utility services – minor impact as permitted principal uses. The zone also permits agricultural dwellings – additional, agri-tourism accommodation, animal clinics – major and minor, bed and breakfast homes, care centres major and minor, group homes- minor, home based businesses – minor, major, rural, kennels and stables, and wineries and cideries as permitted secondary uses.

### 3.4 Current Development Policy

### 3.4.1 Kelowna Official Community Plan

This proposal is consistent with the "Industrial" designation of the Official Community Plan.

3.4.2 City of Kelowna Strategic Plan (1992)

"The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill and will provide for an increased density of development within established urban areas through re-development of areas which are in transition. Urban areas which are targeted include the Central City area with emphasis on the waterfront and north end, Rutland, and South Padosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor."

3.4.3 Finns Road concept Development Plan

Finns Road concept Development Plan identifies the subject property as a future Industrial Business land use.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 B.C. Gas

Gas is available; an application is required.

4.2 Fire Department

This department has no objection to this application.

4.3 Irrigation District (B.M.I.D.)

The above property is within BMID boundaries and currently has a 19 mm water service to the property line. We have no problem with the rezoning or development permit subject to:

1. The land is currently classified as D grade land and must be regraded to C grade land - .30 acre = \$729.00
2. A capital cost charge of \$1,000 for the first 100 m2 of building and \$3.00 per m2 thereafter - 900 m2 = \$33,000.00
3. A \$350.00 connection fee.
4. There is a cost share of watermain construction applied to this area. Cost share to this lot is \$2,500.00.
5. Any upgrading of service to a larger size would be at owners cost.
6. A backflow prevention device and a water meter are required to this building.

4.4 Inspection Services Department

Reciprocal access agreement required. Clarification is required for the use of main floor ie: parking.

#### 4.5 Ministry of Transportation and Highways

No Objections. However, the Ministry has concerns about the growing industrial development in this area and how this traffic is going to get to the signalized intersections on Highway 97.

Ministry calculations indicate that this proposed development will generate an additional 14 trips during the peak hour. These trips will most likely go to the Highway 97 / Stremel Road intersection, which currently experiences long delays before an appropriate gap is available in traffic to make a left turn. There is a “back route” to the signals at Highway 97 / McCurdy Road, but it is a very round-about 2.5 km route.

The Ministry will monitor the Highway 97 / Stremel Road intersection and if safety becomes an issue, steps may have to be taken to impose turning restrictions.

#### 4.6 Parks Manager

1. Parks Division will support under the condition that a landscape plan is submitted at development permit prior to building permit.
2. The following applies for all boulevard (BLVD) landscape and is standard information required on future landscape plan:
  - A. Landscape plan to include a proper plant materials list:
    - i) Latin name
    - ii) common name
    - iii) size at planting
    - iv) plant symbol key
    - v) indicate existing trees
  - B. Plant material specifications are as follows:
    - i) Deciduous Tree - caliper @300mm above rootball (min. 60mm)
    - ii) Deciduous Shrub - spread (min. 450mm)
    - iii) Coniferous Tree - height (min. 2.5m)
    - iv) Coniferous Shrub - spread (min. 450mm)
    - v) Seed/Sod Mix according to location and proposed activity use.
  - C. Shrub beds require plastic edge beside all areas abutting a city sidewalk.
  - D. Scale of plan and north arrow clearly indicated on plan.
  - E. All plant materials (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
3. All stone mulch areas on private property that abut city lands to use acceptable plastic edge to prevent rock migrating into grass blvd or sidewalks.
4. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
5. BLVD maintenance (irrigation, shrubs, ground cover, sod) is the responsibility of owner/occupant.
6. All BLVD tree maintenance is responsibility of Parks Division.
7. Planting plan to include all u/g utility locations in BLVD.

#### 4.7 Shaw Cable

Owner/contractor to supply/install conduit system as per Shaw Cable drawings and specifications.

4.8 Telus

Provide structure as per Telus specifications for Telus facilities.

4.9 West Kootenay Power

No Comment

4.10 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application to rezone from A1 (Agriculture 1) to I1 (Business Industrial) are as follows:

1. General.

A cross-access agreement between CP K2197 and lot 1 plan 16944 must be registered.

2. Domestic water and fire protection.

- a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection, and upgrading costs are to be paid directly to the BMID.
- b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation Bylaws. The developer or the building contractor must purchase the meter from the City at the time of application for a building permit from the inspection Services Department, and prepare the meter setter at his cost.
- c) The water system must be capable of supplying domestic and fire flow demands for the proposed zone in accordance with the Subdivision, Development & Servicing Bylaw.

3. Sanitary Sewer.

- a) The subject property is located within the College Trunk Service Area and is subject to the Extended Service Area (ESA) Charge of \$ 1355.00 (2001) per Equivalent Dwelling Unit (EDU). An EDU is equivalent to 0.28 acre for industrial land, or 1.07 EDU for the subject property, which amount to a total charge of \$1449.85.
- b) A sanitary service is required to be installed in order to service the subject property; the service connection must be performed by the City of Kelowna at the developer expense. The cost will be determined when an application for the new service is received by the City Inspection Services Department

4. Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. The storm water must be detained on site by providing catch basins, drywells all interconnected by perforated pipes.

5. Road improvements.

The applicant is responsible to upgrade the Finns Road frontage to an urban collector standard complete with fillet paving, curb and gutter, landscaped boulevard complete with trees and irrigated grass, separate sidewalk, storm drainage, street lighting and relocation and/or removal as may be required. The estimated cost of this work, for bonding purposes, is \$29,600.00, inclusive of a bonding contingency.

6. Street lights

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

7. Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer.

8. Power and Telecommunication Services.

The services fronting this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

9. Bonding and Levy summary

a) Performance Bonding

Finns Road upgrading	\$29,600.00	Prior to building permit application
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b) Levies

College ESA	\$1,449.85	Prior to building permit application or Sewer connection application
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5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The proposed development is consistent with both the future land use designation of the Official Community Plan and the Finns Road Concept Development Plan. The proposed development of the subject property mirrors the development that has occurred on the



adjacent lot, and once the construction is complete, the development site will appear as if both lots had been developed concurrently.

The variances under application are considered supportable, as the property has a unique configuration, and does not lend itself to a stand-alone development. The proposed development plan for the subject property virtually forms the final phase of construction of the existing development located on what was Lot 2, Plan 16944, now Strata Plan KAS2197. If the subject property had been available for development at the time of the original development application in 1995, and had been consolidated with the original site, there would have been no need of a Development Variance Permit application. However, as the subject property has become available after the development of Lot 2, Plan 16944, the variances are now required as the subject property exists as a separate lot.

At this time, as the original site has been fully developed and now consists of a strata plan, it is not feasible to consolidate the subject property with the adjacent property. The shared access will have to be protected by means of a mutual access easement, as identified in the Works and Utilities Department servicing requirements.

The variance to permit a 0.0m set back to the east property line is considered supportable in that the adjacent property to the north and east are under review regarding the future land use designation. Currently those properties are designated as multiple family residential future land use. However, the draft Official Community Plan designates that property as an Industrial future land use. The zone permits side and rear yard setbacks adjacent to commercial and industrial properties to be reduced to 0.0m, where a setback of 6.0m is required when the property is adjacent to other zones.

It is felt that there are sufficient requirements in both the I1 – Business Industrial Zone, and the Landscaping requirements in Section 7, that ensure the development of a quality project.

In light of the above, the Planning and Development Services Department supports this application, and recommends for Council's positive consideration.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

PMc/pmc  
Attach.

**FACT SHEET**

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| <b>1. APPLICATION NO.:</b>   | Z01-1015   |
| <b>2. APPLICATION TYPE:</b>  | Rezoning   |
| <b>3. OWNER:</b><br>· ADDRESS<br>· CITY<br>· POSTAL CODE   | Jag Ventures Ltd. (inc. no. 507857)<br>575 Rifle Road<br>Kelowna, BC<br>V1V 2H2  |
| <b>4. APPLICANT/CONTACT PERSON:</b><br>· ADDRESS<br>· CITY<br>· POSTAL CODE<br>· TELEPHONE/FAX NO.:  | Jag Ventures Ltd. / Ray Gagnon<br>575 Rifle Road<br>Kelowna, BC<br>V1V 2H2<br>212-4553/762-5231  |
| <b>5. APPLICATION PROGRESS:</b><br>Date of Application:<br>Date Application Complete:<br>Servicing Agreement Forwarded to Applicant:<br>Servicing Agreement Concluded:<br>Staff Report to Council: | March 5, 2001<br>March 9, 2001<br>May 4, 2001<br>May 7, 2001<br>May 9, 2001  |
| <b>6. LEGAL DESCRIPTION:</b>   | Lot 1, Sec. 34, Twp. 26, O.D.Y.D.,<br>Plan 16944   |
| <b>7. SITE LOCATION:</b>   | East side of Finns Road, south of<br>Fitzpatrick Road  |
| <b>8. CIVIC ADDRESS:</b>   | 809 Finns Road   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  | 1,477 m <sup>2</sup>   |
| <b>10. AREA OF PROPOSED REZONING:</b>  | 1,477 m <sup>2</sup>   |
| <b>11. EXISTING ZONE CATEGORY:</b>   | A1 – Agriculture 1   |
| <b>12. PROPOSED ZONE:</b>  | I1 – Business Industrial   |
| <b>13. PURPOSE OF THE APPLICATION:</b>   | To Rezone The Subject Property To<br>Permit The Construction Of A New<br>926.7 M <sup>2</sup> Building For Business<br>Industrial Uses |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b><br><b>NOTE: IF LANDS ARE WITHIN 800 m OF A</b><br><b>CONTROLLED ACCESS HIGHWAY</b>   | 2-81-19148   |
| <b>15. DEVELOPMENT PERMIT MAP 13.2</b><br><b>IMPLICATIONS</b>  | N/A  |

Attachments

Subject Property Map

3 pages of site plan, elevations, and landscape plan