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

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**Date:** April 5, 2005  
**File No.:** Z04-0091

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

APPLICATION NO. Z04-0091                      OWNER: Pier Mac Petroleum Installation

AT: 5220 Highway 97                      APPLICANT: Hank Neufeld

PURPOSE: TO REZONE A PORTION OF THE SUBJECT PROPERTY FROM THE  
EXISTING P4-UTILITIES ZONE TO THE PROPOSED I3-HEAVY INDUSTRIAL  
ZONE, IN ORDER TO FACILITATE A TWO LOT SUBDIVISION

EXISTING ZONE: P4-UTILITIES

PROPOSED ZONE: I3-HEAVY INDUSTRIAL

REPORT PREPARED BY: MARK P. KOCH

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

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**1.0    RECOMMENDATION**

THAT Rezoning Application No.Z04-0091 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, Sec. 11, Twp. 23, ODYD, Plan 34113, located on Highway 97, Kelowna, BC, from the P4-Utilities zone to the I3-Heavy Industrial zone, as shown on Map "A" attached to the report of Planning and Corporate Services Department, dated April 5, 2005, be considered by Council;

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

AND THAT final adoption of the zone amending bylaw be considered following Ministry of Transportation approval;

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 Highway 97 N., near the intersection of Airport Way in the Highway 97 Sector Plan area of the City of Kelowna. The applicant submitted an application to rezone a portion of the subject property from the existing P4-Utilities zone to the I3-Heavy Industrial zone, in order to establish a two lot subdivision, with one proposed industrial lot and

the lot remainder retaining the existing P4-Utilities zone. The proposed use is 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 February 1, 2005, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z04-0091, for 5220 Hwy 97 N, Lot 1, Plan 34113, Sec. 11, Twp. 23, ODYD, by Kelowna Ready Mix Inc (Hank Neufeld), to rezone from the P4-Utilities zone to the I3-Heavy Industrial zone in order to facilitate a two lot industrial subdivision.

### 4.0 BACKGROUND

#### 4.1 The Proposal

The applicant has applied to rezone and to subdivide the subject property in order to locate a satellite ready-mix plant for Kelowna Ready-Mix. They have indicated that at some point, they may seek to convert the subject property into their main ready-mix plant. Vehicular access will be from an unconstructed access road off of University Way, with the Highway 97 frontage serving as the legal street frontage for both proposed lots.

The proposal as compared to the I3 and P4 zone requirements is as follows:

<b>CRITERIA</b>	<b>PROPOSAL (LOT A)</b>	<b>I3 ZONE REQUIREMENTS</b>
Site Area	12750m <sup>2</sup>	8000m <sup>2</sup> (with sewer)
Lot Width	121.0m (approx)	40.0m
<b>CRITERIA</b>	<b>PROPOSAL (REM.)</b>	<b>P4 ZONE REQUIREMENTS</b>
Site Area	37940m <sup>2</sup>	N/A
Lot Width	244.3m (approx)	N/A

#### 4.2 Site Context

The subject property is located on west side of Highway 97 near the intersection of University Way, and lies in the boundaries of the Highway 97 Sector Plan (Draft). The site is generally flat and level, however, the area surrounding the site slopes upwards towards the West. The subject property is also currently vacant.

Adjacent zones and uses are, to the:

North - I5-Extraction / Gravel Pit  
 East - A1-Agriculture 1 / Agricultural & Vacant  
 South - I3-Heavy Industrial / Industrial Manufacturing  
 West - A1-Agriculture 1 / Gravel Pit

#### 4.3 Proposed Development Potential

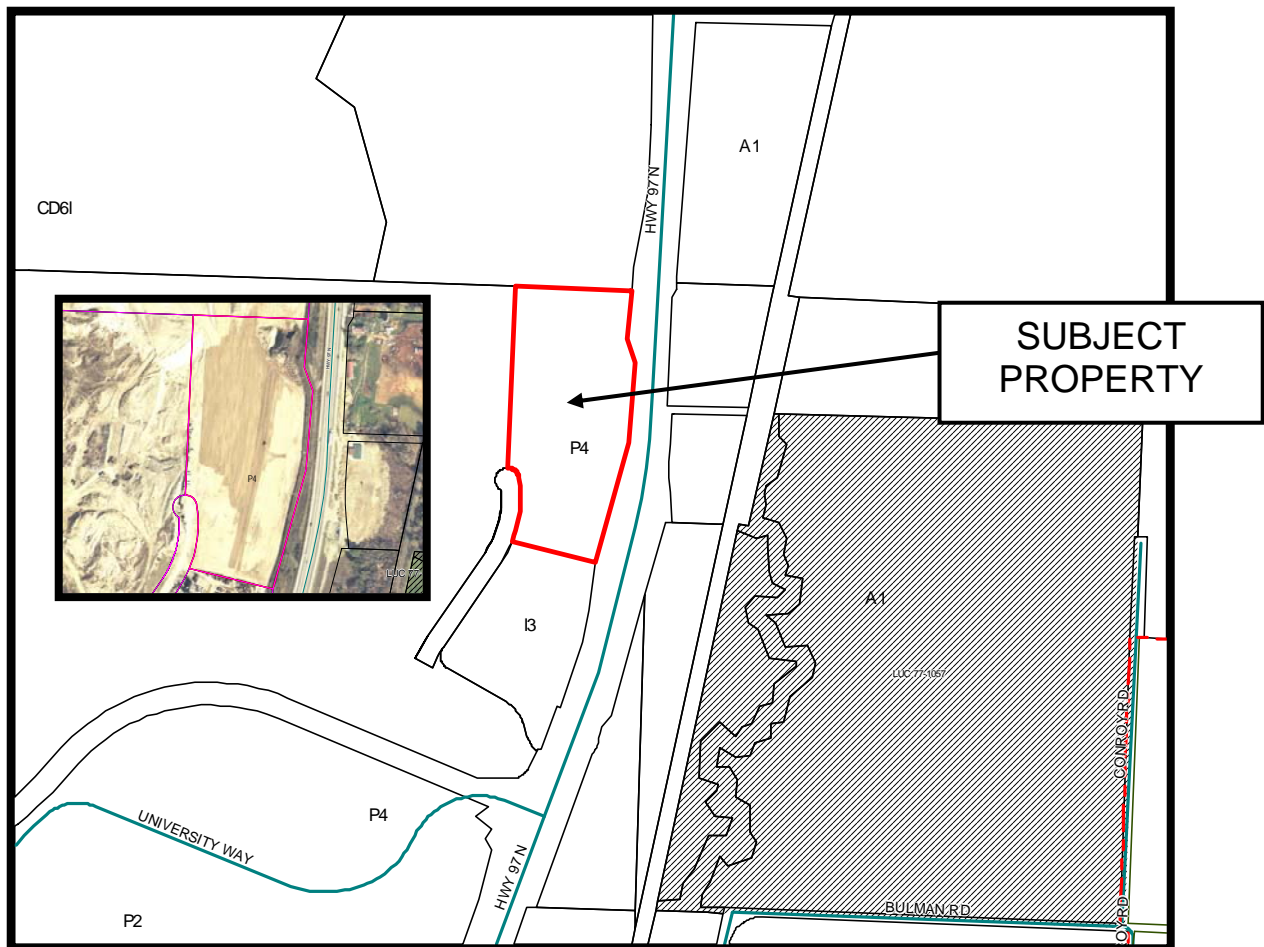
The proposed zone of I3-Heavy Industrial permits; bulk fuel depots, concrete and asphalt plants, general industrial uses, outdoor storage, recycling depots, recycling plants, recycled materials drop-off centres, utility services, minor impact, utility services, major impact, vehicle

and equipment services, industrial, wrecking yards as permitted uses and residential security/operator units as allowable secondary uses.

#### 4.4 Existing Development Potential

The property is zoned P4-Utilities, a zone intended to provide for public and private utility use.

#### SUBJECT PROPERTY MAP



#### 4.5 Current Development Policy

##### 4.5.1 Kelowna Official Community Plan

This proposal is consistent with the "Industrial" designation of the future land use map within the Official Community Plan, which encourages the location of future industrial development in those areas designated for industrial purposes in the OCP.

4.5.2. 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

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 P4 to I3 are as follows:

**These are Works and Utilities initial comments and are subject to the Ministry of Transportation requirements.**

1. Subdivision

- a) Dedicate the necessary widening along Hwy. 97 to establish a 23-m. Right of Way measured from the existing mean centreline or 3.0 m. beyond any slope extremities, whichever is greater. This is subject to confirmation by the MOT.
- b) Provide easements and right of ways as required.

2. Geotechnical Study

- a) Overall site suitability for development.
- b) Slope analysis (i.e. 0-10 %, 10-20 %, 20-30% and over 30 %).
- 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. Road layout and access

- a) Driveway access is not permitted onto Hwy 97. A restrictive covenant, registrable under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.

- b) The existing rural access located at the south-west corner of the property meets the current standard for the requested zone. No further upgrading is required.
- c) It has been previously identified that development of the subject property requires an alternate access to Hwy 97 via Airport Way. This must be confirmed with the MOT.

4. Domestic Water and Fire protection

- a) The property is serviced by the Glenmore Ellison Improvement District (GEID) and as such, all servicing arrangements are to be made with the District.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations and confirmation from the GEID for this subdivision. Ensure that every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits.

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. The storm water must be retained on site by providing catch basins, drywells all interconnected by perforated pipes in accordance with the Pier-Mac Area Structure Plan pre-design study.

6. Sanitary Sewer

The property is not currently serviced by the municipal wastewater collection system. The existing wastewater collection system may be extended to service the subject property. A pre-design and an estimated cost prepared by a Professional Engineer are required to determine the bonding requirement.

7. Power and Telecommunication Services

Overhead wiring is permitted for this subdivision although underground installation is recommended.

8. Street lights

Street lights must be installed on all 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 upgrades are not identified in the current DCC schedules.

11. Levies and performance bonding

<b>Performance bonding</b>	
Sanitary sewer extension	To be determined
Potential road extension toward airport way ( subject to MOT requirements)	To be determined
Levies.	
Sanitary Sewer Specified Area inclusion fee	\$250.00

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Corporate Services Department has no immediate concerns regarding this rezoning. The relevant City of Kelowna policy documents support this partial rezoning, from the existing P4-Utilities zone to the proposed I3-Heavy Industrial zone, including both the Official Community Plan and the Strategic Plan. However, staff are concerned with the buffering and screening proposed for the site. Although the land use is consistent with the Official Community Plan, the general area is expected to redevelop significantly over the next few years with expansion of UBC Okanagan and redevelopment of the Pier Mac gravel extraction site. It will be important for the applicant to provide sufficient screening to control aspects of noise and dust through the ensuing development permit.

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.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion ☐

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

RGS/MK/mk Attach.

*ATTACHMENTS*

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

- Location of subject property
- Zoning Plan
- State of Title
- Concept Plan