
CITY OF KELOWNA

MEMORANDUM

Date: August 13, 2003

File No.: OCP03-0008 / Z03-0027

To: City Manager

From: Planning and Development Services Department

Purpose: To amend the OCP future land use designation for a portion of the property from Public Services / Utilities to Commercial and to rezone a portion of the subject property from the P4-Utilities zone to the C4-Town Centre Commercial zone in order to allow for a two lot subdivision with a commercial use on one property

Owner: Telus Communications **Applicant/Contact Person:** Kasian Kennedy/
P.J. Mallen

At: 1500 Hardy Street

Existing OCP Designation: Public Services/Utilities **Proposed OCP Designation:** Commercial

Existing Zone: P4 - Utilities **Proposed Zone:** C4 –Town Centre Commercial

Report Prepared by: Mark Koch

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATIONS

THAT OCP Bylaw Amendment No. OCP03-0008 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of part of Lot A, Plan 35845, DL 140, ODYD, located on Hardy Street, Kelowna, B.C., from the Public Services/Utilities designation to the Commercial designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department dated August 13, 2003, be considered by Council;

AND THAT Rezoning Application No. Z03-0027 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, Plan 35845, DL 140, ODYD, located on Hardy Street, Kelowna, B.C., from the P4 - Utilities zone to the C4 –Town Centre Commercial zone as shown on Map "A" attached to the report of Planning & Corporate Services Department dated August 13, 2003, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP03-0008 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the resolution of the encroachments onto the Mill Creek Right-of-way.

2.0 SUMMARY

The applicant is seeking to amend the Official Community Plan future land use designation for part of the subject property from Public Services / Utilities to Commercial, while concurrently applying to rezone part of the subject property from P4-Utilities to C4-Town Centre Commercial. The applicant is also applying to subdivide the property into two lots, allowing for commercial use on the one proposed property.

2.1 Advisory Planning Commission

The Advisory Planning Commission at the meeting of June 3, 2003 reviewed this application and the following recommendation was passed:

THAT the Advisory Planning Commission supports Official Community Plan Amendment Application No. OCP03-008 and Rezoning Application No. Z03-0027, 1500 Hardy Street / Lot A, Plan 35845, Sec. 20, Twp. 26, ODYD, by Kasian Kennedy to amend the Official Community Plan Future Land Use from Public Services / Utilities to Commercial, and to rezone a portion of the subject property from the P4-Utilities zone to the C4-Town Centre Commercial zone in order to allow for a two lot subdivision with commercial use on one property.

3.0 BACKGROUND

3.1 The Proposal

The applicant is seeking to rezone the northerly portion of the subject property from P4-Utilities to C4-Town Centre Commercial, in order to sell the office building that was previously required as office space by the current owners, who operate as a telecommunications utility company (Telus). The said office building lies to the north of a currently used switching station. The switching station would be located within the proposed southern lot, and is to remain in operation by the telecommunications utility company under the existing P4- Utilities zone. The zone analysis is attached to this report for reference.

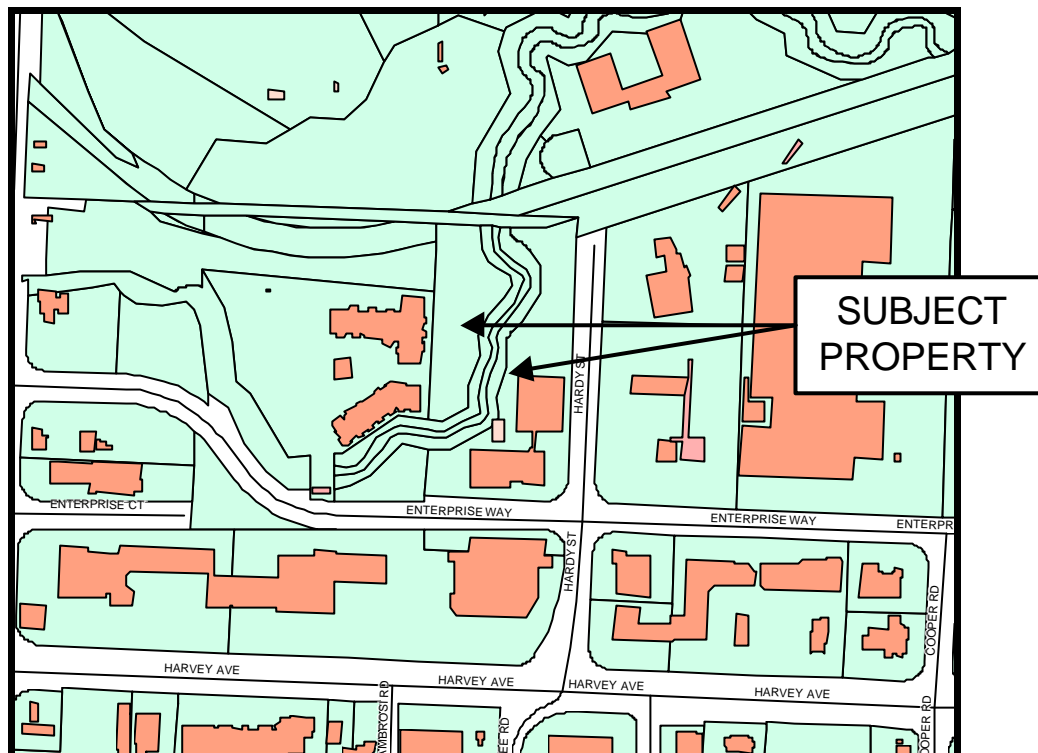
3.2 Site Context

The subject property is located within the Central City Sector Plan area, located on Hardy Street at the intersection of Enterprise Way. The subject property is bisected by a road dedication for a Mill Creek linear park dedication, and is also hooked to a portion of the lot across Mill Creek. This area is currently used as parking for the telecommunications utility company, and upon subdivision is proposed to remain part of the northern lot.

Adjacent zones and uses are:

- North - P4-Utilities / Transit
- East - I2-General Industrial / Trucking
- South - C4-Town Centre Commercial / Retail
- West - I2-General Industrial / Vacant
RM5-Medium Density Multiple Housing / Residential
C4-Town Centre Commercial / Professional Building

3.3 Site Location Map



4.1 Existing Development Potential

The subject property is zoned P4-Utilities with existing development potential allowing for both major and minor impact utility services as principal uses, and outdoor participant recreation services and outdoor storage as secondary uses.

4.2 Current Development Policy

4.2.1 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan contains policies encouraging mixing of land uses and encourages closer integration of residential, commercial, and employment oriented uses within existing urban areas.

4.2.2 Kelowna Official Community Plan (1994 – 2013)

The City of Kelowna Official Community Plan future land use designation for the subject property is Public Services / Utilities, whereby this rezoning application therefore requires this concurrent future land use amendment application, proposing to amend the future land use to Commercial. The Official Community Plan encourages focussing new office facilities in the urban centres, and has objectives encouraging that there is a competitive supply of office space.

5.0 TECHNICAL COMMENTS

5.1 Works & Utilities

The City's Works & Utilities Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Final Approval of a subdivision plan. The Development Engineering Technician for this project is John Filipenko.

The following Works & Services are required for this subdivision:

1. General

- (a) The proposed 2 lots have existing buildings on them and no further development is anticipated at this time. Therefore no Geotechnical Report and Lot Grading Plan will be required under this application.
- (b) Further development of the properties will require submission of a Geotechnical Report and Lot Grading Plan.
- (c) Provide the Consulting Engineer with a copy of the PLR, which details the Subdivision requirements.
- (d) The existing fence adjacent to Mill Creek through this property shall be relocated to the creek right-of-way boundary line.
- (e) It appears that a corner of the existing building encroaches onto the Mill Creek right-of-way. Make adjustments to the boundary line to exclude the building corner.

2. Water

- a) The property is located within the City of Kelowna water service area.
- b) Arrange for individual lot connections before submission of the subdivision plan; including payment of reconnection fees (provide copy of receipt).
- c) The existing 200mm AC water service to proposed Lot 1 may be utilised if it is of sufficient size. Relocate the section of service connecting the small building by the creek or move the proposed property line to encompass that section of existing service.
- d) Provide a new water service of adequate size to Rem Lot A, and reconnect the existing building.
- e) Additional water meters will be required for this subdivision and must be installed inside the buildings on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The contractor must purchase the meter from the City at the time of application for a plumbing permit from the Inspection Services Department, and prepare the meter setter at his cost.

- f) The landscaping on the site and within the boulevards fronting the lots will be on separate irrigation systems and the applicant may also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.
 - g) Remove or relocate any portion of the existing service connections encroaching onto the adjacent lots.
- 3. Sanitary Sewer
 - a) The existing 150mm sanitary service from a main on Enterprise Way may be utilised for proposed Lot 1.
 - b) The existing 150mm sanitary service from a main on Hardy Street may be utilised for Rem Lot A.
 - c) Remove or relocate any portion of the existing service connections encroaching onto adjacent lots.
- 4. Drainage
 - a) No frontage upgrades are required.
 - b) Register a 6.00 meter wide right of way over the existing City storm main from the manhole on Hardy Street to the outfall by the bridge crossing Mill Creek.
- 5. Roads
 - (a) Enterprise Way fronting this subdivision is fully urbanized and no further upgrading is required.
 - (b) Hardy Street fronting this property has been urbanized but requires the extension of the existing sidewalk complete with driveway letdowns to the north property boundary. The cost of a sidewalk fronting on Rem Lot A for bonding purposes is \$22,800.00.
 - (c) Re-locate existing utilities, where necessary.
- 6. Road Dedication and Subdivision Requirements
 - (d) Provide an additional highway allowance widening of the future North End Connector consisting of a wedge 24m wide by 99m long tapering to 0. See preliminary design of the North End Connector for widening details. This widening may be accomplished by:
 - (i) A dedication on the subdivision plan.
 - (ii) Sale of the land to the City of Kelowna, provided sufficient funds are available in the City's current budget. Contact Mr. D.L. Shipclark, the City's Assistant Land Agent, if this option is selected.
 - (iii) A Road Exchange.

- (a) Grant a 5.00 meter wide right-of-way for the relocation of the existing gas main. See preliminary design of the North End Connector for relocation details.
- (b) Grant a 6.00 meter wide rights of way over the existing storm main from Hardy Street to the Mill Creek outfall.
- (c) If any road dedication affects lands encumbered by a Utility right-of-way (such as Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- (d) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- (e) Register joint access agreements between Rem Lot A and proposed Lot 1.

7. Power and Telecommunication Services and Street Lights

- a) Before making application for approval of your subdivision plan, please make arrangements with Aquila Networks Canada for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.
- b) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

8. Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The City of Kelowna will prepare the servicing agreement for execution by the owner. The owner will be required to place sufficient security to cover the cost of construction within Hardy Street.

5.2 Fire Department

No comment.

5.3 Inspection Services

- Services not to cross property lines.
- The skywalk across the property line is permitted with some minor renovations and an easement agreement.
- A parking analysis is required; part of parking may be across the creek.
- A spacial separation calculation on the small service building is required.

5.4 Ministry of Water, Land and Air

We have received a site profile on May 23, 2003 for the property. In accordance with Section 7(1) of the Contaminated Sites Regulation the manager hereby notifies that the Ministry of Water, Land and Air Protection does not intend to at the time to require or order a preliminary site investigation or a detailed site investigation under section 26.2 of the Waste Management Act.

5.5 Ministry of Transportation

No objection.

5.6 Parks Manager

The Parks Division has concerns over the amount of encroachment from the building, parking spaces and fences into the Mill Creek R-O-W. We recommend relocating all fences and parking spaces outside the R-O-W and onto private property. Due to the encroachment of the building, we suggest the owner help remediate the R-O-W by providing a net-benefit to the future Mill Creek Linear Park i.e. help construct a trail, riparian tree plantings, etc.

5.7 RCMP

No comment.

5.8 Shaw Cable

Owner/developer to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

5.9 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

5.10 Terasen

A portion of the service line and metering facilities will be on a portion of subdivided Lot A. These works will be required to be protected.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The proposed Official Community Plan Amendment and Rezoning is supported by the relevant planning and development documents, including the Strategic Plan and the City of Kelowna Official Community Plan. The Strategic Plan encourages mixing of land uses, and the Official Community Plan encourages focussing new office facilities in the urban centres.

R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion

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

AB/MK/mk
Attach.

FACT SHEET

1. **APPLICATION NO.:** OCP03-0008 / Z03-0027
2. **APPLICATION TYPE:** OCP Amendment / Rezoning
3. **OWNER:** Telus Communications Inc.
 - **ADDRESS** 120 7th Avenue SW
 - **CITY** Calgary, AB
 - **POSTAL CODE** T2P 0W4
4. **APPLICANT/CONTACT PERSON:** Kasian Kennedy / P.J. Mallen
 - **ADDRESS** 350-1555 West Pender Street
 - **CITY** Vancouver, B.C.
 - **POSTAL CODE** V6G 2T1
 - **TELEPHONE/FAX NO.:** 604-683-2827
5. **APPLICATION PROGRESS:**
 - Date of Application:** 23 May, 2003
 - Date Application Complete:** 23 May, 2003
 - Servicing Agreement Forwarded to Applicant:**
 - Servicing Agreement Concluded:**
 - Staff Report to Council:** 13 August, 2003
6. **LEGAL DESCRIPTION:** Lot A, Plan 35845, DL 140, Sec. 20, Twp. 26, ODYD
7. **SITE LOCATION:** On Hardy Street at the intersection of Enterprise Way
8. **CIVIC ADDRESS:** 1500 Hardy Street, Kelowna, B.C.
9. **AREA OF SUBJECT PROPERTY:** 22873m²
10. **AREA OF PROPOSED REZONING:** 6220m²
11. **EXISTING ZONE CATEGORY:** P4-Utilities
12. **PROPOSED ZONE:** C4-Town Centre Commercial
13. **PURPOSE OF THE APPLICATION:**

To amend the OCP future land use designation for portion of the property from Public Services / Utilities to Commercial;

To rezone a portion of the subject property from the P4-Utilities zone to the C4-Town Centre Commercial zone in order to allow for a two lot subdivision with a commercial use on one property

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| 14. | MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | N/A |
| 15. | DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan and floor plan
- Zone analysis