
CITY OF KELOWNA
MEMORANDUM

Date: January 27, 2005
File No.: Z04-0062

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. Z04-0062

OWNER: 694230 B.C. Ltd.

AT: 3301 Appaloosa Road

APPLICANT: Mill Creek Developments Ltd /
Harold Schneider

PURPOSE: TO REZONE PART OF THE SUBJECT PROPERTY FROM THE
A1-AGRICULTURE 1 ZONE TO THE I2-GENERAL INDUSTRIAL ZONE IN
ORDER TO FACILITATE AN INDUSTRIAL PARK USE ON SITE

EXISTING ZONES: A1-AGRICULTURE 1 / I2-GENERAL INDUSTRIAL

PROPOSED ZONE: I2-GENERAL INDUSTRIAL

REPORT PREPARED BY: MARK P. KOCH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z04-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, Sec. 2, Twp. 23, ODYD, Plan KAP76772, located on Appaloosa Road, Kelowna, BC, from the A1 – Agriculture 1 zone to the I2-General Industrial zone, as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated January 27, 2005 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 withheld pending the registration on title of the subject property, a covenant restricting outdoor storage between the Hollywood Road frontage and the western extent of the previously registered road closure;

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

2.0 SUMMARY

The subject property is located on Hollywood Road N., near the intersection of Highway 97 N. and Sexsmith Road in the Highway 97 Sector Plan area of the City of Kelowna. The applicant

has submitted a development application to rezone a part of the subject property from the existing A1-Agriculture 1 zone to the I2-General Industrial zone, to establish a new industrial park. Additionally, the applicant has recently received Council permission to formally close the road dedication that was located along the existing zone boundary, and to consolidate the two properties that were previously located on the east and west of the former roadway. The proposed industrial use is considered to be consistent with the Future Land Use designation of the Official Community Plan.

3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at the meeting of October 12, 2004, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning application No. Z04-0062, for 3288 Appaloosa Road, Lot 17, Plan 18861, Sec. 2, Twp. 23, ODYD, by Mill Creek Developments Ltd. (Harold Schneider), to rezone from the A1-Agriculture 1 zone to the I2-General Industrial zone. *

* Please note that the different legal description referred to in the APC recommendation refers to the former legal description of the land area under consideration for this rezoning, as it was prior to consolidation with the adjacent property.

4.0 BACKGROUND

4.1 The Proposal

The applicant proposes to develop five new industrial buildings on the subject property, with vehicular access being from the end of Appaloosa Road. Hollywood Road N. is identified as a development permit road, and as such the proposed development will require a development permit. Additionally, the Planning and Corporate Services Department has concerns that the proposed I2-General Industrial zone allows for outdoor storage. The concern is based on the fact that Hollywood Road N. is identified as a development permit road and that outdoor storage is considered to be incompatible land-use along the Hollywood Road frontage. The applicant has agreed that to resolve this concern, they will voluntarily register a Section 219 restrictive covenant to ensure that any outdoor storage will not be located along the frontage of Hollywood Road N. In discussions with the applicant, it was determined that a covenant restricting all outdoor storage to behind the proposed building fronting on Hollywood Road N. would be appropriate.

The proposal as compared to the I2 zone requirements is as follows:

| CRITERIA | PROPOSAL | I2 ZONE REQUIREMENTS |
|-----------------------------|----------------------|--|
| Site Area (m ²) | 34,032m ² | The minimum lot area is 1.0 Ha unless a connection to the community sanitary sewer system, in accordance with the requirements of the City of Kelowna's Subdivision, Development & Servicing Bylaw, has been installed. If a connection to a community sanitary sewer system in accordance with the requirements of the City of Kelowna's Subdivision, Development & Servicing Bylaw has been installed, the minimum lot area is 4000m² . |
| Site Width (m) | 250m (Approximate) | 40m |
| Site Depth (m) | 100m (Average) | 35m |

4.2 Site Context

The subject property is generally flat and level, however, the area surrounding the site slopes downwards from the West to the East. The subject property is currently vacant.

Adjacent zones and uses are, to the:

- North - I1-Business Industrial
- East - I2-General Industrial
- South - I2-General Industrial
- West - A1-Agriculture 1

4.3 Current Development Policy

4.3.1 Kelowna Official Community Plan

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

4.3.2 City of Kelowna Strategic Plan (1992)

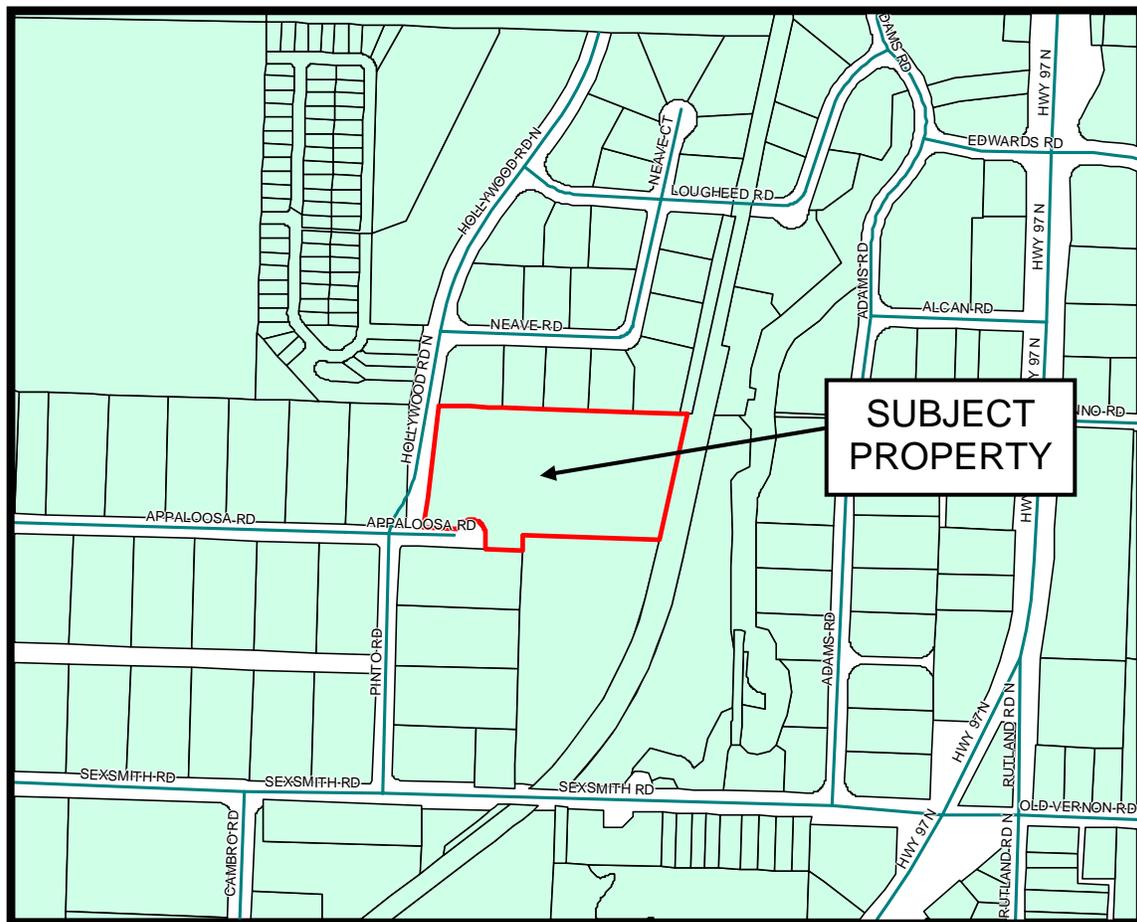
"The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill and will provide for an increased density of development within established urban areas through re-development of areas which 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."

4.4 Proposed Development Potential

The proposed zone of I2 – General Industrial permits; 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, emergency and protective services, equipment rentals, fleet services, food primary establishment, gas bars, general industrial uses, household repair services, liquor primary establishment – minor, outdoor storage, participant recreation services – indoor, private clubs, rapid drive-through vehicle services, recycling depots, recycled materials drop-off centres, service stations – minor, service stations – major, truck and mobile home sales/rentals, utility services - minor impact, vehicle and equipment services – industrial, and warehouse sales as principal permitted uses, and residential security/operator unit, and care centres - major as permitted secondary uses.

SUBJECT PROPERTY MAP



5.0 TECHNICAL COMMENTS

5.1 Works & Utilities Department and relevant utility agencies

The Works & Utilities Department comments and requirements regarding this application to rezone the subject property from A1 to I2 are as follows:

1. Subdivision

- a) Provide a road dedication along Hollywood Road north to encompass the existing temporary road constructed and the future Hollywood Road alignment on the subject property.
- b) Dedicate a corner rounding at the South-West corner of the property at the intersection of Appaloosa and Hollywood Road North.
- c) Consolidate the properties and close the road separating the two subject properties and dedicate the cul-de-sac.
- d) Provide easements as may be required.

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:

- a) Overall site suitability for development.
- b) Slope analysis.
- c) Presence of ground water and/or springs.
- d) Presence of fill areas.
- e) Presence of swelling clays.
- f) Presence of sulfates.
- g) Potential site erosion.
- h) Provide specific requirements for footings and foundation construction.
- i) Provide specific construction design sections for roads and utilities over and above the City's current construction standards.

3. Domestic water and fire protection

- a) This development is within the service area of the Glenmore-Ellison Improvement District (GEID). The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connection, and upgrading costs are to be paid directly to the GEID.
- b) Water meters are mandatory for the proposed developments and must be installed, inside a heated building on the water service inlet as required by the City Plumbing Regulation and Water Regulation Bylaws.
- c) The water system has been upgraded and is capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw. The applicant will be required to pay the Latecomer in the amount of **\$47,677.50** (prior to June 29, 2005) at the time of the consolidation and servicing of lot 17 and lot 18.

4. Sanitary Sewer

- a) The subject property is not currently serviced by the municipal sanitary sewer collection system. This matter is under the jurisdiction of the Public Health Officer. Due to the size of the proposed development and the anticipated poor percolation of the soils in the area, it is recommended that the applicant pre-

design a wastewater collection system in accordance with the current Bylaws and policies. Upon approval of the wastewater collection system by the City, a cost estimate from a Consulting Engineer will be required to set an amount of security to be provided by the applicant prior to approval of this application.

- b) The wastewater collection system must be constructed prior to the issuance of a building permit on the subject property.
- c) The subject property is subject of a Sewer Specified Administration Fee of **\$250.00** to amend the service boundary and a Sewer Development Charge of **\$300.00**.

5. Drainage

A comprehensive site drainage management plan and design in compliance with the City's drainage design and policy manual, is a requirement of this application.

6. Power and Telecommunication

The services to this development are to be installed underground. It is the developer's responsibility to make an application to the respective utility companies. The utility companies area then required to obtain the City's approval before commencing any of their works.

7. Road Improvements

a) Appaloosa Road

The north half of Appaloosa Road and the proposed cul-de-sac must be upgraded to a full urban standard including curb and gutter, sidewalk, piped storm drainage system with detention and outlet system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The cost for the road construction is estimated at **\$184,000.00** and is inclusive of a bonding escalation.

b) Hollywood Road

The east half of Hollywood must be upgraded to a full urban standard including curb and gutter, separate sidewalk, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The cost for the road construction is estimated at **\$136,000.00** and is inclusive of a bonding escalation.

8. Street Lights

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

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.

10. DCC Credits

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

11. Bonding and Levies Summary

a) Performance Bonding

| | |
|--------------------------|------------------|
| Sanitary sewer extension | To be determined |
|--------------------------|------------------|

| | |
|--------------------------|--------------|
| Appaloosa Road upgrading | \$184,000.00 |
|--------------------------|--------------|

| | |
|--------------------------|---------------------|
| Hollywood Road upgrading | <u>\$136,000.00</u> |
|--------------------------|---------------------|

| | |
|---------------------------|-------------------------|
| Total performance bonding | To be determined |
|---------------------------|-------------------------|

b) Levies

| | |
|--------------------------------|-----------|
| Sewer specified Area inclusion | \$ 250.00 |
|--------------------------------|-----------|

| | |
|--------------------------|------------------|
| Sewer Development Charge | <u>\$ 300.00</u> |
|--------------------------|------------------|

| | |
|--------------|-------------------------|
| Total Levies | <u>\$ 550.00</u> |
|--------------|-------------------------|

6.0 Ministry of Transportation Comments

No objections.

7.0 Glenmore-Ellison Irrigation District Comments

No objections.

8.0 Public Health Inspector Comments

No objections.

9.0 Parks Department Comments

1. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
2. All entry feature signs for the proposed development will be located on private property and not on City BLVD.
3. BLVD maintenance including watering (manual or automated irrigation), shrubs, ground cover, sod, and seeded areas will be the responsibility of owner/occupant.
4. In an effort to conserve water, all automated irrigation systems will be design to minimize overspraying on non-landscaped areas including City sidewalks, courtyards, parking areas, roadways, etc.

5. Parks encourages the applicant/property owner to incorporate native plants and xeriscape vegetation into the landscape where practical.

10.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Corporate Services Department has no concerns regarding this application. As was previously identified, the proposal will require the consolidation with the adjacent parcel located to the east of the subject property, and a covenant restricting outdoor storage for the proposed buildings fronting Hollywood Road N. Otherwise, the proposed uses that are under application are thought to be consistent with the future land use designation of the Official Community Plan.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

RGS/MK/mk

Attach.