
CITY OF KELOWNA

MEMORANDUM

Date: June 21, 2006
File No.: **Z05-0043**

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. Z05-0043

OWNER: 0740639 BC LTD

AT: 153 PINTO ROAD

APPLICANT: LYNN WELDER
CONSULTING

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE EXISTING
A1 – AGRICULTURE 1 ZONE TO THE PROPOSED I2 –
GENERAL INDUSTRIAL ZONE TO PERMIT THE USE OF THE
PROPERTY FOR GENERAL INDUSTRIAL USES

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: I2 – GENERAL INDUSTRIAL

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0043 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 21, Sec. 2, Twp. 23, O.D.Y.D., Plan 18861, located on Pinto Road, Kelowna, B.C. from the existing A1 – Agriculture 1 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 subsequent to the requirements of the Works & Utilities Department 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 wishes to rezone the subject property to the I2 – General Industrial zone in order to permit the development of a 579.8m² industrial garage building for a concrete service company, and a 1,161.3m² industrial bus wash and service building on the site.

This land use is consistent with the “Industrial” future land use designation of the City of Kelowna Official Community Plan.

2.1 Advisory Planning Commission

ORIGINAL SUBMISSION

The above noted application (Z05-0043) was reviewed by the Advisory Planning Commission at the meeting of July 5, 2005 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0043, for 153 Pinto Road, Lot 21, Plan 18861, Sec. 2, Twp. 23, ODYD, by 0720527 BC Ltd. (Dave MacPherson), to rezone from the A1-Agriculture 1 zone, to the I1-Business Industrial zone, in order to construct a 41 unit strata business industrial development.

REVISED SUBMISSION

The above noted application (Z05-0043) was again reviewed by the Advisory Planning Commission at the meeting of April 11, 2006 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0043, for 153 Pinto Road, Lot 21, Plan 18861, Sec. 2, Twp. 23, ODYD, by Lynn Welder Consulting Ltd. (Lynn Welder Lalonde), to rezone from the A1-Agriculture 1 zone to the I2-General Industrial zone to permit industrial uses.

3.0 BACKGROUND

3.1 The Proposal

The area of the subject property was part of the University South Area Structure Plan, which was endorsed in 1996, and indicated the lands south of Carney Pond and east of the proposed Hollywood Road as appropriate for a combination of both General Industrial and Business Industrial uses.

The application to rezone (Z05-0043) was originally presented to the Advisory Planning Commission on July 5, 2005 as an application to rezone from the existing A1 – Agriculture zone to the proposed I1 – Business Industrial zone to permit the development of the site with a 41 unit industrial strata project. That project never proceeded after the applicant of the day was advised of the road dedications and construction issues associated with the pending closure of Pinto Road, and the associated realignment of Hollywood Road.

The City Transportation Engineering section and the City Real Estate section have been working on a road design and property acquisition strategy to facilitate the necessary road right of way to realign Hollywood Road and provide access to the affected properties after Pinto Road is closed.

This application has been amended to change the proposed zone from the previous I1 – Business Industrial zone to the revised I2 – General Industrial zone, as well as to acknowledge the new applicant.

This revised application proposes to rezone the subject property from the existing A1 – Agriculture 1 zone to the proposed I2 – General Industrial zone in order to allow for the development of the lands to create a 579.8m² industrial garage building for a concrete service company, and a 1,161.3m² industrial bus wash and service building on the site.

This revised application complies with the I2 – General Industrial zone requirements, so that the previous concurrent Development Variance Permit application that had been under review is no longer required.

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

CRITERIA	PROPOSAL	I2 ZONE REQUIREMENTS
Site Area (m ²)	8,102.6 M ²	4,000 M ²
Site Width (m)	62.69 M	35.0 M
Site Coverage (%)	21%	Max 60%
Total Floor Area (m ²)	1,741.1 M ²	Max 1,2153 M ² @ FAR = 1.5
F.A.R.	0.21	Max FAR = 1.5
Building Height (m)	?	14.0 m
Setbacks (m)		
- Front (Pinto Rd.)	15.0 m	7.5 m
- Rear	38 m	0.0 m adjacent to C or I zones
- North Side	20.0 m	4.5 m when not adjacent to C or I zones
- South Side	10.0 m	4.5 m when not adjacent to C or I zones
Parking Stalls (#)	35 stalls required	2 Stalls / 100 m ²
Loading Stalls (#)	1 stall required	1 stall / 1,900 m ²
Landscape Buffer (front)	3.0 m buffer required	3.0 m

3.2 Site Context

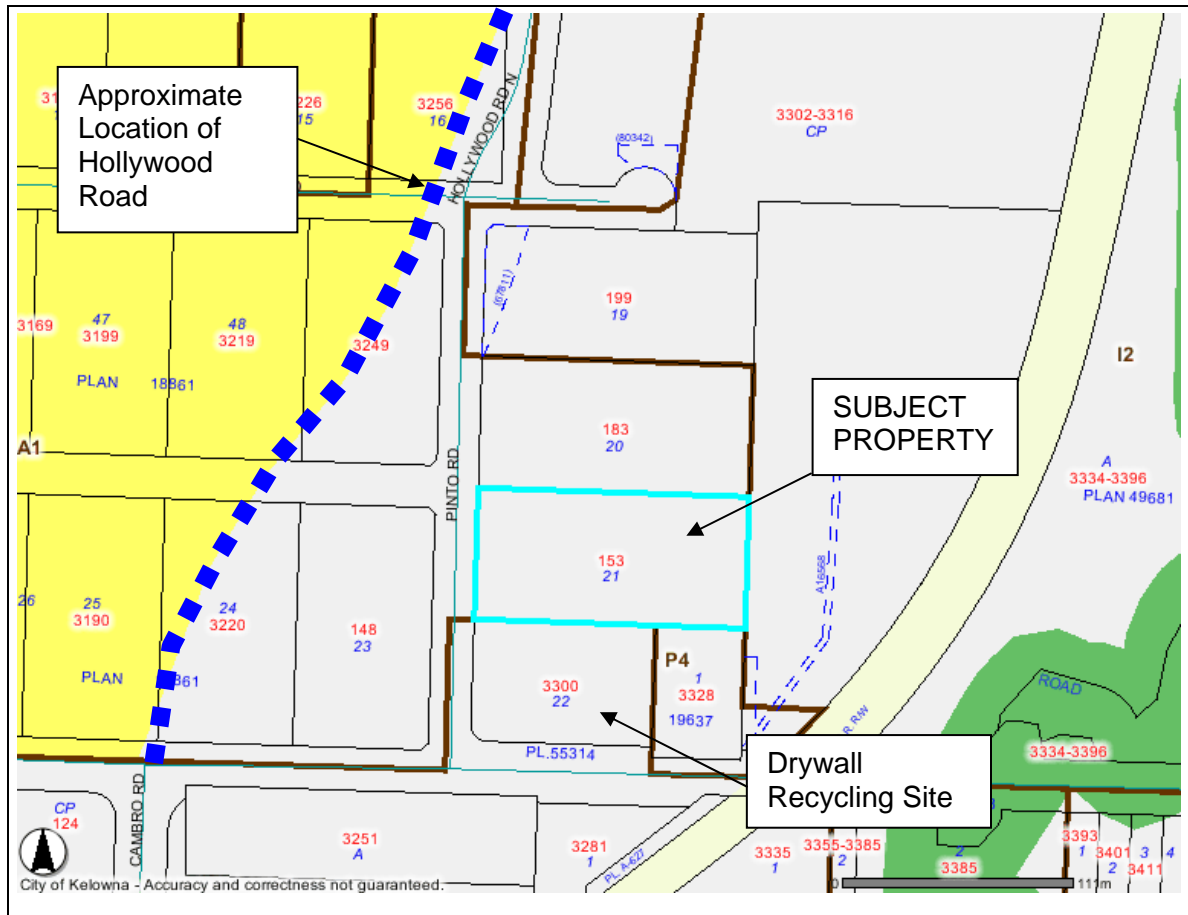
The subject property is located in a neighbourhood of large rural lots.

Adjacent zones and uses are, to the:

- North - A1 – Agriculture 1 / rural residential uses
- East - I2 – General Industrial/ general industrial uses
- South - I2 – General Industrial/ gypsum wallboard recycling station
P4 – Utilities/electrical sub-station
- West - A1 – Agriculture 1 – Pinto Road/ rural residential uses

3.3 Existing Development Potential

SUBJECT PROPERTY MAP



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 and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine fire hydrant requirements and locations.

4.2 FortisBC

Fortis will provide underground electrical power

4.3 Inspection Services Department

No Comment

4.4 Irrigation District (G.E.I.D.)

Summary of Engineering submission and payments:

- Submit 2 copies of engineering plans in accordance with City of Kelowna and GEID servicing bylaws and policies, completed by a Professional Engineer registered and insured in the Province of BC. Provide City of Kelowna approved drawings well in advance of the works,

- Provide “Interior Health Authority Approval to Construct Waterworks” well in advance of the works,
- Connection Costs (to be determined), payable prior to commencement of works,
- Administration Costs (to be determined), payable prior to commencement of works,
- Inspection Fess (to be determined), payable prior to commencement of works,
- Provide a 1 year maintenance bond (to be determined), payable prior to approval,
- Capital Expenditure Charges (to be determined),
- New Account Fee at \$20.00 per unit payable prior to issuance of Water Service Certificate,
- Stamped certification by developers engineer that all works have been installed in accordance with approved plans, prior to issuance of Water Service Certificate,
- Record drawings, including offsite works, 1 set of prints, 1 digital AutoCAD 14 CD and 1 digital PDF drawings CD prior to issuance of Water Service certificate,
- Copy of SRW registered at LTO in favour of GEID, prior to issuance of Water Service Certificate

4.5 Ministry of Transportation

We have no objections or comments regarding this rezoning application.

4.6 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.

4.7 Public Health Inspector

No concerns as long as provided with community sewer & water are available.

4.8 Shaw Cable

Owner/Developer to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

4.9 Telus

Will provide underground facilities to development. Developer will supply and install conduit.

4.10 Terasen Utility Services

No Comment

4.11 Works and Utilities Department

The works and Utilities Department comments and requirements regarding this application to rezone the subject property from A1 to I2 are as follows:

1. Subdivision.

- a) Provide a 10.0 m. road dedication along the north property line for the new crescent.

- b) Provide easements as may be required.

2. Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering. The Study is to address the following:

- a) Overall site suitability for development.
- b) Slope analysis.
- 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. Domestic water and fire protection.

- a) This development is within the service area of the Glenmore-Ellison Improvement District (GEID). The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connections and upgrading costs are to be paid directly to the GEID.
- b) Water meters are mandatory for the proposed developments and must be installed, inside a heated building on the water service inlet as required by the City Plumbing Regulation and Water Regulation Bylaws.
- c) The water system has been upgraded and is capable of supplying industrial domestic and fire flow and domestic demand in accordance with the Subdivision & Servicing Bylaw. The applicant will be required to pay the Latecomer in the amount of **\$15,403.50** (prior to June 29, 2006) prior to the rezoning of the subject property.

4. Sanitary Sewer.

- a) The subject property is not currently serviced by the municipal sanitary sewer collection system. Due to the size of the proposed development the owner must provide a pre-design for the extension of the Municipal wastewater collection system in accordance with the current Bylaws and policies. Upon approval of the wastewater collection system by the City, a cost estimate from a Consulting Engineer will be required to set an amount of security to be provided by the applicant prior to approval of this application. A very preliminary estimate of the sanitary sewer cost extension indicates that it would be in the **\$135,000.00** range, inclusive of a bonding escalation.
- b) Under the provisions of the Local Government Act, Latecomer cost recovery is available for the construction of the sanitary sewer.

- c) The wastewater collection system must be constructed prior to the issuance of a building permit on the subject property.
- d) The subject property is subject of a Sewer Specified Administration Fee of **\$250.00** to amend the service boundary.

5. Drainage.

A comprehensive site drainage management plan and design in compliance with the City's drainage design and policy manual, is a requirement of this application.

6. Power and Telecommunication.

The services to this development are to be installed underground. It is the developer's responsibility to make an application to the respective utility companies. The utility companies are then required to obtain the City's approval before commencing any of their works.

7. Road Improvements.

I) Pinto Road.

The fate of Pinto Road is pretty well sealed with the proposed transportation network planned for area as shown on the attached plan. The Pinto Road frontage does not require any upgrades since the right of way will ultimately be closed.

II) New Crescent

- a) One half of the new proposed road along the north property of the subject property is required to be constructed by the developer. The construction consists of the full urban standard including curb and gutter, separate sidewalk, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances, if required, to accommodate this construction. The cost for the road construction is estimated at \$91,400.00 and is inclusive of a bonding escalation.
- b) It is recommended that the applicant makes a cash contribution of **\$79,400.00** for the deferred construction until the north half of the crescent right of way has been acquired and the City implements the changes to the transportation network in the area.

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. DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgrades are not identified in the current DCC schedules.

10. Access, layout and dedication.

The sketch submitted in support of this application does not clearly define the location of the access. The access to the development should be created with the future crescent in mind in order to avoid some transition difficulties with the closure of Pinto Road in the future

11. Bonding and Levies Summary.

a)Performance Bonding

Sanitary sewer extension	\$135,000.00
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b)Levies

Crescent construction cash contribution	\$ 79,400.00
Water supply upgrade latecomer	\$ 15,403.50
Sewer specified Area inclusion	<u>\$ 250.00</u>

Total Levies	<u>\$ 95,053.50</u>
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5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The proposed Industrial land use is consistent with the existing Official Community Plan future land use designation of "Industrial".

The issue regarding the realignment of Hollywood Road and the associated closure of Pinto Road has been a challenge to deal with during development application review of properties in this neighbourhood. Now that the alignment has been determined, there is now a clear requirement regarding road dedication and construction costs associated with property development in the area.

It is interesting to note, that while Hollywood Road is designated a "Development Permit" area road, the subject property is removed from the pending location of the realigned Hollywood Road, and is therefore not subject to a development permit. There will be no formal review of the form and character of the proposed development on the property, only a building permit application review.

This current application proposes the development of the site with two industrial buildings which comply with the I2 – General Industrial Zone requirements. The revised site plan provided indicates the required new access road, and the proposed building locations respect this new road location. As the proposed development complies with the I2 – General Industrial zone, the previous Development Variance Permit application that was part of the original I1 – Business Industrial development proposal is no longer required.

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

Shelley Gambacort
Acting Manager of Development Services

Approved for inclusion

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Signe Bagh, MA, MCIP
Acting Director of Planning and Development Services

PMc/pmc
Attach.

Attachments

(Not attached to the electronic copy of the report)

Subject Property Map

2 pages of site plans & proposed road layout