
CITY OF KELOWNA

MEMORANDUM

Date: October 15, 2003
File No.: Z02-1052

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. Z02-1052

OWNER: Allan, Murray, Mabel Hill
Douglas and Janet Stranaghan

AT: 3732 Hwy 97, Kelowna, BC

APPLICANT: Grant Maddock

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM A1 – AGRICULTURE 1
TO I2 – GENERAL INDUSTRIAL

EXISTING ZONE: A1 - AGRICULTURE

PROPOSED ZONE: I2 – GENERAL INDUSTRIAL

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z02-1052 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec 35, Twp 26, ODYD, Plan 3993, except Plans 4410 and H8110, located on Hwy. 97, Kelowna, B.C. from the A1-Agriculture 1 zone to the I2-General Industrial zone be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered following registration of a Road Reservation Agreement (on Section 1 of Appendix "A") in the Land Title Office;

AND THAT final adoption of the zone amending bylaw be considered following registration of a Road Reservation Agreement and "No Disturb" Covenant (on Section 2 of Appendix "A") in the Land Title Office;

AND THAT final adoption of the zone amending bylaw be considered following registration of an Easement (on Section 3 of Appendix "A") in the Land Title Office;

AND THAT final adoption of the zone amending bylaw be considered following the dedication of Section 3 of Appendix "A" (to the specifications of the Ministry of Transportation);

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

AND FURTHER THAT Final Adoption of Zone Amending Bylaw be withheld pending Council's consideration of a development permit on the subject property;

2.0 SUMMARY

The applicant is seeking to rezone the subject property at 3732 Hwy 97N from A1 – Agriculture 1 to I2 – General Industrial.

3.0 ADVISORY PLANNING COMMISSION

At the Regular Meeting of January 14, 2003 it was resolved that:

THAT the Advisory Planning Commission not support application Z02-1052 to rezone from the A1-Agriculture 1 zone to the I2-General Industrial zone to allow for future Industrial development.

- *Concerned with potential access from Highway 97.*
- *Concerned about the application to rezone due to a multitude of buildings in the area.*
- *Concerned about approving the rezoning without a development plan. Was there a highway study performed that includes frontage access to these properties? Concerned about a decrease in traffic speed on Highway 97 which will potentially cause problems.*

4.0 BACKGROUND

4.1 The Proposal

The applicant is seeking to rezone the subject property at 3732 Hwy 97N from A1 – Agriculture 1 to I2 – General Industrial. The applicant has submitted a conceptual site plan showing four buildings with access from Highway 97 and surface parking. The western side of the property is also impacted by Mill Creek.

The application meets the requirements of the I2 – General Industrial zone as follows:

CRITERIA	PROPOSAL	I2 ZONE REQUIREMENTS
Site Area	20,172m ²	4000m ²
Lot Width	150m (approx.)	40.0m
Lot Depth	185 (approx.)	35.0m
Setbacks		
- Creek	3m (min)-35m (max)	30m (Setback Double in I Zone)
Parking Stalls (#)	106	

4.2 Site Context

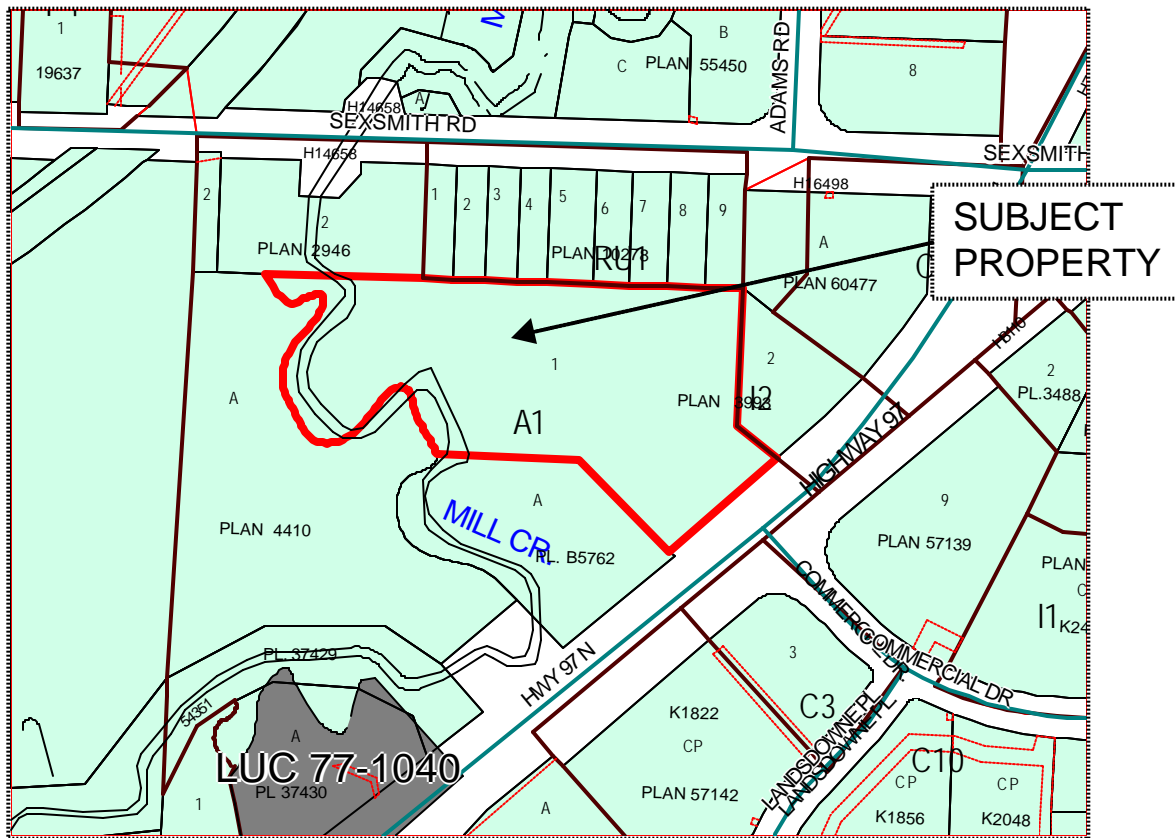
The subject property is located on north side of Highway 97 near the intersection of Sexsmith Road and Old Vernon Road. The subject property also lies inside the boundaries of the Highway 97 Sector Plan (draft).

Adjacent zoning and existing land uses are to the:

- North - RU1 – Large Lot Housing – Single Family Residential
- East - I2 – General Industrial – Vehicle Storage/Parking
- South - A1 – Agriculture 1
- West - I2 – General Industrial - Vacant

Site Map

Subject Property: 3732 Hwy 97 N



4.3 Existing Development Potential

The property is zoned A1 – Agriculture 1, a zone intended to provide for rural areas and agricultural uses as well as other complementary uses suitable in an agricultural setting.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The Official Community Plan designates the future land use of the subject property as "Industrial" and encourages the location of future industrial development to be in those areas designated for industrial purposes in the OCP.

4.4.2 Kelowna Strategic Plan (1992)

Strategy 1.10:

The City will, in its Official Community Plan, reserve and designate lands for various forms of industrial use including lands along Highway No. 97, the north end of the Central City and industrial areas in the Winfield area for heavier industrial uses.

5.0 TECHNICAL COMMENTS

This application was circulated to various departments and technical agencies and the following comments were made:

5.1 Community Development and Real Estate Department

- Creek dedications, buffers, creek/drainage maintenance and right of ways required.
- Highway 97 Access Management Plan in place in this area.

5.2 Fire Department

- Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Fire flows are required to conform to industrial requirements. Contact F.P.O. for preferred location(s) of any new hydrant(s).

5.3 Parks Manager

- Retain linear park corridor along Mill Creek as per the Mill Creek Master Plan and OCP Policy.

5.4 Telus

- Developer will be required to provide underground conduit to Telus Specifications as designed by Telus.

5.5 Ministry of Transportation

Frontage or service road connections are to be protected for either Option 1 or 2 shown on attached sketches. These road connections may be protected by either dedicating the property as public road right of way or by registering a Road Reserve Covenant. A

Road Reserve Covenant will protect the proposed road network should subdivision not occur in the near future.

In either Option 1 or 2 a physical alternate access via a driveway to Sexsmith Road will be required unless it can be demonstrated by a Traffic Impact Study that this type of circulation is not required for the type of land use proposed. The provision of internal access to the property to the east will be required in either option in the form of an easement. The width of the easement must be 10m.

Appropriate deceleration improvements will be required depending on the type of development proposed and the estimated trip generation expected from the proposed development.

5.6 Ministry of Water, Land and Air Protection

5.6.1 Flood Plain Management Division

The Floodplain Management provisions include minimum setback and elevation requirements to protect future development from damages due to flooding and erosion. The above mention properties contain areas which we consider maybe subject to flooding or erosion from Mill Creek.

In view of the foregoing we recommend that the minimum horizontal setback for any future buildings used for habitation, business or storage of goods damageable by floodwaters adjacent to Mill Creek, be not less than 15 metres from the natural boundary and that the underside of the floor system be no less than 0.6m above the adjacent roadways. These recommendations are in keeping with the City of Kelowna Draft Floodplain Bylaw.

Furthermore, as a condition of any future subdivision of the property, the Ministry of Water, Land and Air Protection recommends that the proponent be required to incorporate the minimum floodplain management requirements into a covenant to be registered under Section 219 of the Land Title Act. The covenant should save harmless both the City of Kelowna and the province from future claims for damages due to flooding and erosion.

5.6.2 Environmental Protection Division

The lot proposed for rezoning borders and or fully contains Mill Creek. We recommend a leave strip free from disturbance measured from the natural boundary or top of ravine to the fishery within Mill Creek based on the provincial Land Development Guidelines.

Any proposal with a leave strip measured less than 30 metres should require and adhere to the recommendations of an environmental assessment completed by a qualified professional consultant to insure the Fisheries act is adhered to.

The standards for sediment and erosion control outlined in the jointly published BC Environment/Fisheries and Oceans Canada "Land Development Guidelines for the Protection of Aquatic Habitat" must be adhered to.

5.7 Works and Utilities Department

5.7.1 Subdivision

Dedicate a road widening along the Hwy 97 frontage. The amount of dedication is to be as determined by the MOT.

Dedicate a Right of Way on each side of Mill Creek as required by MWLAP and the City of Kelowna Environmental division requirements.

Register a road reserve as shown on sketch submitted by the applicant. The road reserve must show in addition the corner rounding at the intersection with HWY 97 and a cut off at the north end of the property to permit a curve, if required, in the future as shown on the attached sketch.

Provide easements as may be required

5.7.2 Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering. The study is to address the following:

- Overall site suitability for development.
- Slope analysis (i.e. 0-10 %, 10-20 %, 20-30% and over 30 %).
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

5.7.3 Domestic water and fire protection.

This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection, and upgrading costs are to be paid directly to the BMID.

The water system must be capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw. The applicant must provide water computations for this development to confirm the available water supply.

5.7.4 Sanitary Sewer.

The subject property is not currently serviced by the municipal sanitary sewer collection system. An application for inclusion in Specified Area 1 must be made and an administration levy of \$750.00 is required.

The developer will be responsible to install a sanitary sewer service to the property line at the developer's cost. The cost of the sanitary sewer extension is estimated at \$28,000.00 including a bonding escalation

5.7.5 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.

5.7.6 Power and Telecommunication Services.

The services to 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.

5.7.7 Road improvements.

Hwy 97

The applicant is responsible to upgrade the Hwy 97 frontage to rural standard as per the MOT requirements. The upgrading might require the addition of a sidewalk, an additional lane, a deceleration lane, a paved shoulder, storm drainage works and/or the relocation of existing utilities. The cost for the Hwy upgrading is estimated at \$31,000.00 including a bonding escalation.

Some of the frontage upgrading construction might be deferred, in which case an equivalent cash contribution from the developer will have to be transferred to the City of Kelowna

5.7.8 Street lights.

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

5.7.9 Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer.

5.7.10 DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgrades are not identified in the current DCC schedules.

5.7.11 Bonding and Levies Summary.

a)Performance Bonding

Sanitary sewer extension	\$28,000.00
Hwy 97 frontage upgrading	\$31,000.00
Total performance bonding	<u>\$59,000.00</u>

b)Levies

Sewer specified Area inclusion	<u>\$ 750.00</u>
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6.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The Planning and Corporate Services Department has no concerns related to the proposed land-use. The department would like to acknowledge that the applicant is rezoning the lot for the purpose of sale rather than development. After lengthy discussions with the applicant as well as the Ministry of Transportation and Ministry of Water Land and Air Protection, all parties have agreed on the required right-of-ways, covenants and road works associated with this application. Furthermore, an environmental impact study has been prepared, the finding of which will be addressed at the subsequent development permit stage of the approval process.

Council consideration of a development permit will be required concurrent with final adoption of the zone-amending bylaw and prior to any development of the subject property.

Andrew Bruce
Development Services Manager

Approved for inclusion ☐

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

RM/AB/rs
Attach.

FACT SHEET

1. **APPLICATION NO.:** Z02-1052
2. **APPLICATION TYPE:** REZONING
3. **OWNER:** Allan, Murray, Mabel Hill
Douglas and Janet Stranaghan
1179 Sunnybrae Rd.
Kelowna, BC
V1Z 2N9
 - . **ADDRESS**
 - . **CITY**
 - . **POSTAL CODE**
4. **APPLICANT/CONTACT PERSON:** Grant Maddock
 - . **ADDRESS** #200-1449 St. Paul Street
 - . **CITY** Kelowna, BC
 - . **POSTAL CODE** V1Y 2E4
 - . **TELEPHONE/FAX NO.:** 860-1994
5. **APPLICATION PROGRESS:**
 - Date of Application:** November 13, 2002
 - Date Application Complete:** December 6, 2002
 - Servicing Agreement Forwarded to Applicant:** N/A
 - Servicing Agreement Concluded:** N/A
 - Staff Report to APC:** January 14, 2003
 - Staff Report to Council:**
6. **LEGAL DESCRIPTION:** Lot 1, Sec 35, Twp 26, ODYD, Plan 3993, except Plans 4410 and H8110
7. **SITE LOCATION:** North side of Highway 97, 3rd lot south of Sexsmith Road
8. **CIVIC ADDRESS:** 3732 Highway 97N, Kelowna, BC
9. **AREA OF SUBJECT PROPERTY:** 20,172m²
10. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
11. **TYPE OF DEVELOPMENT PERMIT AREA:** Commercial DP
13. **PURPOSE OF THE APPLICATION:** Obtain Development Permit for construction of 3 storey 20,000 sq.ft. Office Building
02-081-14056
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:**
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS**

Natural Environment Area

General Industrial Area

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of Subject Property
- Conceptual Site Plan