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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** July 25, 2001  
**File No.:** OCP00-006/Z00-1042  
(3360-20)

**To:** City Manager

**From:** Planning & Development Services Department

**Purpose:** To amend the OCP designation and rezone the subject property in order to facilitate a proposed automotive sales use

**Owner:** T172 Enterprises Ltd.      **Applicant/Contact Person:** Jim Langley

**At:** 2678 Highway 97

**Existing OCP Designation:** Industrial      **Proposed OCP Designation:** Commercial

**Existing Zone:** A1 – Agriculture One      **Proposed Zone:** C10 – Service Commercial

**Report Prepared by:** Shelley Gambacort

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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### 1.0 RECOMMENDATION

THAT Map 15.1 of City of Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Generalized Future Land Use Map 15.1 designation for Lot 2, District Lot 125, ODYD, Plan 7319 except Plan 12318, located on Highway 97, Kelowna, BC, from Industrial to Commercial;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, District Lot 125, ODYD, Plan 7319 except Plan 12318, located on Highway 97, Kelowna, BC, from the A1 – Agriculture One zone to the C10 – Service Commercial zone;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Ministry of Transportation being completed to their satisfaction;

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

### 2.0 SUMMARY

The applicant is requesting an amendment to the Official Community Plan Generalized Future Land Use Map 15.1 designation of industrial to commercial, a rezoning from A1 – Agriculture 1 to C10 – Service Commercial and a Development Permit in order to facilitate a proposed automotive sales use on the subject property.

There is an existing building on-site that the applicant is proposing to renovate for the automotive sales use and there is a concurrent Development Permit application, which addresses the exterior renovations proposed to the existing building. There is also a concurrent Development Variance Permit application being proposed in order to vary the minimum lot width requirement of the C10 – Service Commercial zone. The C10 minimum lot width requirement is 40 m and the existing lot width is 31.52 m resulting in a lot width variance requirement of 8.48 m.

## 2.1 Advisory Planning Commission

The above-noted applications were reviewed by the Advisory Planning Commission at their meeting of September 5, 2000 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Official Community Plan Amendment No. OCP00-001 and Rezoning Application No. Z00-1042 by Porter Ramsay (Tom Smithwick), for property described as Lot 2, Plan 7319, Secs. 27, Twp. 26, ODYD; 2678 Hwy 97 N;

AND THAT the Advisory Planning Commission supports Development Permit Application No. DP00-10,064 by Porter Ramsay (Tom Smithwick), for property described as Lot 2, Plan 7319, Secs. 27, Twp. 26, ODYD; 2678 Hwy 97 N subject to having maintained landscaping out to the edge of the property and to the provision of a right in, right out turning lane.

*Note: The turning lane has not been identified as a requirement by either Works & Utilities or Ministry of Transportation.*

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant is proposing an automotive sales use on the subject parcel in accordance with the requested C10 – Service Commercial zone. The current OCP designation of the subject property is Industrial, which necessitates an application to amend the OCP to the Commercial designation to permit the proposed zone. However, it should be noted that the draft City of Kelowna Official Community Plan, 2020, is proposing a future land use designation of Commercial for the subject property.

There is an existing single family dwelling on the subject property, which is to be renovated to accommodate the automotive sales office.

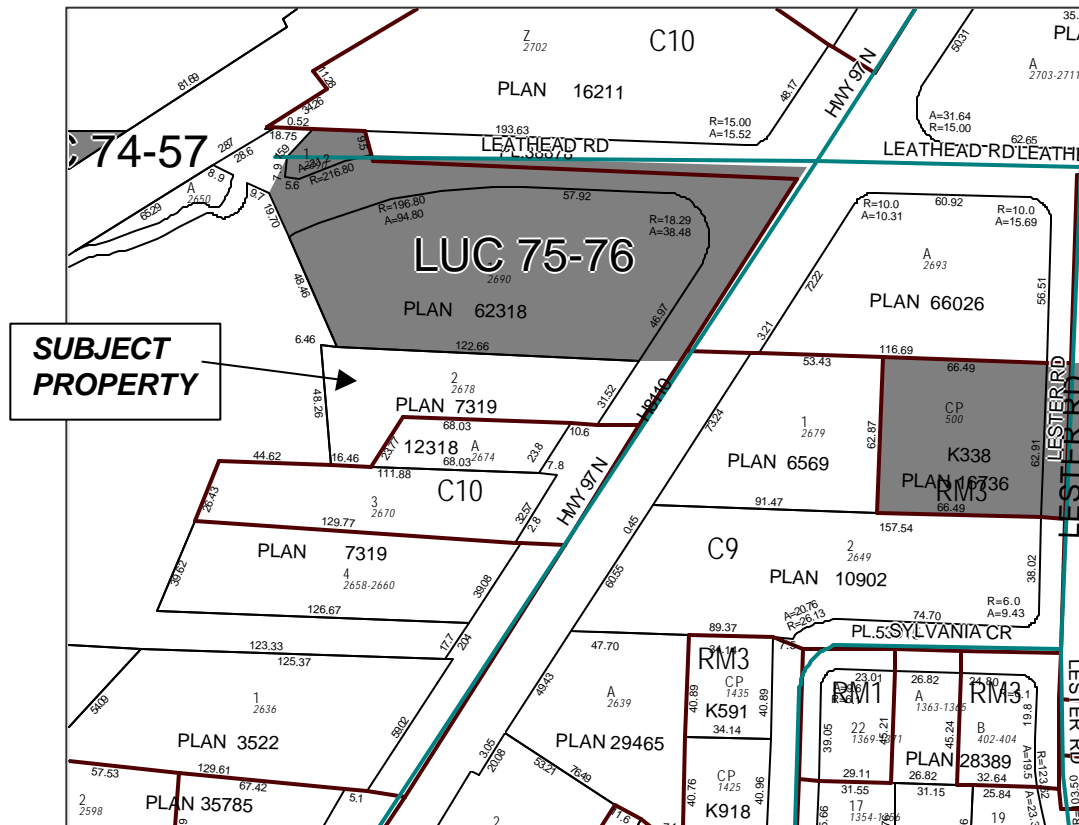
The existing access point off of Highway 97 is proposed to be utilized for the site.

CRITERIA	PROPOSAL	C10 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	3690.86	1000
Site Width (m)	31.52 <sup>①</sup>	40
Site Depth (m)	~110.	30
Site Coverage (%)	6.15	40
Total Floor Area (m <sup>2</sup> )	.276.5	2551.6
F.A.R.	.075	0.65
Storeys (#)	3.66 m/1 storey	12 m / 3 storeys
Setbacks (m) - Front	35.97	2.0
- Rear	63.7	0.0
- North Side/South Side	2.9/7.62	0.0
Parking Stalls (#)	5 plus 12 display stalls	6
Loading Stalls (#)	None shown	1

① - Development Variance Permit is required for site width

### 3.2 Site Context

The subject property is located on the west side of Highway 97 as shown on the Map below.



Adjacent zones and uses are, to the:

- North - Land Use Contract; Automotive sales (Scott Plymouth Chrysler)
- East - C9 – Tourist Commercial; motels
- South - C10 – Service Commercial; automotive sales (Anthony's Suzuki)
- West - A1 – Agriculture; undeveloped (under application for rezoning to commercial/industrial)

### 3.4 Current Development Policy

#### 3.4.1 City of Kelowna Strategic Plan (1992)

The proposed OCP amendment and rezoning are in keeping with the objectives of the Strategic Plan.

#### 3.4.2 Kelowna Official Community Plan (1994-2013)

The current OCP designation of the subject property is Industrial. However, the Draft OCP (2020) is proposing to designate the future land use of the subject property as commercial to reflect the existing land uses and to encourage redevelopment.

#### 4.0 TECHNICAL COMMENTS

##### 4.1 Works & Utilities

###### .1 Subdivision and Hwy.97 Access.

- a) The property is affected by the proposed Hwy. 97 Access Management Plan. Direct access might be restricted after the completion of the proposed service road at the rear of the property.
- b) The subject property fronts Hwy 97 and is under the jurisdiction of the Ministry of Transportation and Highways. MOT's comments and requirements have not been received to date and they will be included in our final report as soon as they are in our possession.

###### .2 Domestic Water and Fire protection.

- a) The property is serviced by the Rutland Waterworks District (RWD) and as such, all servicing arrangements are to be made with the District.
- b) A water meter is mandatory for this development. This meter must be capable of metering all of the water to the site. The meter must be installed inside an above-ground meter house at the service inlet to the site. The developer or 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. Remote readers units are also mandatory on all meters.

###### .3 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.

###### .4 Sanitary Sewer.

The property is not currently serviced and is under the jurisdiction of the Public Health Officer. The property is located within the College Extended Sewer Area; therefore the \$1290.00 (2000 costs) per Equivalent Development Unit (EDU) is applicable to this development should the developer wish to be connected to the municipal sewer collection system

###### .5 Power and Telecommunication Services.

The services to and 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. This requirement would be triggered under a building permit application as defined in Bylaw 7900 and current policies

.6 Performance Bonding and Levies

- Performance bonding - Sanitary Sewer Extension (if required) - At time of connection application
- Levies - College Trunk ESA (if required) - At time of connection application

4.2 Inspections Department

Conversion from residence to office/showroom will require upgrading of structure, washrooms, access – floor plans are required.

4.3 Fire Department

Fire Department access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. A hydrant is required within 90 metres of principal entrance – contact FPO for preferred location.

4.5 Ministry of Transportation

We have completed our review and the Ministry has no objection to this proposal subject to the following:

- .1 Highway 97 must be dedicated 23 meters from existing mean centerline.
- .2 A 10 meter wide reciprocal access easement must be registered against this property to provide for future alternate access to Lot A, Plan 12318. The easement should be located along the south boundary of the westerly portion of Lot 2. The easement is to be registered as a charge in priority over all other charges **except the restrictive covenant required by clause 3.**
- .3 A covenant must be registered against the title, in priority over all other charges, stating that once alternate access becomes available to this property via frontage on a public road OR any other form of access mutually agreeable to both the property owner and the Ministry of Transportation, all access to Highway 97 will be removed immediately at the owners expense.
- .4 Application for temporary right in/right out only access to Highway 97 must be submitted to this office. Once the site plan is approved a permit will be issued specifying "car sales lot" use only. The permit will also address the condition of removal once alternate access is available as specified in clause 3 above.
- .5 Site plan is to be amended to provide for future rear access to the 10 meter wide reciprocal access easement proposed over the future Lot 12 under your file Z99-1002. Reference our discussions on September 14, 2000.
- .6 A minimum of 30 meters of magazine storage at the temporary Highway access is to be provided from the ultimate property line (after Highway dedication has been achieved).
- .7 Site plan is to be amended to provide for customer parking and demonstrate how vehicles for sale will be delivered and off loaded at this site.

4.4 BC Gas

Gas is available to this development. An application is required allowing sufficient design and schedule time.

4.5 Shaw Cable

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

4.6 Telus

Telus will provide aerial service.

4.7 WKP

WKP will provide underground services to the proposed development.

4.8 Public Health Inspector

No comment

4.9 Rutland Waterworks District

The existing lot is serviced with a ¾" domestic water service. Depending on the plumbing requirements for water service, this service may be inadequate. The District would be prepared to upgrade this service at the owners expense if necessary.

4.10 RCMP

No response

4.11 SD #23

No impact on SD #23.

5.0 PLANNING COMMENTS

The Planning & Development Services Department has no objections to the requested OCP amendment, Rezoning, Development Variance Permit and Development Permit applications as the proposed use is consistent with existing adjacent uses.

Andrew Bruce  
Current Planning Manager

Approved for inclusion

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

AB/SG/sg

Attachment

**FACT SHEET**

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|--|---|
| <b>1. APPLICATION NO.:</b>   | OCP00-006/Z00-1042  |
| <b>2. APPLICATION TYPE:</b>  | Official Community Plan Amendment and Rezoning Application  |
| <b>3. OWNER:</b><br>· ADDRESS<br>· CITY/ POSTAL CODE   | T172 Enterprises Ltd.<br>2035 Bridgeview Road<br>Kelowna, BC V1Z 2N4  |
| <b>4. APPLICANT/CONTACT PERSON:</b><br>· ADDRESS<br>· CITY/ POSTAL CODE:<br>· TELEPHONE/FAX NO.:                       | Jim Langley<br>1980 Cooper Road<br>Kelowna, BC V1Z 2N4<br>212-0776/860-0016   |
| <b>5. APPLICATION PROGRESS:</b><br>Date of Application:<br>Staff Report to Council:                                    | August 15, 2000<br>July 23, 2001  |
| <b>6. LEGAL DESCRIPTION:</b>   | Lot 2, DL 125, ODYD, Plan 7319 except Plan 12318  |
| <b>7. SITE LOCATION:</b>   | West side of Highway 97, 80 metres south of Leathead Road   |
| <b>8. CIVIC ADDRESS:</b>   | 2678 Highway 97   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  | 3690.86 m <sup>2</sup>  |
| <b>10. AREA OF PROPOSED REZONING:</b>  | 3690.86 m <sup>2</sup>  |
| <b>11. EXISTING ZONE CATEGORY:</b>   | A1 – Agriculture 1  |
| <b>12. PROPOSED ZONE:</b>  | C10 – Service Commercial  |
| <b>13. PURPOSE OF THE APPLICATION:</b>   | To amend the OCP designation and Rezone the subject property in order to facilitate a proposed automotive sales use |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b><br><b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> | 02-081-18853/54   |
| <b>15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>  | Not applicable  |

**Attachments**

*(Not attached to the electronic copy of the report)*

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Location Map  
Site Plan