

AND THAT the OCP Bylaw Amendment No. OCP06-0017 and 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 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 withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

2.0 SUMMARY

The subject properties are located north of Stremel Road, west of Findlay Road. The applicant proposes to rezone the subject properties in order that they may be developed with uses permitted in the I2 – General Industrial zone. This proposed zone is consistent with the “Industrial” Future Land Use designation of the Official Community Plan.

2.1 Advisory Planning Commission

The above noted application (Z06-0005) was reviewed by the Advisory Planning Commission at the meeting of February 28, 2006 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z06-0005, for 712, 728 & 730 Stremel Road, Lot 3, Plan 4858, Lot A, Plan B5622 and Lot 8, Plan 3236, Sec. 34, Twp. 26, ODYD, Lynn Welder Consulting (Lynn Welder Lalonde), to rezone from the RU1-Large Lot Housing zone to the I2-General Industrial zone to permit the use of the site for general industrial uses.

3.0 BACKGROUND

3.1 The Proposal

The applicant is proposing to rezone the subject properties to the I2 – General Industrial zone to allow development of the properties for “General Industrial” uses. The purpose of this rezoning application is to allow the subject properties to be subdivided into a new 2 lot configuration that would support new industrial development. The subject properties are located north and east of the properties that are also currently under application (Z04-0048) for rezoning to the I2 – General Industrial zone.

At this time, the applicant is proposing to utilize the existing dwelling located on Lot 8, Plan 3236, 730 Stremel Rd, for office uses associated with the proposed industrial uses.

The site plan provided in support of this application indicates some possible building locations with associated parking. However, none of the subject properties are located within a mandatory development permit area, so there will not be a review of Form and Character of any industrial development on the properties, only building permit applications.

The neighbourhood in which the subject property is located had been the subject of the “Finns Road Concept Development Plan” review by Urban Systems in 1995. At that time, a majority of the owners had commissioned Urban Systems to determine a reasonable land-use pattern for development in the area, while attempting to address a number of technical issues related to road layouts, and to Francis Brook which runs through the area. The plan was eventually completed, but was never considered nor endorsed by Council.

A major issue that came out of this planning study was the proposed road network. The Ministry of Transportation had commissioned a “Highway 97 Access Management Plan” in 1994 to review the uncontrolled accesses to Hwy 97 at that time, and to map out a strategy to reduce the number of accesses to Hwy 97. One of the major intersections that was identified in that review was the intersection of Hwy 97, Finns Road, and Stremel Road, where they all come together at the highway. One of the key components of that proposal was to close the access to the highway at that location, and to extend Mayfair Road, north of Stremel Road to Fitzpatrick Road in order that there be a link from McCurdy Road north to Fitzpatrick. Again, this “Access Management Plan” was never considered nor endorsed by Council.

There have been several applications in this neighbourhood to date. However, the challenge has been the location of this extension of Mayfair Road, north of Stremel Road to Fitzpatrick Road, and the impact on affected properties.

In November 2005, the Planning and Development Services Department held an open house meeting in the City of Kelowna Council Chambers to receive information from the neighbourhood on several possible road network proposals for the area, and to determine if there was an option that was acceptable to the neighbourhood. Unfortunately, there was no clear solution to this road location as a result of that meeting.

Since that time, the Transportation division of the Works and Utilities Department has developed a 6th proposal that eliminates the extension of Mayfair Road, north of Stremel Road to Fitzpatrick Road, and instead utilizes portions of the existing Stremel Road and Finns Road to provide a transportation route to Fitzpatrick Road. This proposal still closes off the access to Highway 97. The Transportation Division has presented this proposal to the neighbourhood, and has received support for a City initiated Official Community Plan amendment to revise Map 12.1 – 20 Year Major Road Network and Road Classification Plan to reflect these changes. Application OCP06-0017 has been made to make these changes.

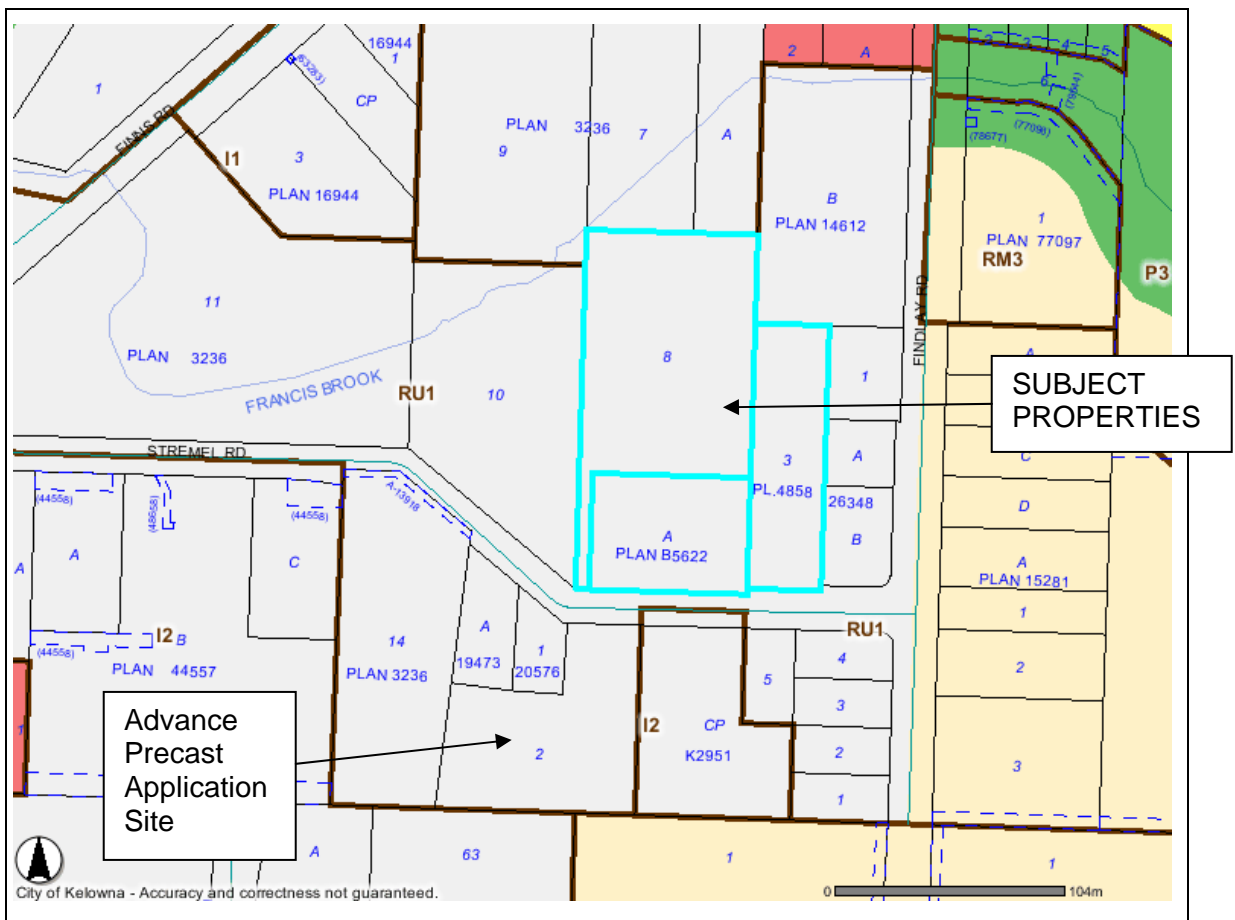
Now that this network road issue has been resolved, the rezoning applications that have been on hold may move ahead.

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

CRITERIA	PROPOSAL	I2 ZONE REQUIREMENTS
Site Area (m ²)	4,400 m ² to 5,112 m ²	4,000 m ² when sewer available
Site Width (m)	40 m to 80 m	40 m
Site Depth (m)	65 m to 116 m	35 m

3.2 Site Context

SUBJECT PROPERTY MAP



The subject properties are generally flat and level. There are existing dwellings on each of the properties. The north west corner of the development site is impacted by Francis Brook. There is also the pending Mayfair Road extension north of Stremel Road that will impact this portion of the development site.

Adjacent zones and uses are, to the:

- North - A1 – Agriculture 1
RU1 – Large Lot Housing
- East - RU1 – Large Lot Housing / Existing Single Unit housing
- South - RU1 – Large Lot Housing/Stremel Rd
I2 – General Industrial / industrial development
- West - RU1 – Large Lot Housing

3.3 Proposed Development Potential

The proposed zone of I2 – General Industrial permits; 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.

Staff have reviewed this application, and it may move forward without affecting either the City's financial plan or waste management plan

3.4.2 City of Kelowna Strategic Plan (2004)

The new City of Kelowna Strategic Plan (2004) identifies as Goal #2 – “To Foster a Strong, Stable, and Expanding Economy”. This goal has led to the following objectives to support that goal;

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.

4.0 TECHNICAL COMMENTS

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

4.1 Environmental Manager

The proposed subdivision of this property triggers an Environmental Development Permit. Lot 8, Plan 3236, 730 Stremel Road is a designated Natural Environment Development Permit area for the stream known as Francis Brook. A 15.0-m riparian area setback is required for flood protection and for protection of existing and potential environmental values, features and functions.

We recommend a 15.0-m “no-disturb” restrictive covenant be registered as a condition of subdivision. Additionally, some restoration works may also be required as conditions of the Development Permit.

The City of Kelowna Parks department may wish to seek a public route of access along the creek area. Any proposed formalized trail within, or alteration of, the 15.0-m no-disturb area (other than restorative works under supervision of a Qualified Environmental Professional) may trigger a further review under the Riparian Areas Regulation or senior agency Approval.

4.2 Fire Department

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

4.3 Inspection Services Department

Establishment of property line for existing home to meet A1 side yard set back as per BCBC. Provide spatial calculations for inspection services review prior to final subdivision approval.

4.4 Irrigation District – B.M.I.D.

Summary of Items;

1. A capital charge for Grade D lands will be invoiced in the amount of \$3,921.77, and is due prior to registration of the new subdivision,
2. A latecomer fee will be invoiced in the amount of \$14,044.17 and is likewise due with registration of the new subdivision,
3. A payment is required for engineering review in the amount of \$200.00 for a fire flow estimate and documentation for the City of Kelowna,
4. A new 50mm domestic service is required on Stremel Road with pipeline,
5. A \$350.00 connection fee is payable for connection of the new industrial lot to the BMID water system,
6. At the time of building construction, a water meter will be required for each lot. Fees are as per the attached schedule and sizing is dependent upon individual lot requirements.

4.5 Parks Manager

The Applicant will be required to dedicate a 10 meter wide corridor for a linear park along Francis Brook as outlined in the OCP. The 10 meter wide corridor shall be located outside any riparian areas or environmental conditions.

4.6 Public Health Inspector

Each lot must be serviced by City sewer and water.

4.7 Shaw Cable

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

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 RU-1 and I-2 are as follows:

1. Subdivision.

- a) Dedicate a smooth radius along the frontage of Stremel Road as shown on the sketch prepared by Runnalls Denby submitted in support of this application.
- b) Dedicate 15.0m. riparian right of way along the creek, measured from the top of the bank as per the Environmental Division requirements.
- c) The lots located to the east of the subject properties require to be incorporated in the overall development due to the fact that their size and the anticipated access restrictions onto Findlay Road in the future will severely restrict their potential development.
- d) Provide easements as may be 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.

4. Sanitary Sewer.

- a) The subject property is currently within the sanitary sewer specified area # 20 and is serviced by the municipal sanitary sewer collection system.
- b) The developer will be responsible to cash commute the specified area charges for this development. The charge is currently set at \$6,935.35 per Equivalent Dwelling Unit (EDU). The total charge is **\$71,850.23** (3.7 acres x 2.8 = 10.36 EDU @ \$6,935.35). The estimated amount is valid until March 31, 2007

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.

Stremel Road.

The applicant is responsible to dedicate, and construct the Stremel Road frontage to a full urban collector standard (SS-R5) complete with curb, gutter, sidewalk, asphalt fillet paving, storm drainage, street lighting landscaped boulevard complete with underground irrigation, removal and/or relocation of utilities as may be required. The City wishes to defer the construction of Stremel Road which is premature at this time, therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is **\$54,100.00**.

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. Bonding and Levies Summary.

a) Performance Bonding	N/A
b) Levies	
Stremel Road frontage construction	\$ 54,100.00
Sanitary Sewer Specified Area #20 Charge	\$ 71,850.23
Total levies	<u>\$125,950.23</u>

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have any major concerns with this application. The proposed uses under application are consistent with the future land use designation of “Industrial” in the Official Community Plan. The building program proposed at this time is consistent with the I2 – General Industrial zone. However, there will be no Development Permit required to deal with the proposed form and character as this area is not identified in the Official Community Plan as a Development Permit area.

The neighbourhood has had several applications for rezoning from the existing residential uses to the supported industrial lands use. There is an active application (Z04-0048) for lands owned by Advance Precast located south of Stremel Road, which is currently at 3rd reading. As well, there had been an application (Z04-0086) to rezone the properties directly south of the subject properties made to rezone that site to the I2 – General Industrial zone. That site has industrial buildings under construction.

Staff had suggested to the applicant that the 3 properties located to the east of the subject properties adjacent to Findlay Road should be included with the application. The applicant had approached the owners of Lot 1, Plan 11084, Lots A & B, Plan 26348 in order to incorporate these properties into this application. However, there was no agreement reached to include these properties with the current application. The applicant wishes to proceed with the rezoning of the subject properties without these 3 properties.

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

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

PMc/pmc
Attach.

Attachments

(Not attached to the electronic copy of the report)

Subject Property Map

Revised Map 12.1 – 20 Year Major Road Network and Road Classification Plan

Plan of reconfiguration of the Mayfair Road Extension north of Stremel Road

Site Plan – Proposed development