
CITY OF KELOWNA
MEMORANDUM

Date: May 22, 2001
File No.: DVP01-10,026

To: City Manager

From: Planning and Development Services Department

Subject: Development Variance Permit No. DVP01-10,026

OWNER: Douglas and Alfred Appel

APPLICANT: Planning Solutions Consulting Inc., Tony Markoff

AT: 3205 Highway 33 East

PURPOSE: To attain a Development Variance Permit to vary the requirements of the Subdivision, Development & Servicing Bylaw 7900.

EXISTING ZONE: A1 – Agriculture 1

PROPOSED ZONE: I2 – General Industrial

REPORT PREPARED BY: Josephine Duquette

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. 01-10,026; Planning Solutions Consulting Inc. (Tony Markoff); Lot A, Plan 20065 Sec. 17, Twp. 27, ODYD, located on Highway 33, Kelowna, B.C.;

AND THAT variances to the following sections of Subdivision, Development & Servicing Bylaw No. 7900 be granted:

- Schedule 1, Works & Services Requirements – to waive the requirement for a community water system in conjunction with a rezoning to the I2 – General industrial zone.

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development variance permit application in order for the permit to be issued;

AND THAT the applicant register a Section 219 Restrictive Covenant as per the terms and conditions of the letter from the Planning and Development Services Department dated April 24, 2001, attached to the report from the Planning and Development Services Department dated May 22, 2001.

2.0 SUMMARY

The applicant is applying to vary the requirements of the Subdivision, Development & Servicing Bylaw 7900 with regards to the provision of a community water system to service the subject property.

3.0 BACKGROUND

3.1 The Proposal

The applicant is requesting permission to supply water to the site other than via a community water system. The applicant will supply a dry chemical fire suppression system throughout both buildings to the satisfaction of the Fire Department. The applicant will supply domestic water for the repair shop and the office via a 7,570 litre cistern complemented by a chlorinator to ensure the minimum of 1 part per million chlorine residual is available at all times. The cistern will be replenished by tanker truck using a demand of 151 litres per employee per day.

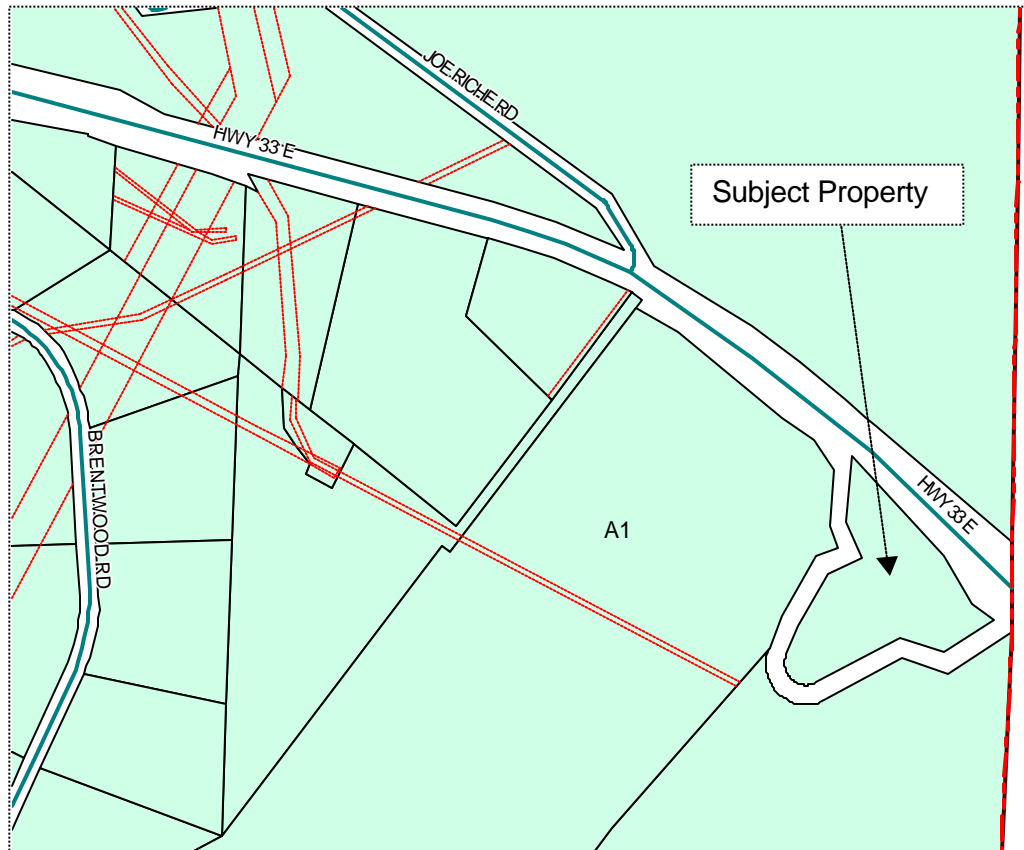
The applicant has applied for an amendment to the zoning and Official Community Plan, and Development Permit to permit the construction of a truck repair shop, administration office and truck storage yard. The applicant is requesting permission to rezone the subject property from A1 – Agriculture 1 zone to I2 – General Industrial zone and to amend the Official Community Plan future land use designation from Rural Agricultural to Industrial. The proposed truck repair shop would comprise of three service bay areas, washroom and lunchroom facilities, and an office area. The proposed administration building would comprise a boardroom, a private office, a washroom facility and a reception area. The area of the two buildings are 297 m² and 93 m² respectively. The area of the truck storage yard would total approximately 1.55 ha. As part of the overall development, the applicant is proposing to construct a landscape berm to screen the industrial buildings and storage yard area from highway 33 East and the surrounding agricultural lands. Also, the Agricultural Land Commission (Land Reserve Commission) has allowed the non-farm use within the Agricultural Land Reserve.

3.2 Site Context

The subject property is located on Highway 33 east in the Black Mountain Sector area of the City.

The adjacent zones and uses are as follows:

North	- A1 – Agriculture 1; Rural Agricultural
East	- A1 – Agriculture 1; Rural Agricultural
South	- A1 – Agriculture 1; Rural Agricultural
West	- A1 – Agriculture 1; Rural Agricultural



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The Kelowna Official Community Plan (OCP) designates the future land use of the subject property as Rural / Agricultural. An amendment to the OCP for the future land use designation of Industrial is required for the subject property.

3.3.2 City of Kelowna Strategic Plan (1992)

The provision of drinking water is of great concern to residents. Maintaining an adequate supply to meet future needs, to maintain the quality of drinking water and ensuring that water is supplied to the City in a coordinated fashion are all significant public issues.

3.3.3 Black Mountain Sector Plan

The Black Mountain Sector Plan designates the future land use of the subject property as Rural / Agricultural. Domestic Water is supplied to the

plan area by the Black Mountain Irrigation District (BMID) although parts of the plan area are not within the existing service area. The subject property is not within the current service area of BMID

4.0 TECHNICAL COMMENTS

4.1 Works and Utilities

The requested domestic water supply variance does not compromise the Works and Utilities requirements as long as the developer conforms with the following:

- 1 The Ministry of Health accepts the procedure of transporting and the on-site storage of water.
- 2 The Black Mountain Irrigation District is in agreement with the water supply method.
- 3 The Kelowna Fire Department can be satisfied with an acceptable fire protection scheme.

Fire Department

Fire suppression is to be supplied by a dry chemical system, to the satisfaction of the Fire Prevention Officer.

4.2 Okanagan Similkameen Health Region

The Health Region is not opposed to water storage system proposed for the business at this property, until a community water supply is available.

The report received includes that "drinking water would be supplied by bottled water service for the offices" however I would add that the bottled supply be an approved potable source.

The following conditions are an ongoing requirement for the development:

- 1 The water is to be tested regularly – once per week (to start);
- 2 Test results are submitted to this office;
- 3 A chlorine test kit is provided to test and record chlorine residuals; and
- 4 Changes to any aspect of the system (e.g. source change) are to receive prior approval through this office.

Prior to occupancy an application for a permit for the water system needs to be submitted to this office.

Consideration needs to be given, by the developer, to make the connection to the community water supply as soon as possible.

4.3 Planning & Development Services Department

The Planning & Development Services Department supports the application for the following reasons:

- the property is subject to the provisions and regulations of the Land Reserve Act,

- the development potential of the property is limited by the provisions within the Agricultural Land Commission (Land Reserve Commission) decision, and
- the property is located at the eastern boundary of the City of Kelowna and it is not anticipated that there will be additional development pressure in the immediate vicinity.

The applicant is solely responsible for meeting the requirements of the Fire Department, the Public Health Officer, and the Development Permit regarding the provision of water supply. Furthermore, the applicant is required to register a Section 219 Restrictive Covenant on the subject property that:

- Idemnifies and saves harmless the City of Kelowna for any issue with regard to the absence of a community water system; and
- That the applicant will connect to a community water system at such time as it is available.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

AB/JD/jd
Attachments

FACT SHEET

- | | |
|---|---|
| 1. APPLICATION NO.: | DVP01-10,026 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Douglas and Alfred Appel |
| . ADDRESS | RR 5 Garner Road |
| . CITY/POSTAL CODE | Kelowna, BC / V1X 4K4 |
| 4. APPLICANT/CONTACT PERSON: | Planning Solutions Consulting Inc. / |
| . ADDRESS | Tony Markoff |
| . CITY/POSTAL CODE | 744 Barnaby Road |
| . TELEPHONE/FAX NO.: | Kelowna, BC / V1W 4N9 |
| 5. APPLICATION PROGRESS: | 764 – 7377 / 764 - 7822 |
| Date of Application: | May 3, 2001 |
| Date Application Complete: | May 4, 2001 |
| Staff Report to Council: | May 24, 2001 |
| 6. LEGAL DESCRIPTION: | Lot A, Sec. 17, Twp. 27, ODYD, Plan 20065 |
| 7. SITE LOCATION: | South side of highway 33 East |
| 8. CIVIC ADDRESS: | 3205 highway 33 east |
| 9. AREA OF SUBJECT PROPERTY: | 2.0 ha (4.94 ac) |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | 2.0 ha (4.94 ac) |
| 11. EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 12. PURPOSE OF THE APPLICATION: | I2 – General Industrial |
| 13. DEVELOPMENT VARIANCE PERMIT VARIANCES: | Schedule 1 of the Subdivision, Development & Servicing Bylaw 7900 |
| 14. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | Not Applicable |

April 24, 2001
File No.: Z99-1011

Planning Solutions
744 Barnaby Road
Kelowna, B.C.
V1W 4N9

Attention: Mr. Tony Markoff

Dear Sir:

Re: Development Variance Permit to Address the Provision of Water

Further to our many discussions regarding the above noted Rezoning Application and the provision of water service to the site, please note the following.

The Planning and Development Services Department is prepared to support a Development Variance Permit Application to vary the requirements of the Subdivision Development & Servicing Manual, Bylaw No. 7900, with regards to the provision of a community water system to service the subject property based on the reasons and conditions as listed below:

REASONS

- The property is still retained within the Agricultural Land Reserve (ALR) and as such is still subject to the provisions and regulations of the ALR Act.
- The Land Reserve Commission (LRC) has approved the specific use of the subject property for a truck servicing and storage yard with an associated service building and a small office building. The provisions of the ALC decision limit the development potential of the property over and above the proposed municipal zoning for the subject property.
- The property is located at the eastern boundary of the City of Kelowna and it not anticipated that there will be additional development pressure in the immediate vicinity.

CONDITIONS

1. The applicant is solely responsible for meeting the independent requirements of the City of Kelowna Fire Department for fire protection of the proposed development in the absence of the provision a community water system.

2. The applicant is solely responsible for the provision of a source of domestic water for the proposed development to the satisfaction of the Public Health Officer. This water source must be adequate for the plumbing installations within the building.
3. The applicant is responsible for provision of adequate irrigation supply to support the landscaping plan that has been submitted in conjunction with the Development Permit Application for the subject property.
4. The applicant must prepare and register a Section 219 Restrictive Covenant, in a form acceptable to the City of Kelowna, that restricts the use of the land to what has been approved by the LRC and proposed through the development applications to date and no other uses until such time as a community water system has been provided to service the subject property. The Section 219 Restrictive Covenant must also stipulate that at such time as a community water system is available to service the subject property that the applicant will connect to that system within a reasonable time frame at his sole cost. The covenant must indemnify and save harmless the City of Kelowna for any liabilities arising from the terms of the covenant or from the approval of the development without the provision of a community water system. The covenant must be registered as a Priority Charge in favour of the City of Kelowna.

The details of how the applicant proposes to meet these conditions must be submitted to the Planning and Development Services Department for review prior to the application being forwarded to City Council. The details will be reviewed by the City of Kelowna Inspection Services Department, Works and Utilities Department, and the Fire Department to ensure that the applicant's approach is acceptable.

If you have any questions regarding the above information, please do not hesitate to contact me at 862-3339 local 436.

Yours truly,

Andrew Bruce
Current Planning Manager

cc: Development Engineer
Fire Prevention Officer
Inspection Services Manager

Attachments that are missing from the Electronic Version

Subject Property Map
Site Development Plan
Shop Building Elevations
Shop Building Floor Plan
Administrative Building Elevations and Floor Plan