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

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**Date:** April 11, 2005

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO. Z04-0087/**

DP05-0016/DVP05-0017

**AT:** 921, 923 Richter St.

**OWNER:** JJW Holdings Ltd.

Jake Warkentin

**APPLICANT:** New Town Planning Services  
Inc.

**PURPOSE:** TO REZONE THE SUBJECT PROPERTIES FROM THE RU6-TWO DWELLING HOUSING ZONE TO THE I4 – GENERAL INDUSTRIAL ZONE TO ACCOMDATE THE EXPANSION OF KELOWNA STEEL FABRICTORS

**EXISTING ZONE:** RU6 – TWO DWELLING HOUSING

**PROPOSED ZONE:** I4 – CENTRAL INDUSTRIAL

**REPORT PREPARED BY:** RYAN SMITH

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z04-0087 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 4 and 5, Section 30, Township 26 ODYD Plan 1304, located on Richter Street, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the I4 – Central 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 in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the consolidation of the subject properties with the existing Kelowna Steel parcel;

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

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

AND THAT the applicant resolves all outstanding lease issues with the City of Kelowna Community Planning and Real Estate Department prior to final adoption of the zone amending bylaw.

## 2.0 SUMMARY

The applicant is seeking to rezone the subject properties from the RU6 – Two Dwelling Housing zone to the I4 – Central Industrial zone in order to allow for the expansion of the Kelowna Steel operation.

## 3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of February 1, 2005 it was resolved:

That the Advisory Planning Commission supports Rezoning Application No. Z04-0087 for 907/917/921/923 Richter Street, Lots A and B, Plan 17950 and Lots 4 and 5 Plan 1304 by New Town Planning Services Inc.(Keith Funk) to rezone the subject properties from the RU6 – Two Dwelling Housing zone to the I4 – Central Industrial zone to accommodate a future industrial expansion for Kelowna Steel Fabricators.

## 4.0 THE PROPOSAL

Kelowna Steel Fabricators Ltd., located at 935 Richter Street, have purchased and wish to rezone the properties located at 921 and 923 Richter Street. They are also seeking approval of a Development Permit to allow for a 235 m<sup>2</sup> expansion of Kelowna Steel Fabricators on to the subject properties. In addition, Kelowna Steel Fabricators are- also seeking to obtain a Development Variance Permit to vary the front yard setback from the 6.0 m required to the 0.0 m proposed to accommodate the proposed expansion of Kelowna Steel Fabricators.

The proposed building addition will be finished to match the existing Kelowna Steel building. Split faced concrete block in a grey colour will be used on the exterior walls and the existing cedar fascia will be continued along the roofline. Vertical block pilasters will also be incorporated into the addition to match those on the existing building. Windows will also be incorporated into the front elevation. The flat roof will be finished with tar and gravel.

The parking and storage areas will be screened with opaque fencing and additional landscape buffering will be added.

Kelowna Steel have indicated that the proposed expansion will allow them additional interior space in which they can perform painting and other tasks which had previously been performed outdoors and were a nuisance to the neighborhood. The applicants have indicated that large retractable doors will allow easy access to and from the rear of the building addition.

The application meets the requirements of the I4 – Central Industrial zone as follows:

CRITERIA	PROPOSAL	I4 - ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	2139m <sup>2</sup>	1300m <sup>2</sup>
Lot Depth (m)	36.6m	30.0m
Lot Width (m)	61.45m	40.0m
Gross Floor Area	729m <sup>2</sup>	
Floor Area Ratio	0.3	3.0
Height	6.6m	18.0m
Parking	21 stalls (14 stalls on land leased from City and 7 stalls on site)	2.0 stalls per 100m <sup>2</sup> of GFA  758/100 x 2.0 = <u>15 stalls required</u>
Setbacks		
Front	0.0m <sup>①</sup>	6.0m
Side (n)	12.2m	0.0
Side (s)	0.0m (to be attached to existing building)	0.0
Rear	0.0m	0.0m

#### 4.1 Site Context

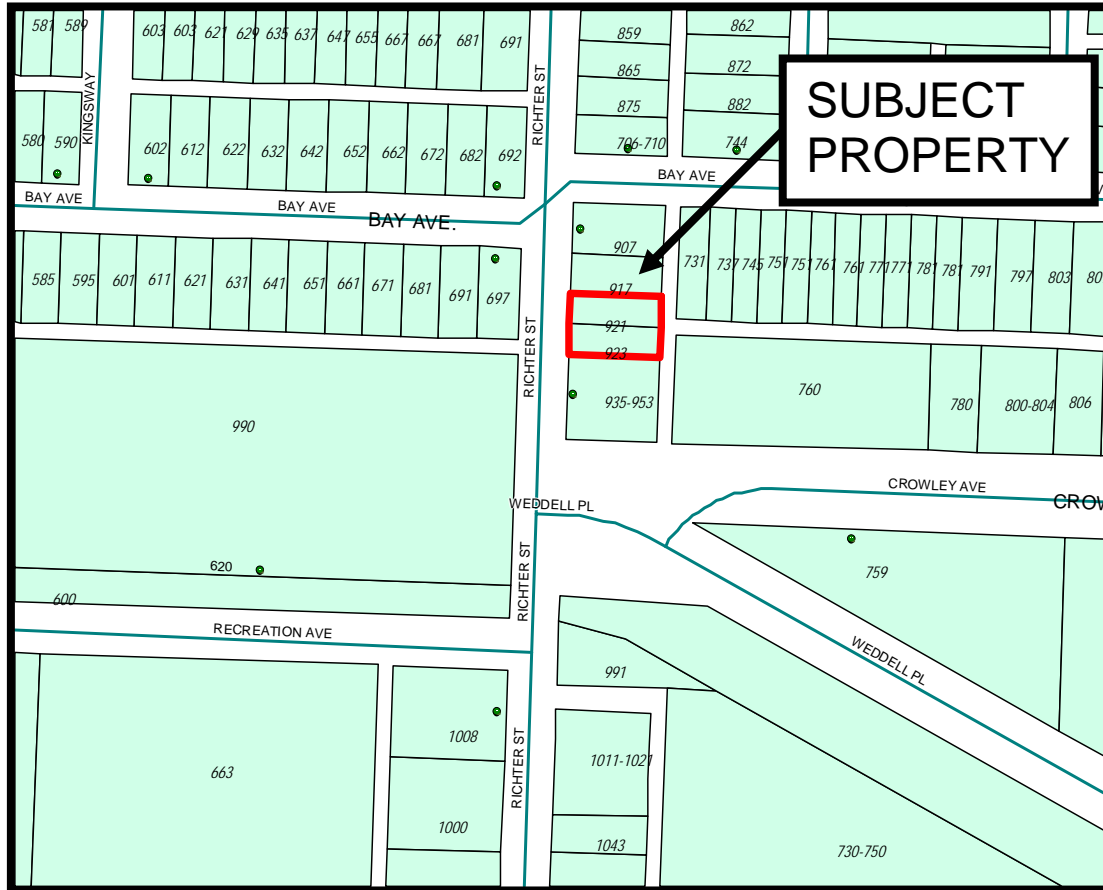
The subject properties are located on the east side of Richter Street between Bay Avenue and Crowley Avenue.

Adjacent zones and uses are:

- North - RU6 – Two Dwelling Housing – Single Family Dwelling
- East - I4 – Central Industrial – Kelowna Steel Fabricators
- South - I4 – Central Industrial – Kelowna Steel Fabricators
- West - RU6 – Two Dwelling Housing – Single Family Dwelling

#### 4.2 Site Location Map

Subject Properties: 921, 923 Richter Street



#### 4.4 Proposed Development Potential

The purpose of the I4- Central Industrial zone is to recognise the historical mix of **uses** reflected in the fringe area of the central **business** district.

#### 4.5 Current Development Policy

##### 4.5.1 Kelowna Official Community Plan

Future Land Use Map 19.1 of the Official Community Plan designates the subject properties as Industrial. This future land use designation is consistent with the zoning change as proposed in this development application.

##### 4.5.2 Kelowna Strategic Plan (2005)

The Kelowna Strategic Plan adopted in 2005 advocates the following with regard to Industrial Uses:

- To reserve land for various forms of industrial use
- The City will in its Official Community Plan, reserve and designate lands for various forms of industrial use including lands along Hwy.97, the north end of the Central City and industrial area in the Winfield area for heavier industrial uses.

#### 5.0 TECHNICAL COMMENTS

##### 5.1 Fire Department

Hydrants and fire department access as per BC Building Code and City of Kelowna Subdivision By-Law.

##### 5.2 Inspection Services

a) Full code analysis required for building permits - review proposed zero lot line clearances to Richter.

b) Separate sign permits required.

c) Geotechnical report required.

##### 5.3 Parks, Public Health Inspector, RCMP, School District No.23, Telus, Shaw Cable, Terasen

No comment.

##### 5.4 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this development application.

#### 5.4.1 Domestic Water and Fire Protection

The developer's consulting mechanical engineer will determine the hydraulic and fire flow requirements of the proposed development phase and establish the future expansion service needs. Decommissioning of existing small diameter services and if determined, the installation of a larger service will be at the applicant's cost.

A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

The boulevard irrigation system must be integrated with the on-site metered irrigation system.

#### 5.4.2 Sanitary Sewer

The developer's consulting mechanical engineer will determine the requirements of the proposed development and future expansion and establish the sanitary service requirements.

Removal and capping of the existing domestic sanitary services and the tie-in of one new larger service must be by City crews and will be at the applicant's cost.

#### 5.4.3 Storm Drainage

The subject development must include the design of a drainage system for Richter Street and Weddell Place fronting the subject lots, including a piped drainage system and catch basins for curb and gutter construction. The cost of the work is included in the road design calculations.

The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.

Provide a lot grading plan identifying the minimum basement elevation (MBE), on-site drainage containment and disposal systems.

Storm drainage systems for the site will be reviewed and approved by Engineering when a design is submitted.

#### 5.4.4 Road Improvements

Richter Street fronting this development must be upgraded to a modified collector class 1 standard (SS-R5, existing sidewalk to remain) including concrete curb and gutter, storm drainage system, fillet pavement, street lighting landscaping and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of construction for bonding purposes is currently being re-calculated to reflect the revised rezoning proposal. The bonding amount will be made available to the applicant prior to the public hearing.

Weddell Place fronting this development must be upgraded to a collector class 1 standard (SS-R5) including concrete curb and gutter, sidewalk, street lighting, piped storm drainage system, fillet pavement, landscaping and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of construction for bonding purposes is currently being re-calculated to reflect the revised rezoning proposal. The bonding amount will be made available to the applicant prior to the public hearing.

The rear lane has been resurfaced with asphalt grindings. Future upgrading to a paved commercial standard will be required. Cash-in-lieu of immediate construction is required from the developer and the City will initiate the work later on its own construction schedule. The cash-in-lieu amount is determined to be \$10,200.00.

#### 5.4.5 Road Dedication and Subdivision Requirements

Dedicate 0.75m widening of the rear lane to provide one-half of the required widening to provide an eventual 7.5m wide commercial standard lane.

By registered plan provide a corner rounding of 6.0 meter where Richter Street intersects with Bay Avenue.

Lot consolidation

Grant statutory rights-of-way if required for utility services.

#### 5.4.6 Electric Power and Telecommunication Services

It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost

#### 5.4.7 Geotechnical Report

As a requirement of this application and / or prior to issue of a building permit, the applicant must provide a modified geotechnical report prepared

by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

Area ground water characteristics.

Site suitability for development; i.e. unstable soils, etc.

Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyze soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

#### 5.4.8 Bonding and Levy Summary

##### Bonding

Richter Street road frontage improvements	\$ Under review.
Weddell Place road frontage improvements	\$ Under review.
<b>Total Bonding</b>	<b>\$ Under review.</b>

##### Levies

Lane frontage improvements	\$ 10,200.00
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NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated to include engineering design and contingency protection and do not including utility service costs. Bonding for required off-site construction must be provided as a condition of building permit issuance.

The owner must also enter into a servicing agreement in a form provided by the City prior to issuance of a building permit.

#### 5.4.9 Latecomer Provisions

Under the provisions of the Municipal Act, Latecomer provisions are available for the following items:

Storm main construction.

The consulting engineer is to prepare and submit the Latecomer information. The City will prepare the actual Latecomer Agreement(s) and forward to the owner(s) for signature. The Latecomer Agreements must be submitted for



Council's adoption prior to the notice to proceed with the works and/or subdivision approval.

#### 5.4.10 Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

#### 5.4.11 Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

## 6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

At the advice of staff, the applicant has originally acquired the opportunity to purchase the four lots to the north of the subject property to complete the industrial development of the block of Richter between Bay Avenue and Crowley Avenue. After extensive feedback from the neighborhood in the Advisory Planning Commission forum, the applicant approached staff with the idea of only rezoning 921 and 923 Richter Street and leaving 917 and 907 Richter Street as a buffer. Although staff would have preferred a more comprehensive development of the block, it recognizes the overwhelming concerns of the local neighborhood with regard to the expansion of industrial development into a residential area and the potential conflicts.

The Planning and Corporate Services Department has several concerns with the proposed rezoning. The application is consistent with the Official Community Plan and Strategic Plan (2005) and the applicants have submitted a development permit application with detailed plans of the proposed expansion. Although generally consistent with existing policy the building addition as shown on the concept plan would require a development variance permit for a reduced front yard setback. Staff would be willing to support such a variance as long as the form and character of the new construction was consistent with industrial development guidelines in the Official Community Plan and no other variances were required. Staff are also concerned about the disorderly state of outdoor storage associated with Kelowna Steel's operation. Staff will be making the applicant aware that a development permit will not be issued until staff are satisfied that these storage arrangements are improved to meet Zoning Bylaw requirements.

Staff must also point out that the applicant is relying upon land leased from the City of Kelowna in order to satisfy the required parking for the proposed rezoning and associated development permit. While this arrangement may be satisfactory in the short term, staff is concerned about the long term stability of such an arrangement. The Community Planning and Real Estate Division will seek to review and revise the existing lease agreement prior to final adoption of the zone amending bylaw.

Having noted the above, the Planning and Corporate Services Department is willing to support this rezoning application.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

RM/AB/rs

Attach.

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plan
- Building Elevations
- Landscape Plan
- Pictures