
CITY OF KELOWNA

MEMORANDUM

Date: June 1, 2006
File No.: **Z06-0018**

To: City Manager

From: Planning & Corporate Services Department

Subject:

APPLICATION NO. Z06-0018 OWNER: M 124 ENTERPRISES LTD
INC NO BC0744528

AT: 120 OLD VERNON ROAD APPLICANT: TED THOMAS & ASSOC.

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE EXISTING
C2 – NEIGHBOURHOOD COMMERCIAL ZONE TO THE
PROPOSED I2 – GENERAL INDUSTRIAL ZONE TO PERMIT
THE DEVELOPMENT OF A MOTORCYCLE DEALERSHIP

EXISTING ZONE: C2 – NEIGHBOURHOOD COMMERCIAL

PROPOSED ZONE: I2 – GENERAL INDUSTRIAL

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Rezoning Application No. Z06-0018 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec 2, Twp. 23, O.D.Y.D., Plan 7301, located on Old Vernon Road, Kelowna, B.C. from the existing C2 – Neighbourhood Commercial zone to the proposed 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 in conjunction with Council's consideration of a Development Permit and 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 and the Ministry of Transportation being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

2.0 SUMMARY

The applicant is proposing to rezone the subject property from the existing C2 – Neighbourhood Commercial zone to the proposed I2 – General Industrial zone to permit the development of a motorcycle dealership. The associated Development Permit seeks permission to construct a 1,197 m² motorcycle dealership building for the sales and repair of motorcycles. The associated Development Variance Permit seeks to vary the maximum canopy projection into a flanking sideyard from 0.60 m permitted to the 1.2 m projection proposed, and to vary the parking lot setback from a flanking side yard from 2.0 m required to the 1.0 m proposed. However, the existing lot size does not meet current I2 – General Industrial zone requirements for the lot width or lot area.

The proposed I2 – General Industrial zone under application is consistent with the existing Official Community Plan future land use of “Industrial” for the subject property.

2.1 Advisory Planning Commission

The above noted application (Z06-0018) was reviewed by the Advisory Planning Commission at the meeting of April 11, 2006 and the following recommendation was passed:

THAT the Advisory Planning Commission ***not*** support Rezoning Application No. Z06-0018 for 120 Old Vernon Road, Lot 1, Plan 7301, Sec. 2, Twp. 23, ODYD, by Ted J Thomas & Associates Ltd. (Ted Thomas), to rezone from the C2-Neighbourhood Commercial zone to the I2-General Industrial zone to allow for motorcycle sales & a repair building, as the APC felt the proposed variance for the reduced lot area was excessive and that additional property needed to be added.

3.0 BACKGROUND

3.1 The Proposal

This property had been under application to rezone to the Warehousing and Light Industrial (I-1) zone under Bylaw 4500 in 1997 to facilitate the development of the property with a restaurant use. That application was reviewed by the APC on June 24, 1997 and was supported. However, that application was withdrawn by the applicant in 1998, and never proceeded to Council for consideration.

This current application has been made to rezone the subject property to the I2 – General Industrial zone in order that the property can be used for a motorcycle sales and repair facility. This proposed industrial land use is supported by the Official Community Plan.

The associated Development Permit application (DP06-0055) has been made for a 2 storey, 1,197 m², building that provides space for a showroom, repair and service area, and parts counter on the main floor, and storage and display area on the second level. The showroom area is designed as a 2 storey high space, with a display area on the mezzanine level. The site plan shows access to the parking area located at the front of the proposed building from both Old Vernon Road and Rutland Road North as it exists along the west side of the property. The site plan also indicates landscaping along the Old Vernon Road and the Rutland Road frontages. The site plan also indicates an area for motorcycle parking between the proposed building and the Rutland Road frontage. The proposed landscape buffer in this area is reduced to a 1 m wide bed, where the zoning bylaw requires a 2 m wide strip. There has been an application for an associated

Development Variance Permit to deal with a variance to reduce the amount of landscape buffer in this location, as well as to deal with the amount of projection allowed into a flanking side yard, from the maximum 0.6 m permitted to the 1.2 m proposed to authorize an angled canopy above the motorcycle parking area.

These applications will be forwarded to Council for consideration prior to final adoption of the zone amending bylaw.

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

CRITERIA	PROPOSAL	I2 ZONE REQUIREMENTS
Site Area (m ²)	2,010.6 m ² ❶	4,000 M ²
Site Width (m)	31.6 m ❷	40.0 M
Site Coverage (%)	39%	Max 60%
Total Floor Area (m ²)	1197.1	
F.A.R.	0.595	Max FAR = 1.5
Building Height (m)	10 m	14.0 m
Setbacks (m)		
- Front (Old Vernon Rd.)	15 m	7.5 m
- Rear	0.3 m	0.0 m adjacent to C or I zones
- West Side (flanking)	6.1 m 4.9 m to projection ❸	6.0 m 5.4 m to projection
- East Side	0.3 m	0.0 m adjacent to C or I zones
Parking Stalls (#)	22 stalls provided	21 Stalls Required
Loading Stalls (#)	1 loading stall	1 stall / 1,900 m ²
Landscape Buffer (front)	2.0 m	2.0 m
Landscape Buffer (side)	1.0 m ❹	2.0 m

Notes.

Parking Calculations:

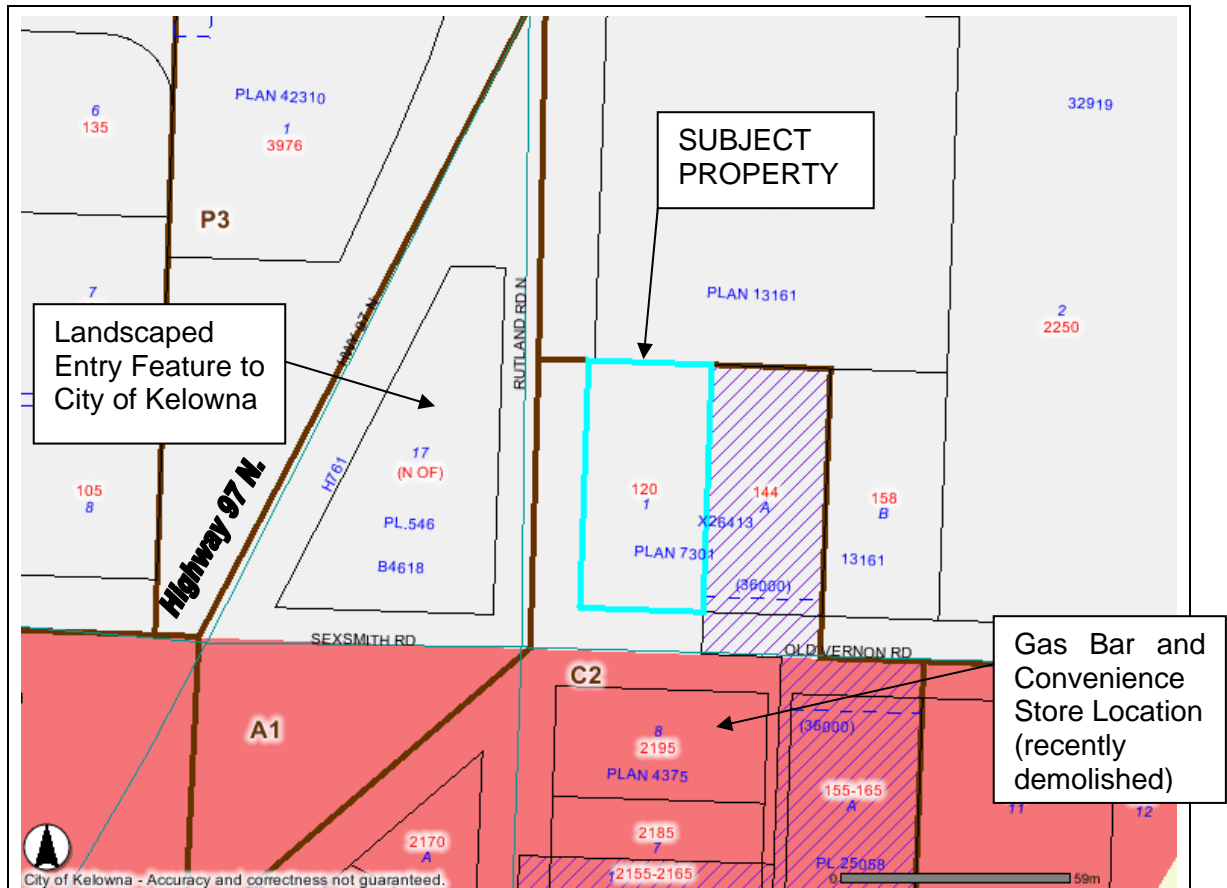
General Industrial – 901.8 m ² @ 2 / 100 m ² =	19 stalls
Storage – 295 m ² @ 0.5 / 100 m ² =	2 stalls
TOTAL STALLS REQUIRED	21 STALLS

Variances Requested;

- ❶ Variance requested to minimum lot area from 4,000.0 m² required to 2,010.6 m² existing
- ❷ Variance requested to minimum lot width from 40 m required to 31.6 m² existing
- ❸ Variance requested to allowable projection from 0.60m permitted, to 1.2 m proposed
- ❹ Variance to landscape buffer at parking lot from 2.0 m required to 1.0 m proposed

3.2 Site Context

SUBJECT PROPERTY MAP



The subject property is located at the north east corner of Old Vernon Road and Rutland Road North, adjacent to Highway 97 North. There is an old commercial building existing on the property which is surrounded by a paved parking lot. This building has been used as a number of different restaurants, as well as other retail uses. There had been application made to rezone the subject property in 1997 to rezone the property to the Light Industrial and Warehousing I-1 zone of the day to permit the development of the property with a restaurant with a drive – through pick-up window. The applicant of the day requested the file closed in 1998.

North - I2 – General Industrial / Industrial uses – Auctions
East - C2 – Neighbourhood Commercial (LUC77-1015)
Industrial uses permitted in the LUC
South - C2 – Neighbourhood Commercial / Old Vernon Rd, Gas Bar
West - A1 – Agriculture 1 / Rutland Road, Hwy Entry Feature

3.3 Proposed Development Potential

The proposed zone of I2 – General Industrial permits; animal clinics – major, 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, warehouse sales as principal permitted uses, and residential security/operator unit & care centres - major as permitted secondary uses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

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

3.4.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs

Goal #2 of the Strategic Plan is “To foster a Strong, Stable and Expanding Economy”

Four objectives from Goal #2 are;

1. Aid in the growth and progress of Kelowna as a desirable place to do business
2. Aid in the growth and progress of Kelowna as a desirable place to visit, shop and tour.
3. Increase the diversity of employment opportunities,
4. Commit to continued sound fiscal management.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw.

4.2 Inspection Services Department

Building elevations on property lines at east and north require two hour fire separation with no permitted openings.

4.3 Irrigation District - BMID

B.M.I.D. has reviewed this application for development. The requirements are summarized as follows;

- A capital charge of \$5,388.00 for the construction of the 1,197m² industrial building is due prior to water service hook-up,
- A payment is required for engineering review in the amount of \$200.00 for a fire flow estimate and documentation for this assessment,
- A FUS calculation form sealed by a Civil Engineer to show calculated fire demand for the proposed industrial building based on plumbing fixture count,
- At the time of building construction, two water meters will be required for the existing domestic connections.
- If irrigation is required to this lot, and irrigation plan is to be submitted to B.M.I.D., and the connection should be designed such that it splits to provide irrigation after the meter assembly

4.4 Ministry of Transportation

Back in 1998 the Ministry dealt with a development proposal for a restaurant for this property. The City and Ministry agreed that there would have to be an interim approach to the ultimate access management plan and in that regard, we were supporting full movement access at the east end of the site on Old Vernon Road and full movement access at the north end of the site on Rutland Road N.

We were also going to put the developer on notice that ultimately Rutland Road would be closed off at its north end at Highway 97 and that there would potentially be a raised median placed on Old Vernon Road which would end up restricting both Rutland Road and the site access on Old Vernon Road to right turns only.

An easement from Acland Road behind can't be achieved unless or until that particular property redevelops in future.

With respect to this new proposal, we would have no objection to the accesses on Old Vernon Road and Rutland Road subject of course to City approval. Given present volumes on Old Vernon Road, it may be desirable to restrict the access to right turns only at this time by way of a delta island in the access. However, presently there is a high volume of through traffic crossing 97 from Sexsmith and

turning left at Rutland Road to gain access to Highway 97 northbound. They are doing this in order to jump the northbound left turn queue at Sexsmith/97. This is causing a lot more confusion and congestion in this area and it may be time to consider closing Rutland Road at Highway 97 at the north end of this leg of Rutland Road where the pavement meets Highway 97. It could be easily blocked off by placement of guardrail similar to the closure of the frontage south of here.

4.5 Parks Manager

The City of Kelowna Boulevard Maintenance By-Law No. 5708-84 requires the residents to be responsible to weed, water and mow the boulevards adjacent to their properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris..

4.6 Public Health Inspector

Provision of sanitary sewer required.

4.7 Shaw Cable

Owner/developer to supply and install underground conduit system.

4.8 Telus

Will provide underground facilities; developer to supply and install conduit

4.9 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from C-2 and I-2 are as follows:

1. Subdivision.

- a) Dedicate approximately 1.8 m. road widening along the Old Vernon frontage, to provide the required widening to achieve a 20.0 m. road right of way.
- b) Provide a 5.0 m. Highway Reserve along the Old Vernon road frontage to represent one-half of the required ultimate widening to achieve a 30.0 m. arterial road right of way.
- c) Provide other easements and right-of-ways as required

2. Geotechnical Study.

- 1) Overall site suitability for development.
- 2) Presence of ground water and/or springs.
- 3) Presence of fill areas.
- 4) Presence of swelling clays.
- 5) Presence of sulfates.
- 6) Potential site erosion.
- 7) Provide specific requirements for footings and foundation construction.
- 8) 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 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.
- b) The water system must be capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw for the requested zone. The applicant must provide water computations for this development to confirm the available water supply.
- c) A water meter is mandatory as well as a sewer credit meter to measure all irrigation water. Water meters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

4. Sanitary Sewer.

The subject property is currently serviced by the municipal wastewater collection system.

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.

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.

7. Road improvements.

Old Vernon Road frontage is to be upgraded to a full urban standard which includes the design and construction of monolithic curb, gutter and separate sidewalk, road widening, storm drainage works, street lighting, landscaped boulevard with irrigation and approved trees, and the removal and / or relocation of utilities as may required. The estimated costs for this work approximately \$ **20,000.00** which includes a bonding escalation.

8. 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.

9. Access.

- a) The subject property is affected by the Hwy 97 access management plan whereby in the future it is anticipated that the access will be restricted.

- b) A raised median will be constructed on Old Vernon Road in the future; the access to the subject property may be restricted to rights turn only.
- c) Rutland Road, as shown on the Highway management plan, will be closed in the future. Access onto Rutland Road is acceptable in the interim but it will have to be revisited when the access management plan is fully implemented as per the attached sketch.

7. 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.

8. Street lights

Street lights must be installed on all fronting roads as determined 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.

12. Bonding and Levies Summary.

a) Performance Bonding

Old Vernon Road Upgrading	\$ 20,000.00
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b) Levies	N/A
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The City of Kelowna will consider cash contribution in the amount of **\$17,400.00** for the frontage works and defer the construction until the road network in the area is upgraded at some time in the future.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The neighbourhood of the subject property (Reid's Corner) is an older area that was amalgamated with the City of Kelowna in 1973. There have been a number of applications made to authorize development over the years for both the subject property and the old gas bar, but none of the applications have proceeded to a point where construction has occurred.

This current application to rezone the subject property from the existing C2 – Neighbourhood Commercial zone to the propose I2 – General Industrial zone is supported by the Official Community Plan.

The conceptual plans for the site development appear to be a reasonable form of development for the subject property and will develop the subject property to a higher and better use than exists there today. The associated variances to lot width and lot area are somewhat mitigated by the design of the building and due to the fact that it is reasonable to consider that a significant portion of clients will use motorcycles to visit the site. Staff have encouraged the applicant to consider purchasing additional land to avoid the variances to lot width and lot area.

The applicant has been in communication with the Ministry of Transportation regarding the 1994 Highway 97 Access Management Plan, and the impacts on the subject property. As a result of these discussions between the applicant and MOT, the MOT has supported the proposed site development with accesses to Rutland Road and Old Vernon Road as an interim measure.

In light of the above, the Planning and Corporate Services Department supports this application, and recommends for positive consideration by Council.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

PMc/pmc
Attach.

Attachments

(Not attached to the electronic copy of the report)

Subject Property Map

6 pages of site plans & building elevations diagrams

Air Photo

