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

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**Date:** February 26, 2003  
**File No.:** (3360-20) **Z03-0004**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

APPLICATION NO. Z03-0004

OWNER: STOBER CONSTRUCTION

AT: 1699 POWICK ROAD

APPLICANT: STOBER CONSTRUCTION

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE I2 – GENERAL INDUSTRIAL ZONE TO THE I1 – BUSINESS INDUSTRIAL ZONE IN ORDER TO PERMIT I-1 BUSINESS INDUSTRIAL ZONE USES ON THE SUBJECT PROPERTY

EXISTING ZONE: I2 – GENERAL INDUSTRIAL

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 Rezoning Application No. Z03-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, DL 125, O.D.Y.D., Plan 34283, Exc. Plans 38593 and KAP72833, located on Powick Road, Kelowna, B.C. from the I2 – General Industrial zone to the I1 – Business Industrial zone be considered by Council;

AND THAT pursuant to the provisions of the City of Kelowna Council Policy #307 and section 890 of the Local Government Act that the requirement for the public hearing be waived;

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

**2.0 SUMMARY**

The subject property is developed with a number of industrial buildings, as permitted in the I2 – General Industrial zone. The applicant wishes to rezone the subject property from the existing I2 – General Industrial zone to the I1 – Business Industrial zone to

permit Business Industrial uses. There are no external changes to the building proposed at this time, other than interior tenant improvements.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The subject property has been developed with a number of industrial buildings, of which the most recent was constructed in 1996, as authorized by DP96-10,031. Since that time, the applicants have had numerous requests for more office uses on the subject property.

This current application seeks to rezone the property to the I1 – Business Industrial zone, a zone that permits “Office” as a principal permitted use. However, the I1 – Business Industrial zone has restrictions regarding outdoor storage. The subject property has been used as the outdoor storage yard for Aquila Networks Canada (formerly West Kootenay Power), as well as a construction storage yard for a local construction company. It will be necessary for these existing outdoor storage areas to be removed prior to final adoption by Council.

The subject property is impacted along the southeast property line by a BC Gas right of way for the main transmission line, and a road reserve along the south east property line. This frontage will be the location for the future extension of Enterprise Way. Currently, the City of Kelowna is dealing with land issues regarding the right of way for this road extension, and has secured the land along the frontage of the subject property by means of a subdivision. It is anticipated that construction of this portion of Enterprise Way will take place in 2003.

The proposed zone under application is consistent with the future land use designation of “Industrial” for the subject property. As the proposed zone is consistent with the future land use designation of the Official Community Plan, the Local Government Act enables the application to proceed without a public Hearing. Council Policy #307 states that;

“Where an amending bylaw for Commercial, Industrial, Institutional and Mixed Use development is consistent with the Future Land Use Designation of the City of Kelowna Official Community Plan, Council may waive the requirement for the amending bylaw to be forwarded to a Public Hearing pursuant to Section 890(4) of the Local Government Act except for amending bylaws that fall into either of the following categories;

- (i) Any rezoning application for residential land use development, and
- (ii) Any rezoning application that is abutting or adjacent to residential development.”

As there are no residential uses adjacent to the subject property, and the proposed zone is consistent with the Official Community Plan, it is possible for Council to waive the Public Hearing for this application.

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

CRITERIA	PROPOSAL	I1 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	21,854m <sup>2</sup>	If a connection to a community sewer system is available, the minimum lot area is 4000 m <sup>2</sup> except that it is 2000 m <sup>2</sup> within the Downtown and Highway 97 Urban Town Centres
Site Width (m)	162 m	40.0 m, except that it is 20.0m within the Downtown and Highway 97 Urban Town Centres
Site Depth (m)	110 m (before ded.)	35.0m
Total Floor Area (m <sup>2</sup> )	6,475.1 m <sup>2</sup>	Max 26,224 m <sup>2</sup> @ FAR = 1.2
F.A.R.	0.29	Max FAR = 1.2
Storeys (#)	2 storeys	The lessor of 16.0 m or 3 storeys
Setbacks (m)		
- Front (to new Enterprise Road alignment)	6.0 m	6.0 m
- Rear	7.5 m	0.0 m where adjacent to other commercial or industrial zones, except that it is 6.0 m abutting other zones
- North East Side (Industrial zone)	22 m	0.0 m where adjacent to other commercial or industrial zones, except that it is 6.0 m abutting other zones
- South West Side (Parks and Open space)	15 m	0.0 m where adjacent to other commercial or industrial zones, except that it is 6.0 m abutting other zones
Parking Stalls (#)	200 stalls provided	180 required
Loading Stalls (#)	4 stalls	6,475.1 m <sup>2</sup> / 1,900 = 4 stalls

Parking Calculations;	Office	1502.6m <sup>2</sup> @ 2.5/100 m <sup>2</sup>	= 38 stalls
	Commercial	4693.8m <sup>2</sup> @ 3.0/100 m <sup>2</sup>	= 141 stalls
	Warehousing	278.2 m <sup>2</sup> @ 0.5 /100 m <sup>2</sup>	= 1 stall
	<b>Total required</b>		<b>180 stalls</b>

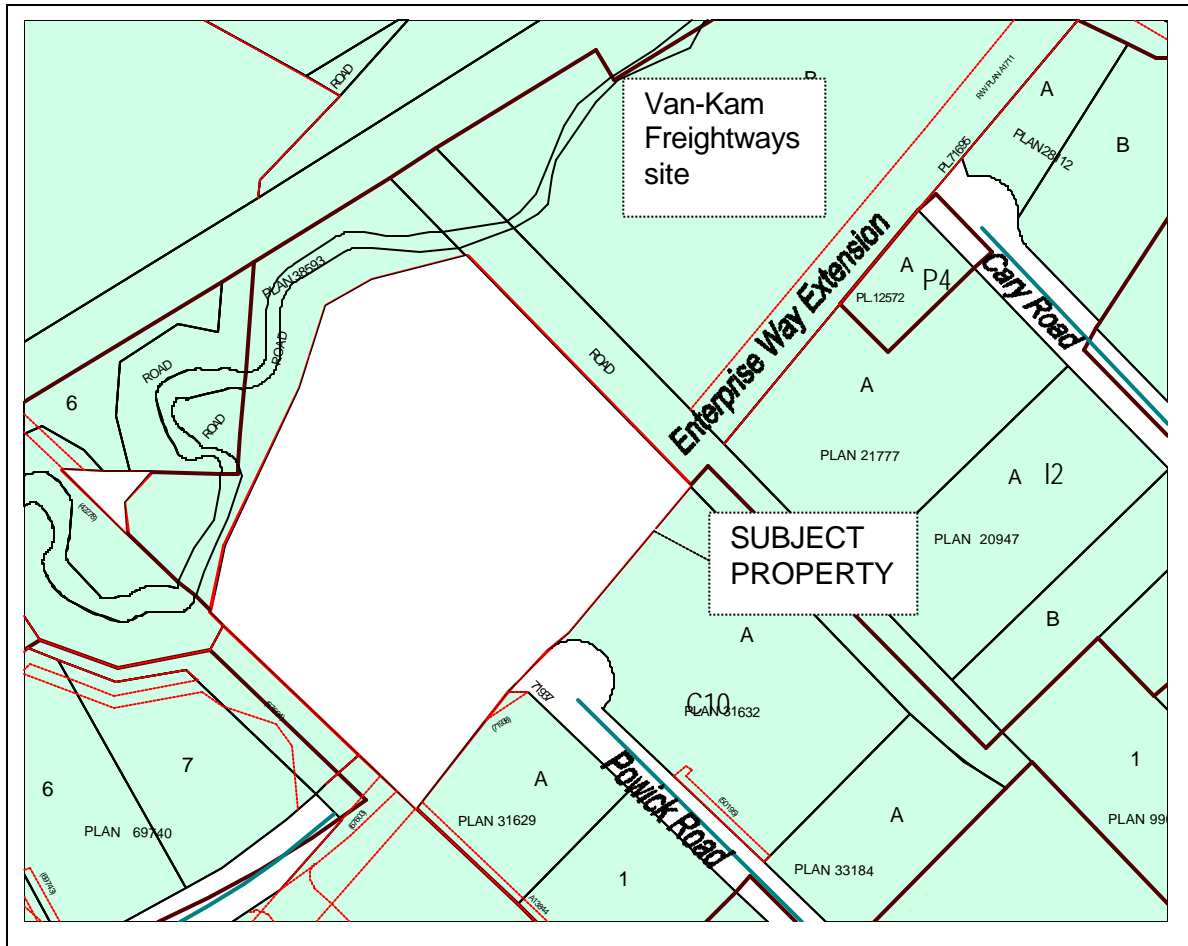
### 3.2 Site Context

The subject property is generally flat and level, and bounded by Mill Creek along the Northwest property line. The site is developed with 3 existing buildings that had been built in conformance with the I-1 Light Industrial zone of the day (Bylaw 4500). The Southeast property line is in the process of being relocated to the northwest as part of the ongoing land negotiations to acquire appropriate road right of way for the extension of Enterprise Way.

Adjacent zones and uses are, to the:

- |           |   |  |
|-----------|---|--|
| Northwest | - | I2 – General Commercial/Mill Creek                 |
| Northeast | - | I2 – General Commercial/Van Kam Freightways yard   |
| Southeast | - | C10 – Service Commercial/pending Enterprise Way    |
| Southwest | - | P3 – Parks and Open Space/creek side riparian area |

## SUBJECT PROPERTY MAP



### 3.3 Existing Development Potential

The existing I2 – General Industrial zone allows for; auctioneering establishments, automotive and equipment repair shops, automotive and minor recreation vehicle sales/rentals, bulk fuel depots, commercial storage, contractor services - general, contractor services – limited, convenience vehicle rentals, custom indoor manufacturing, eating and drinking establishments – minor, emergency and protective services, equipment rentals, fleet services, gas bars, general industrial uses, household repair services, outdoor storage, participant recreation services – indoor, rapid drive-through vehicle services, recycling depots, recycled materials drop-off centres, service stations, minor & major, truck and mobile home sales/rentals, utility

services - minor impact, vehicle and equipment services – industrial, and warehouse sales as principal permitted uses, as well as; residential security/operator unit, and care centre - major 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 Pandosy 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 Aquila Networks Canada

Aquila has no additional requirements.

#### 4.2 Fire Department

No Objections

#### 4.3 Inspection Services Department

No Concerns.

#### 4.4 Works and Utilities Department

The Works & utilities Department comments and requirements pertaining to this application are as follow:

##### 1. Subdivision.

- a) The existing development of the property does not meet current environmental setbacks from Mill Creek; however, it would be impractical to modify the current development layout to achieve the proper setbacks. As a condition of this development, the developer is required to dedicate the small remaining triangle of the property located on the north side of Mill Creek

- b) The City is in the process of acquiring the land necessary for the extension of Enterprise Way. Transfer of the land must be complete prior to the approval of this application.

4. General

The property as presently developed is serviced to a level consistent with current servicing requirements. No further servicing upgrading is required.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this application to change the permitted use of the subject property to the uses listed in the I1 – Business Industrial zone. The applicant wishes the change in zoning in order to allow for more office type uses within the existing development. However, Planning staff do have concerns regarding the existing outdoor storage that is currently located on the subject property.

The I1 zone states in Section 15.1.6 **Other Regulations**;

“There is to be no outside storage of material or equipment, except that commercial vehicles and equipment, not in a state of disrepair, is allowed provided that the area used for storage does not exceed the building area used by the business to carry on its operations and shall be screened from view from any street or lane and from adjacent properties.”

It will be necessary for the applicant to address the existing outdoor storage located on site in order that the storage conforms with the provisions of the I1 zone prior to the final adoption of the zone amending bylaw.

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**

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|---|---|
| <b>1. APPLICATION NO.:</b>                  | Z03-0004  |
| <b>2. APPLICATION TYPE:</b>                 | Rezoning  |
| <b>3a. OWNER:</b>                           | Al Stober Construction Ltd.,<br>Inc. No. 170493   |
| . ADDRESS                                   | #710 – 1708 Dolphin Ave.  |
| . CITY                                      | Kelowna, BC   |
| . POSTAL CODE                               | V1Y 9S4   |
| <b>3b. OWNER:</b>                           | R.A. McKenzie Enterprises Ltd.<br>Inc. No. 583311   |
| . ADDRESS                                   | 757 Siwash Court  |
| . CITY                                      | Kelowna, BC   |
| . POSTAL CODE                               | V1V 1N5   |
| <b>4. APPLICANT/CONTACT PERSON:</b>         | Al Stober Construction Ltd.<br>Mac MacCormack   |
| . ADDRESS                                   | #710 – 1708 Dolphin Ave.  |
| . CITY                                      | Kelowna, BC   |
| . POSTAL CODE                               | V1Y 9S4   |
| . TELEPHONE/FAX NO.:                        | 763-2305/763-4244   |
| <b>5. APPLICATION PROGRESS:</b>             |   |
| Date of Application:                        | Jan. 28, 2003   |
| Date Application Complete:                  | Jan. 28, 2003   |
| Servicing Agreement Forwarded to Applicant: |   |
| Servicing Agreement Concluded:              |   |
| Staff Report to Council:                    | Feb. 26, 2003   |
| <b>6. LEGAL DESCRIPTION:</b>                | Lot A, DL 125, O.D.Y.D., Plan 34283,<br>Exc. Plans 38593 and KAP72833   |
| <b>7. SITE LOCATION:</b>                    | End of Powick Road  |
| <b>8. CIVIC ADDRESS:</b>                    | 1699 Powick Road  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>         | 21,854 m <sup>2</sup>   |
| <b>10. AREA OF PROPOSED REZONING:</b>       | 21,854 m <sup>2</sup>   |
| <b>11. EXISTING ZONE CATEGORY:</b>          | I2 – General Industrial   |
| <b>12. PROPOSED ZONE:</b>                   | I1 – Business Industrial  |
| <b>13. PURPOSE OF THE APPLICATION:</b>      | To Rezone The Subject Property<br>From The I2 – General Industrial<br>Zone To The I1 – Business Industrial<br>Zone In Order To Permit I-1 Business<br>Industrial Zone Uses On The Subject<br>Property |

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|-----|--|---------|
| 14. | <b>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> | Pending |
| 15. | <b>DEVELOPMENT PERMIT MAP 6.2</b><br><b>IMPLICATIONS</b>   | N/A     |

Attachments

Subject Property Map  
Site Plan 1 pages