
CITY OF KELOWNA
MEMORANDUM

Date: January 11, 2006
To: City Manager
From: Planning and Corporate Services Department
Subject:

APPLICATION NO. DVP05-0217 **OWNER:** 470342 BC Ltd.
AT: 194 Adams Road **APPLICANT:** Dean Huggins
MQN Architects

PURPOSE: TO VARY THE RIPARIAN MANAGEMENT AREA SETBACK
FROM MILL CREEK FROM 30.0M REQUIRED TO 12.5M
PROPOSED

EXISTING ZONE: I2 – GENERAL INDUSTRIAL

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0217; Lot 11, Section 2, Township 23, ODYD, Plan 28845, located on Adams Road, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:
Section 6.14: Riparian Management Area (RMA) Setbacks: 6.14.1:

Vary the riparian management area setback from 30 m required to a minimum of 12.5 m proposed as shown on Schedule "A" attached to this report;

AND THAT the applicant be required to register a statutory right-of-way established at the land-side toe boundary and registered with BC Lands as a registered plan by legal survey;

AND THAT the applicant be required to construct a 2m high chain link fence at the land-side toe boundary of the dyke to delineate the property line.

2.0 SUMMARY

The subject property is zoned I2 – General Industrial and is located on the west side of Adams Road between Sexsmith Road and Alcan Road. The applicant is proposing to construct a new general industrial development on the subject property. The development will consist of two buildings which will house four tenant spaces. The subject property backs onto Mill Creek; however, is protected by a dyke. The applicant is seeking to vary the Riparian Management Setback for industrial development adjacent to Mill Creek from 30.0m required to 12.5m proposed. The proposal meets all other aspects of Zoning Bylaw No.8000.

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

CRITERIA	PROPOSAL	I2 ZONE REQUIREMENTS
Lot Area (m ²)	3,802m ²	4000m ²
Lot Width (m)	97.87m	40.0m
Lot Depth (m)	133.96m	35.0m
Area of Buildings at Grade (m ²)	1,465.5m ²	N/A
Total Building Area (m ²)	2,192m ²	N/A
Building Height (m)	7.9m	14.0m
Site Coverage	38.3%	60%
Floor Area Ratio (Density)	0.577	1.5
Front Yard Setback	7.5m	7.5m
Northern Side Yard Setback	0.0m	0.0m
Southern Side Yard Setback	0.0m	0.0m
Rear Yard Setback (RMA)	12.5m❶	30m
Parking	44 stalls	45 stalls

❶ The applicant is seeking to vary the Mill Creek riparian management area setback from 30.0m required to 15m proposed to accommodate a proposed industrial development.

3.2 Site Context

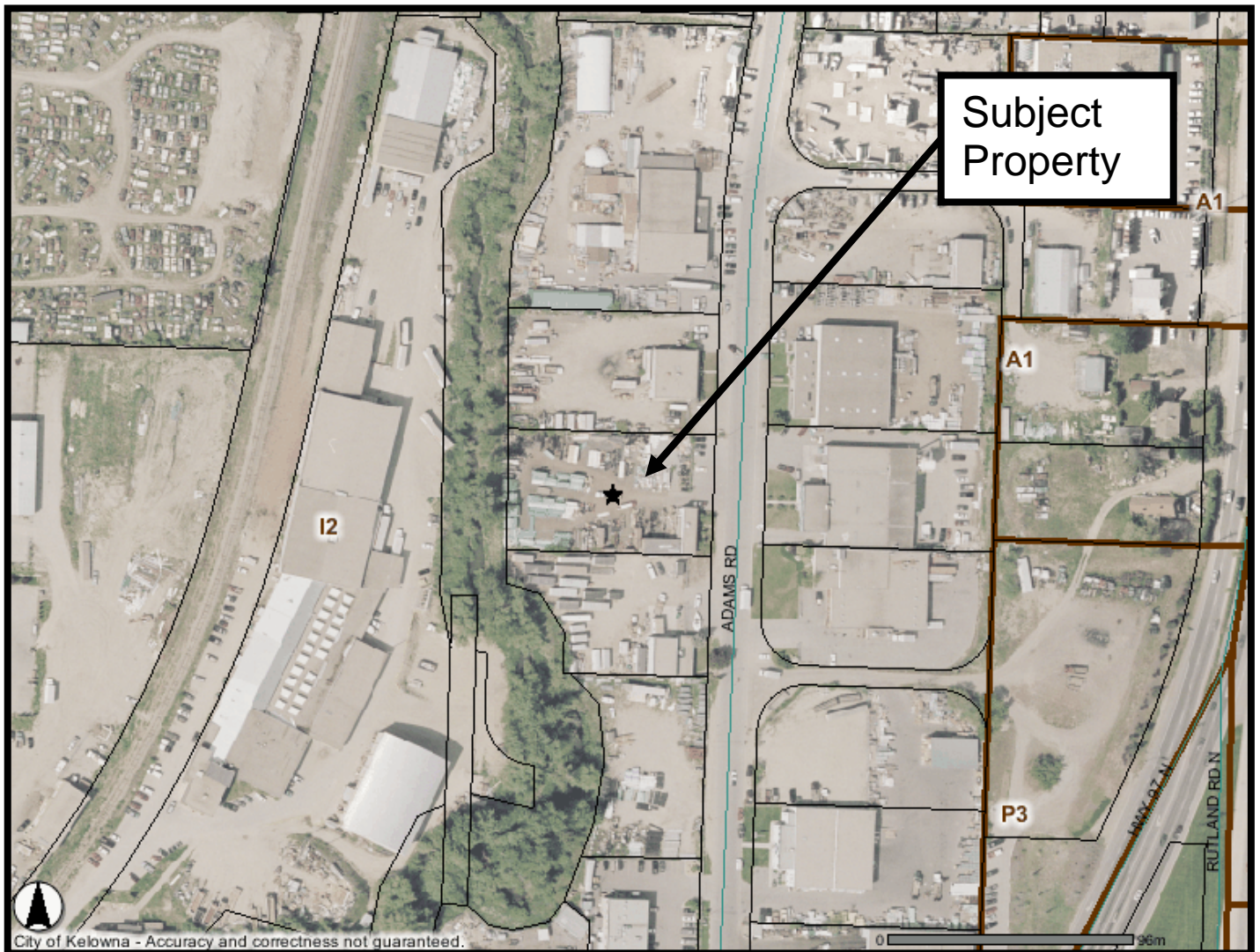
The subject property is located on the west side of Adams Road between Sexsmith Road and Alcan Road.

Adjacent zones and uses are:

North - I2 – General Industrial
 East - I2 – General Industrial
 South - I2 – General Industrial
 West - I2 – General Industrial

Site Location Map

Subject Property: 194 Adams Road



5.0 TECHNICAL COMMENTS

This application was circulated to various internal department and technical agencies and the following comments were received:

5.1 Inspection Services

Construction of the exterior walls located on both property lines are required to have a minimum of two hours fire resistance rated non combustibile exterior walls with no openings. Handicap accessible parking stall to be relocated in front of the proposed buildings. All tenant spaces required to be designed for disabled access. The proposed signage to be reviewed separate from this application. Full code analysis to be submitted for review as part of the building application.

5.2 Works and Utilities

No concern subject to addressing the requirements of the Environment Division.

5.3 Fire Department

Fire Dept access, fireflows and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw.

5.4 Environment Manager

The history of this site and several adjacent sites precludes certain assumptions with regard to current riparian management setbacks; primarily, due to the construction of the dyke. BC Environment and the Provincial Emergency Program were both integral to the flood relief efforts and resulting dyke construction. Extensive discussions with these senior agencies resulted in a compromise location for the dyke works.

We should ensure a setback of 1.5 or 2.0 meters is maintained between any permanent structures and the land-side toe of the dyke. A statutory right-of-way should also be established at the land-side toe boundary and registered with BC Lands as a registered plan by legal survey. This will aid us in the future should grade elevations change over time on the site.

A 2-m (minimum) high chain link fence should be constructed at the land-side toe boundary to delineate the no-build/no-disturb boundary.

5.5 Parks Manager

The Environment Division has confirmed that the future Mill Creek Linear Park will be located on top of the existing City-owned dike.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

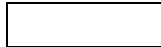
The subject property is designated as Industrial in the OCP and as such the proposal to construct two contractor / shop buildings with associated office space would be in

compliance with the designation and could be supported. The site is also designated as a Natural Environment DP Area with a Riparian Management Area (RMA) setback of 30m each side on this portion of Mill Creek.

It is noted that the existing Mill Creek dedication taken at the time of the original subdivision is a total of 25m (presumably 12.5m on each side) prior to establishment of the current requirements. The ability to achieve a 30m RMA has already been compromised by existing development in this area and taking a 30 RMA from the existing dedication line could be seen as excessive and would sterilize the development potential of this property. The area would need to be left in a natural state and already the setback area is compromised by hard surfacing and outdoor storage.

Provided the applicant adopts the recommendations of the City of Kelowna's Environment Division, staff has no concerns with this development variance permit proposal. Staff also recommends that the applicant re-locate the handicap parking stall closer the building to facilitate access for person's with disabilities.

Andrew Bruce
Manager of Development Services



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)

- Subject property map
- Site plan and floor plans
- Elevations
- Pictures