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

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**Date:** April 10, 2002  
**File No.:** (3090-20) **DVP02-0019**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION OWNER: CITY OF KELOWNA  
NO. DVP02-0019

AT: 5655 KELOWNA AIRPORT APPLICANT: KELOWNA FLIGHTCRAFT

PURPOSE: 1. TO SEEK A DEVELOPMENT VARIANCE PERMIT TO REDUCE  
FRONT YARD SETBACK FROM 6.0 M REQUIRED TO 1.07 M  
PROPOSED, AND  
2. TO SEEK A DEVELOPMENT VARIANCE PERMIT TO REDUCE  
WEST SIDE YARD SETBACK FROM 4.5 REQUIRED TO 0.0 M  
PROPOSED TO ALLOW FOR CONSTRUCTION OF A NEW  
WAREHOUSE BUILDING

EXISTING ZONE: CD12 - AIRPORT

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 Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0019; Kelowna Flightcraft Ltd.; Part of Lot 18, Sec. 14, Twp. 23 and of DL 32, O.D.Y.D., Plan 1502, Exc. Plans H16596 and KAP59550, and Lot A, Sec. 14 Twp 24 and DL 32, O.D.Y.D., Plan KAP59550, located on Airport Way, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**CD12 – Airport zone Development Regulations Section 1.5(b)** minimum front yard be varied from 6.0 m required to 1.07 m proposed,

**CD12 – Airport zone Development Regulations Section 1.5(c)** minimum west side yard be varied from 4.5 m required to 0.0 m proposed.

Subject to the registration of a plan of subdivision at the land titles office in Kamloops for required lot line adjustment.

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

## 2.0 SUMMARY

The applicant is proposing to construct a new metal clad warehouse building on the subject property. The proposed location of this building is such that the front yard setback is measured from the right of way for the unconstructed road. The required front yard setback in the zone is 6.0 m where the applicant is proposing a 1.07 m setback. This application has been made to vary that requirement.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant is proposing to construct a new metal clad warehouse building on the subject property. The exterior dimensions of the proposed building are 36.6 m (120ft) wide x 91.4 m (300 ft.) long. The subject property was created in July of 1997, and has been used as a parking lot. The lot is situated in such a way that the lot is bounded by an unconstructed road right of way to the north, and the CNR right of way to the east. The legal road frontage is taken from this unconstructed road right of way to the north, while the physical access to the site is from a driveway that is located west the CNR right of way. There is a proposed lot line adjustment pending to move the westerly property line to the west by approximately 33.0 m.

The proposed location of this building is such that the front yard setback measured from the right of way for the unconstructed road. The required front yard setback in this CD zone is 6.0 m where the applicant is proposing a 1.07 m setback measured from unconstructed road right of way to the north. It is not anticipated that there will ever be a road constructed upon this dedicated road right of way.

The proposed site plan also shows the adjusted property line to the subject property. However, the site plan also shows the proposed building being located on the property line. As the CD12 zone requires a 4.5 m side yard setback and the proposed site plan shows a 0.0 m setback, a variance to the side yard setback has also been requested. It is anticipated that the proposed lot line will be located at a sufficient setback from the proposed building wall that it will not be necessary to provide a fire resistance rating to the west wall of the proposed building.

As part of the building permit approval process, there will be a subdivision plan registered to adjust the property lines to address the building site area prior to issuance of the building permit.

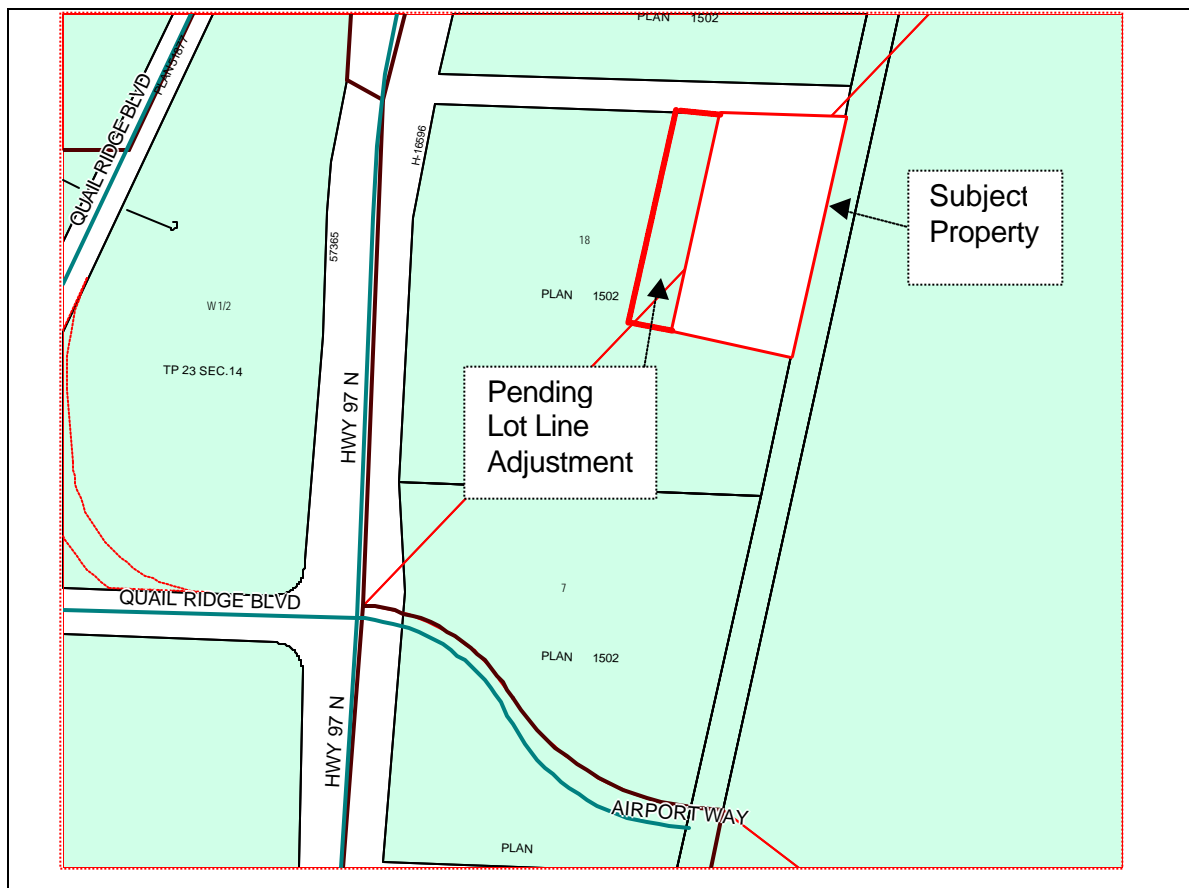
The proposal as compared to the CD12 zone requirements is as follows:

CRITERIA	PROPOSAL	CD12 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	1.13 Ha + 4529 m <sup>2</sup> (1.58 ha revised lot)	N/A
Site Coverage (%)	21.1%	N/A
Total Floor Area (m <sup>2</sup> )	3345 m <sup>2</sup>	N/A
Storeys (#)		Maximum height subject to federal and provincial regulations
Setbacks (m)		
- Front (unconstructed rd)	1.07 m ❶	6.0 m
- Rear	95 m	4.5 m
- West Side	0.0 m ❷	4.5 m
- East Side	18.2 m	4.5 m
Parking Stalls (#)	225 stalls provided	

Variances requested;

- ❶ Front yard setback reduced from 6.0 m required to 1.07 m proposed,
- ❷ Side yard setback to west side reduced from 4.5 m required to 0.0 m proposed

### 3.2 Site Context



The adjacent zone uses are as follows:

- North - CD12 – Airport concept development zone/ unconstructed road ROW
- East - CD12 – Airport concept development zone/ CNR row, Airport Way
- South - CD12 – Airport concept development zone/ Vacant land
- West - CD12 – Airport concept development zone/ Vacant land, HWY 97 N

### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

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

#### 3.3.2 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."

### 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 Fire Department

Fire department access and hydrants as per the B.C. Building Code and City of Kelowna Subdivision By-law.

Engineered fire flows will be required and should determine hydrant requirements. Water supply should be confirmed.

Contact F.P.O. for preferred location of any hydrants.

#### 4.2 Inspection Services Department

Vegetation indicates high water table. Geotech to address water soil bearing site drawings. Check hydrant location with firehall.

The new building can not cross a property line. They must make application for a subdivision before we issue a building permit. Further the construction requirements for the end wall on the PL will change.

#### 4.3 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application are as follows:

The variance permit application to reduce the side yard setback from the property line at the north–west corner of the proposed building does not compromise Works and Utilities requirements.

#### 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The applicant has been working with the Airport to secure additional lands for a new warehouse facility located across Airport Way from their existing plant facility. As part of the process, a parking lot was created on the subject land in 1997. At this time, the applicant is in the process of making application for appropriate Building Permits to authorize construction of the proposed 3345 m<sup>2</sup> (36,006 SF) warehouse and training building.

The variances to authorize construction with reduced setbacks to the road is considered supportable. The road right of way is dedicated only, and is not anticipated to have a road constructed on it, owing to the grades of the slope. The main access to the airport has been take from Highway 97 N. at a location south of the subject property, across from the access to the Quail Ridge residential golf community and the Pier Mac gravel pit. The location of the access point is also controlled with a traffic signal.

As part of the building permit application and the proposed changes to the lease area, it will be necessary to have a new plan of subdivision registered. It is anticipated that the revised lot lines can be located at a suitable distance from the west end of the proposed building, which will eliminate the requirement for a fire resistance rating for the end wall. In order to facilitate the processing of this Development Variance Permit application, the side yard setback variance has been included for Council consideration to address the 0.0m side yard setback that is indicated on the attached site plans.

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

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

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

PMc/pmc  
Attach.

**FACT SHEET**

1. **APPLICATION NO.:** DVP02-0019
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** City of Kelowna  
· **ADDRESS** 1435 Water St.  
· **CITY/POSTAL CODE** Kelowna, BC V1Y 1J4
4. **APPLICANT/CONTACT PERSON:** Kelowna Flightcraft/ Floyd Sawatzky  
· **ADDRESS** 5655 Kelowna Airport  
· **CITY/POSTAL CODE** Kelowna, BC V1V 1S1  
· **TELEPHONE/FAX NO.:** 491-5500/765-1489
5. **APPLICATION PROGRESS:**  
Date of Application: February 28, 2002  
Date Application Complete: February 28, 2002  
Servicing Agreement Forwarded to Applicant: N/A  
Servicing Agreement Concluded: N/A  
Staff Report to Council: April 10, 2002
6. **LEGAL DESCRIPTION:** Part of Lot 18, Sec. 14, Twp. 23 and of DL 32, O.D.Y.D., Plan 1502, Exc. Plans H16596 and KAP59550, and Lot A, Sec. 14 Twp 24 and DL 32, O.D.Y.D., Plan KAP59550
7. **SITE LOCATION:** Between Hwy 97 and Railway Right of Way, south of unconstructed road
8. **CIVIC ADDRESS:** 5655 Kelowna Airport
9. **AREA OF SUBJECT PROPERTY:** 11309 m<sup>2</sup> (1.58 ha after adjustment)
10. **TYPE OF DEVELOPMENT PERMIT AREA:** N/A
11. **EXISTING ZONE CATEGORY:** CD12 – Airport (comprehensive development zone)
12. **PURPOSE OF THE APPLICATION:**
  1. To Seek A Development Variance Permit To Reduce Front Yard Setback From 6.0 M Required To 1.07 M Proposed, and
  2. To Seek A Development Variance Permit To Reduce West Side Yard Setback From 4.5 Required To 0.0 M Proposed To Allow For Construction Of A New Warehouse Building

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| <b>13. DEVELOPMENT VARIANCE PERMIT<br/>VARIANCES:</b>   | <b>CD12 – Airport zone Development<br/>Regulations Section 1.5(b)</b> minimum<br>front yard be varied from 6.0 m<br>required to 1.07 m proposed,           |
| <b>14. VARIANCE UNDER DEVELOPMENT<br/>PERMIT:</b>       | <b>CD12 – Airport zone Development<br/>Regulations Section 1.5(c)</b> minimum<br>west side yard be varied from 4.5 m<br>required to 0.0 m proposed.<br>N/A |
| <b>15. DEVELOPMENT PERMIT MAP 13.2<br/>IMPLICATIONS</b> | N/A  |

Attachments

Subject Property Map

1 page site plan