
CITY OF KELOWNA

MEMORANDUM

Date: June 1, 2006
File No.: **Z05-0073**

To: City Manager

From: Planning & Corporate Services Department

Subject:

APPLICATION NO. Z05-0073 OWNER: ECHO MOUNTAIN
DEVELOPMENT

AT: 2750 / 2760 / 2784 / 2786 / 2788 APPLICANT: NEW TOWN PLANNING
HIGHWAY 97 N. SERVICES INC.

PURPOSE: TO REZONE THE SUBJECT PROPERTIES FROM THE
EXISTING A1 – AGRICULTURE 1 ZONE TO THE PROPOSED I1
– BUSINESS INDUSTRIAL AND I2 – GENERAL INDUSTRIAL
ZONES TO ALLOW FOR BUSINESS INDUSTRIAL AND
GENERAL INDUSTRIAL USES ON THE SITE, AND TO
FACILITATE AN INDUSTRIAL SUBDIVISION DEVELOPMENT.

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: I1 – BUSINESS INDUSTRIAL
I2 – GENERAL INDUSTRIAL

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0073 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of; Part of Lot 1, DL 124 & 415, O.D.Y.D., Plan 1879, EXC. Plan 8341, Part of Lot 2, DL 124, O.D.Y.D., Plan 1879, Part of Lot 3, DL 124, O.D.Y.D., Plan 1879 EXC. Plan 4571, Part of Lot A, DL 124, O.D.Y.D., Plan 8341, and Part of Lot A, DL 124, O.D.Y.D., Plan 4571, located on Highway 97 N., Kelowna, B.C. from the existing A1 – Agriculture 1 zone to the proposed I1 – Business Industrial and I2 – General Industrial zones as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated May 31, 2006 be considered by Council;

THAT pursuant to the provisions of the City of Kelowna Development Application Procedures Bylaw No. 8140 and section 890 of the Local Government Act that the requirement for the public hearing be waived;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Environmental Development Permit / Development Variance Permit with respect to Mill Creek Mitigation on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer;

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 considered subsequent to the;

- Registration of all required road and creek dedications,
- Agriculture Land Commission confirmation of the Agriculture Land Reserve exclusion boundary adjustment;

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 develop an industrial subdivision on the lands known as the Marshall Feedlot. The use of the subject properties for an industrial land use is consistent with the Official Community Plan future land use designation of "Industrial".

2.1 Advisory Planning Commission

The above noted application (Z05-0073) was reviewed by the Advisory Planning Commission at the meeting of March 28, 2006 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No Z05-0073, for 2750/2760/2784/2786/2788 Hwy 97 N., Lot 1, Plan 1879, Lot A, Plan 8341, Lot 2, Plan 1879, Lot A, Plan 4571 & Lot 3, Plan 1879, Secs. 27, 28 & 34, Twp. 26, ODYD, by New Town Planning Services (Keith Funk), to rezone from the A1-Agriculture 1 zone to the proposed I1-Business Industrial zone to allow for industrial uses on the site and to facilitate an industrial subdivision, subject to the development of the property with industrial related land uses.

3.0 BACKGROUND

3.1 The Proposal

The applicant had originally applied to rezone the subject properties to the I1 – Business Industrial zone in order to facilitate the development of a 31 lot industrial subdivision. The development is designed with the main access to the subdivision coming off of the new extension of McCurdy Road, which will be constructed as part of this development and serve as the northern limit of industrial development.

The industrial subdivision development is designed as a loop road with 21 lots located around the outside of the loop, and an additional 10 lots located within the loop. The application has been revised to rezone the lots located around the perimeter of the loop to the I2 – General Industrial zone, and the lots located within the loop to the I1 – Business Industrial zone. The properties on the east side of the exterior of the loop abut the CN railway right of way, while the properties on the west side of the loop are bounded by Mill Creek and the associated riparian management area. Please note that

the applicant has volunteered to register a covenant to restrict outdoor storage to new and used vehicles, recreation vehicles, and boats in a state of good repair.

The development of this site does trigger a substantial amount of off-site construction that has been identified in the Official Community Plan. In addition to the extension of McCurdy Road which will be required as part of this development, there will also be major construction associated with the Central Okanagan Bypass (formerly the North End Connector) running parallel to Mill Creek that will have to be secured as part of this development application.

At this time, there is still a substantial amount of design work necessary to determine the final location of the Central Okanagan Bypass, as well as the ultimate location of the extension of McCurdy Road. Associated with the Central Okanagan Bypass will be the pending Mill creek trail network through the development site, and the necessary applications to the Province for approval of works within the Riparian Management Area and associated Riparian Area Regulations. Owing to the close proximity of the toe of Dilworth Mountain, Mill Creek and the required location for the Central Okanagan Bypass, there will be impacts on Mill Creek necessitated by the geometric requirements of the highway design in terms of both horizontal and vertical alignments. At this time, there is still design and review of the proposed McCurdy Road Extension, the Central Okanagan Bypass, and Mill Creek Trail to determine the ultimate location of these facilities, in anticipation of application to the Province of British Columbia for approval.

The proposed land use is consistent with the “industrial” future land use designation of the Official Community Plan.

The proposal as compared to the I1 zone requirements is as follows:

CRITERIA	PROPOSAL	I1 ZONE REQUIREMENTS
Site Area (m ²)	4,000 m ²	4,000 m ²
Site Width (m)	63 m ±	40 m
Site Depth (m)	63 m ±	35 m

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

CRITERIA	PROPOSAL	I2 ZONE REQUIREMENTS
Site Area (m ²)	4,000 m ²	4,000 m ²
Site Width (m)	63 m ±	40 m
Site Depth (m)	63 m ±	35 m

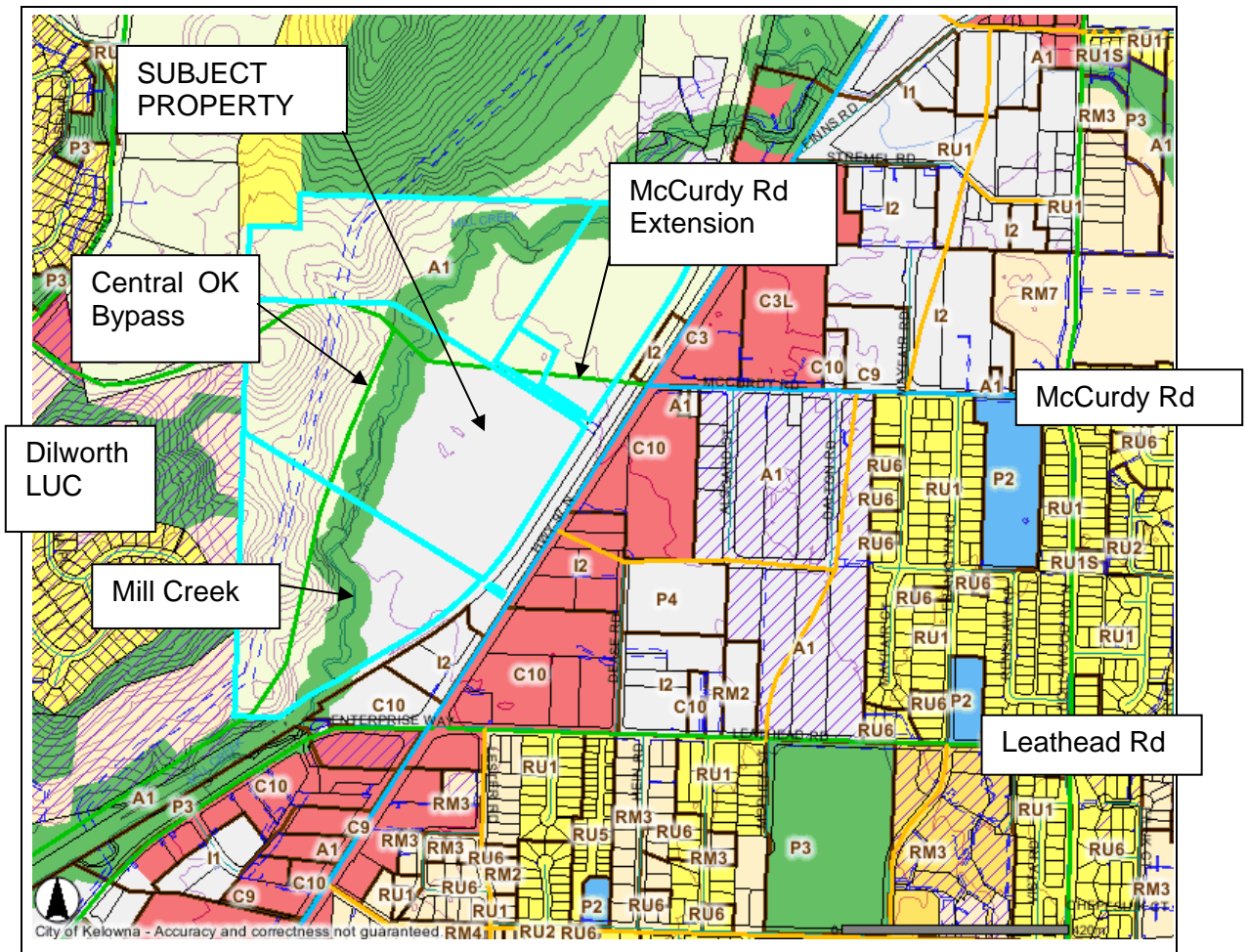
3.2 Site Context

The subject properties are located at the base of Dilworth Mountain, to the west of Highway 97, north of Leathead Road/Enterprise Way. The proposed development area is located between Mill Creek to the west, the C.N. rail way right of way to the east, and McCurdy Road extension to the north. The subject properties have been used as a “feed lot” for many years, and have several out buildings located on the site related to the “feed lot” operation.

Adjacent zones and uses are, to the:

- North - A1 – Agriculture 1, Farm uses
- East - C10 – Service Commercial, Service, Auto Dealerships
I2 – General Industrial, General Industrial uses, tire shop,
Highway 97,
- South - C10 – Service Commercial, Service, Car Rental agency
I2 – General Industrial, radiator repair shop, Enterprise Way
- West - A1 – Agriculture 1, Land Use Contract 74-57 Dilworth Mtn.
Residential Uses

SUBJECT PROPERTY MAP



3.3 Proposed Development Potential

The proposed zone of I1 – Business Industrial permits; animal clinic – major, broadcasting studios, business support services, care centres – major, commercial storage, contractor services – limited, custom indoor manufacturing, emergency and protective services, food primary establishment, general industrial uses, liquor primary establishment – minor, offices, participant recreation services – indoor, private clubs, utility services – minor impact as principal permitted uses, and residential security/operator unit as permitted secondary uses.

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, and warehouse sales as principal permitted uses, and residential security/operator unit, and 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

This application has been circulated to the affected utility providers and various agencies for comment. However, owing to the complexities of the major issues as related to the transportation network and pending works adjacent to Mill Creek, the applicant has requested that this application for rezoning proceed to Council for consideration of the proposed land use, prior to final resolution of the road network and creek works issues. These issues will be dealt with in the future as part of the subdivision approval process and associated servicing agreement.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The subject property has been operated as a feedlot for finishing cattle for approximately 100 years. In June 2002, there had been a decision made by the Agriculture Land Reserve Commission to approve the alignment of the extension of McCurdy Road through the property and approval of the exclusion of the portion of the subject properties south of the proposed extension of McCurdy Road from the ALR, and support for the proposed industrial use of these lands.

This current application proposes to rezone that portion of the subject properties south of the proposed McCurdy Road extension to the I1 – Business Industrial and I2 – General Industrial zone in order to permit industrial uses on the development site, uses that are consistent with the Official Community Plan future land use designation for the subject properties.

The applicant has done a substantial amount of preliminary work to determine working locations for the Central Okanagan Bypass, the extension of McCurdy Road west of Highway 97, as well as the proposed location of the linear trail network along Mill Creek. There still needs to be additional detail work done to determine the final locations of these proposed works in order to make complete submissions to the Province of British Columbia – Ministry of Environment and Ministry of Transportation for their approvals. This work will have to be completed prior to subdivision approval. The applicant has requested that this rezoning application be forwarded to Council for consideration in order to deal with the proposed land use, prior to the final engineering work being completed.

The Echo Mountain proposal has triggered design and potential construction of a portion of the Central Okanagan Bypass (COB). The City is currently working on updating its design and requirements for the COB (Spall to McCurdy) through a separate exercise endorsed by Council.

It is of particular importance that the consultant work occurring be harmonized for the external agency approvals (Department of Fisheries and Oceans and Ministry of Environment). The City should likely be the lead proponent for any COB application for approvals that involve private development. Since the City is the main proponent for the COB it is the City's responsibility for the environmental approvals.

The "Public Interest" component for consideration of the application for an alteration HADD (Harmful Alteration Disruption or Destruction) for Mill Creek will be a major factor for the approval.

The City of Kelowna Development Application Procedures Bylaw No. 8140 and section 890 of the Local Government Act allow for the requirement for the public hearing be waived from the rezoning process, as this proposed application to rezone is consistent with the Official Community Plan Future Land Use designation for the subject property.

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

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
Map “A” – proposed zoning map
Proposed draft subdivision plan