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**CITY OF KELOWNA**

**MEMORANDUM**

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**DATE:** SEPTEMBER 26, 2006  
**TO:** CITY MANAGER  
**FROM:** PLANNING & DEVELOPMENT SERVICES DEPARTMENT

**APPLICATION NO.** Z05-0070      **OWNER:** H.R. Tostenson Ltd.  
**AT:** 128 Penno Road      **APPLICANT:** Tom Smithwick, QC

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE RR3 – RURAL RESIDENTIAL 3 ZONE TO THE I2 – GENERAL INDUSTRIAL ZONE TO FACILITATE THE DEVELOPMENT OF A VEHICLE RENTAL FACILITY

**EXISTING ZONE:** RR3 – RURAL RESIDENTIAL 3

**PROPOSED ZONE:** I2 – GENERAL INDUSTRIAL

**REPORT PREPARED BY:** RYAN SMITH

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**1.0    RECOMMENDATION**

THAT Rezoning Application No. Z05-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 123, ODYD Plan 4784 Except Plans 14539 and H16596, located on Penno Road, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the 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 on the subject property;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of 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 being completed to their satisfaction;

AND FURTHER THAT the owner be responsible for all legal and Land Title Office fees and charges resulting from the road dedication associated with this application.

**2.0    SUMMARY**

The applicant is seeking to rezone the subject property at 128 Penno Road from the RR3 – Rural Residential 3 zone and has also applied for a Development Permit to allow for the construction of a 557m<sup>2</sup> building on the subject property. The applicant is also seeking to vary

the minimum lot area for an I2 – General Industrial zoned lot in order to accommodate this proposed rezoning and the minimum number of required parking stalls.

### 3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of February 14, 2006 it was resolved:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0070, for 128 Penno Road, Lot A, Plan 4784, Sec. 2, Twp. 23, ODYD, by Porter Ramsay (Tom Smithwick), to rezone the subject property from the RR3 – Rural Residential 3 zone to the I2 – General Industrial zone in order to allow for the development of a vehicle rental and maintenance facility.

### 4.0 PROPOSAL

The subject property is located at the corner of Hwy.97 and Penno Road. The applicant is proposing to rezone the subject property from the RR3 – Rural Residential 3 zone to the I2 – General Industrial zone to facilitate the development of a vehicle rental/repair facility which will measure 557m<sup>2</sup> in size. The building's west elevation will have three garage-bay style doors as well as an entrance canopy for the business. The entrance canopy will wrap around to the south elevation which is detailed with five windows. Both the north and south elevations are relatively plain in detail.

The applicant is proposing to finish the exterior of the building with a blend of stucco and metal siding and accent trim. In addition, the applicant is proposing to landscape the perimeter of the property (on Hwy 97 and Penno Road) with a drought-resistant southwest landscape scheme which will include a low berm on the Hwy 97 frontage. The landscape plan will also include a chain link fence which will enclose the property for security purposes.

The applicant has also applied for a Development Variance Permit which is integral to the approval of this rezoning application. The applicant is proposing to vary the minimum lot area for an I2 – General Industrial zoned lot from 4000m<sup>2</sup> to 2844m<sup>2</sup>.

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

CRITERIA	PROPOSAL	I2 ZONE REQUIREMENTS
Site Area	2844m <sup>2</sup>	4000m
Lot Width	57.66m	40.0m
Lot Depth	49.66m	35.0m
Size of Building	465m <sup>2</sup>	
Site Coverage	19.1%	60%
Floor Area Ratio	0.19	1.5
Setbacks		
Front (Penno Rd.)	20.25m	7.5m
Side (Hwy.97)	22.86m	15.0m
Side (internal)	16.1m	6.0m
Rear	7.0m	0.0m
Parking	20 spaces	1 space per 100m <sup>2</sup> of gross floor area  2 spaces per bay for auto service  <b>Total: 18 spaces</b>
Refuse Bins	Not indicated on site plan.	Required.

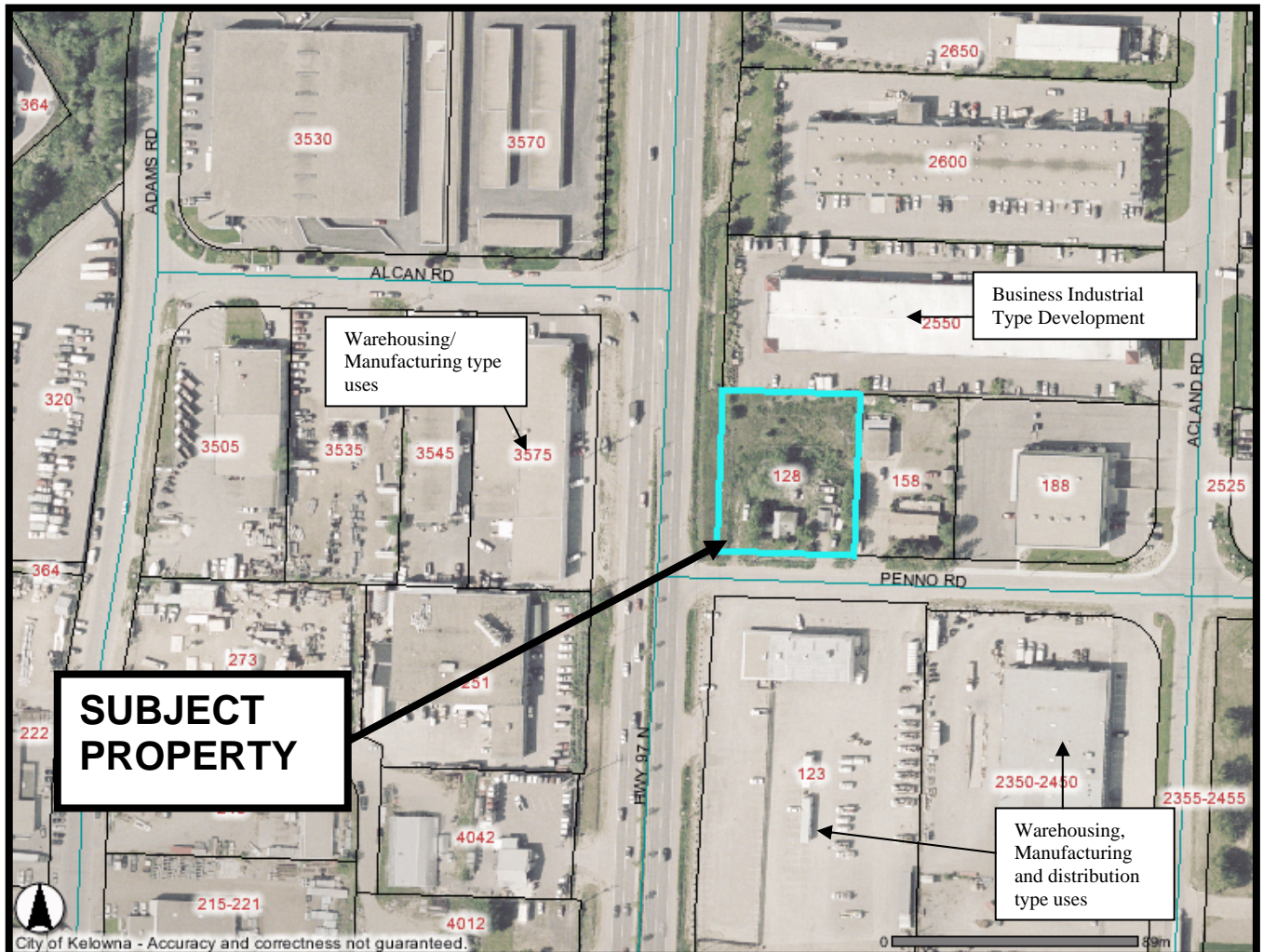
### 5.1 Site Context

Adjacent zoning and existing land uses are to the:

- North - I1 – Business Industrial
- East - RR3 – Rural Residential 3
- South - I2 – General Industrial
- West - I2 – General Industrial

## 5.2 Site Map

Subject Property: 128 Penno Road



## 6.0 CURRENT DEVELOPMENT POLICY

### 6.1 Existing Development Potential

The subject property is currently zoned RR3 – Rural Residential 3. The purpose of this zone is to provide for country residential development on smaller lots, and complementary uses, in areas of high natural amenity and limited urban services.

### 6.2 Kelowna Official Community Plan

#### **Future Land Use Designation**

The Official Community Plan designates the future land use of the subject property as “Industrial” and encourages the location of future industrial development to be in those areas designated for industrial purposes in the OCP.

#### **Guidelines/Objectives for Industrial Development**

-Development is appropriate given its physical context and anticipated future context.

-Development should not conflict with adjacent uses.

-Access allows for pedestrians and bicycles (bike racks and internal sidewalks provided).

-Buildings are designed and sited in a manner compatible with adjacent buildings and open areas.

Planning Staff has reviewed this development proposal and believe that it is in general conformance with the Guidelines/Objectives for Industrial development as listed above.

### 6.3 Kelowna Strategic Plan (2005)

Strategy 1.10:

The City will, in its Official Community Plan, reserve and designate lands for various forms of industrial use including lands along Highway No. 97, the north end of the Central City and industrial areas in the Winfield area for heavier industrial uses.

## 7.0 TECHNICAL COMMENTS

This application was circulated to various City departments and technical agencies and the following comments were received:

### 7.1 Fire Department

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

### 7.2 Fortis BC

Will supply underground electrical service.

### 7.3 Inspection Services Department

The concrete sidewalk and proposed building to be designed for disabled access. A complete zoning and building analysis to be provided at building permit stage. The required parking to address the possible mezzanine development if applicable.

### 7.4 Irrigation District – Black Mountain Irrigation District

Requirements as per letter from Black Mountain Irrigation District dated January 31, 2006.

### 7.5 Ministry of Transportation

a) Highway 97 right of way to be protected by a legal plan at 23 metres from existing mean centreline.

b) No direct access to Highway 97 – all access to be from local/municipal road.

### 7.6 RCMP, School District #23, Public Health Inspector, Terasen Utility Services

No concerns.

### 7.7 Telus

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

### 7.8 Shaw Cable

Owner/developer to install an underground conduit.

### 7.9 Works and Utilities Department

The Works & Utilities Department comments and requirements regarding this application are as follows:

These are Works and Utilities initial comments and they may be subject to Ministry of Transportation (MOT) requirements.

#### 7.9.1 Subdivision

Dedicate the required widening along Hwy 97, if required by the Ministry of Transportation (MOT), to accommodate the ultimate Hwy 97 cross-section

Dedicate one half of a cul-de-sac along Penno Road (refer to item 6.a) below)

Provide easements as may be required.

#### 7.9.2 Geotechnical Study

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays,

#### 7.9.3 Sanitary Sewer System

The subject property is not currently serviced by the Municipal wastewater collection system. The size of the subject property does not permit on-site sanitary waste treatment and disposal. The subject property must be connected to the wastewater collection system.

The nearest sanitary sewer connection point is located at approximately 170 m. to the east of the subject property. The cost of the sanitary sewer extension is estimated at \$78,700.00 and is inclusive of a bonding escalation.

Services to the benefiting and un-serviced properties fronting the sanitary main extension must be provided to the property line. The cost of the installation of the services will be borne by the City of Kelowna.

#### 7.9.4 Water Servicing Requirements

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. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with the City of Kelowna current Bylaws and Policies.

A water meter is mandatory as well as a sewer credit meter to measure all the 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.

#### 7.9.5 Stormwater Management Plan

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. The drainage study should indicate the size and location of the detention or retention facilities.

#### 7.9.6 Roads

##### a) Penno Road

The Penno Road access to and from Hwy 97 was not supported in the Highway Access Management Report. The ultimate highway access management configuration comprises the construction of a cul-de-sac at the west end of Penno Road. The exact location and configuration of the cul-de sac must be determined in consultation with the Ministry of Transportation (MOT) and the City of Kelowna Transportation Division.

The frontage of Penno Road must be upgraded to a full urban standard (SS-R5) and must include a cul-de-sac, complete with curb, gutter, sidewalk, fillet paving, storm drainage works, landscaped and irrigated boulevard, street lighting, removal and/or relocation existing utilities and driveways as may be required, etc. The estimated cost of this work, for bonding purposes, is \$31,100.00, inclusive of a bonding contingency.

The highway frontage will require the removal of the asphalt that formed the Penno Road access. The upgrade is to include the construction of the shoulder and all the work must be to the MOT satisfaction.

#### 7.9.7 Street lights

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

#### 7.9.8 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.

#### 7.9.9 Engineering

Design, construction, supervision and inspection of all off-site civil works must be performed by a consulting civil engineer and all such work is subject to the approval of the City Engineer.



#### 7.9.10 DCC Credits

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

#### 7.9.11 Latecomer Provisions

Under the provisions of the Local Government Act, Latecomer provisions are available for the extension of the sanitary sewer.

#### 7.9.12 Bonding and Levies Summary

##### a) Performance Bonding

Sanitary Sewer Extension	\$ 78,700.00
Penno Road Frontage Upgrading	\$ 31,300.00
<b>Total Performance Bonding</b>	<b>\$109,800.00</b>

##### b) Levies

<b>Specified Area #1 Inclusion Fee</b>	<b>\$ 250.00</b>
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## 8.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The Planning and Development Services Department supports this Rezoning application. Although the subject property is smaller than the minimum lot size permitted for I2 – General Industrial Lots, the lot does meet the minimum dimensions prescribed in the bylaw and the applicant is proposing a building scheme which is significantly less than the maximum site coverage and floor area ratio allowed in the I2 – General Industrial zone.

The applicant has worked with staff since this application was originally submitted in order to improve the exterior form and character of this highway fronting development. The results of this being the use of wider array of exterior finishing materials and accent colors as demonstrated on the sample board/color elevations submitted by the applicant. Staff has concerns relating to the quality of the color board and recommend that the applicant submit a higher quality color rendering prior to Council consideration of the Development Permit and Development Variance Permit applications. It should also be noted at this time that the applicant has not yet shown the required refuse/recycling bins on the site plan as requested by staff. The site plan must be updated to show an appropriately designed refuse/recycling enclosure prior to Council consideration of the Development Permit.

Planning Staff had recommended that the applicant acquire the property to the east in order to provide a larger site for development; however, to date this has not been achieved. The development of the property to the east will require a development variance permit for lot size at the time of its development.

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Shelley Gambacort  
Acting Manager of Development Services

Approved for inclusion ☐

Mary Pynenburg, MRAIC MCIP  
Director of Planning & Development Services

MP/SG/rs  
Attach

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location Map
- Site Plan
- Building Elevations
- Sample Board