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**CITY OF KELOWNA**  
**MEMORANDUM**

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**DATE:** AUGUST 30, 2006

**TO:** CITY MANAGER

**FROM:** PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

**APPLICATION NO.** OCP06-0015/Z06- **OWNER:** CITY OF KELOWNA  
0036

**AT:** 1789 KLO ROAD

**APPLICANT:** CITY OF KELOWNA

**PURPOSE:** TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND USE  
DESIGNATION FROM SINGLE/TWO FAMILY RESIDENTIAL TO  
COMMERCIAL

TO REZONE THE SUBJECT PROPERTY FROM THE A1 –  
AGRICULTURE 1 ZONE TO THE C2 – NEIGHBOURHOOD  
COMMERCIAL ZONE

**EXISTING OCP DESIGNATION:** SINGLE/TWO FAMILY RESIDENTIAL

**PROPOSED OCP DESIGNATION:** COMMERCIAL

**EXISTING ZONE:** A1 – AGRICULTURE 1

**PROPOSED ZONE:** C2 – NEIGHBOURHOOD COMMERCIAL

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT OCP Bylaw Amendment No. OCP06-0015 to amend Map 19.1 of the Kelowna Official Community Plan (2000 - 2020) Bylaw No. 7600 by changing the Future Land Use designation of Lot 9, District Lot 131 ODYD Plan 13722 except Plan KAP79641, located on KLO Road, Kelowna, B.C., from the Single/Two Family Residential designation to the Commercial designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated August 30, 2006 be considered by Council;

THAT Rezoning Application No. Z06-0036 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, District Lot 131 ODYD Plan 13722 except Plan KAP79641, located on KLO Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the C2 – Neighborhood Commercial zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP06-0015 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT a Section 219 Restrictive Covenant be registered against the Title of the subject property in accordance with the requirements of the Works and Utilities Department as detailed in Section 9.1.4 of this report;

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.

## 2.0 SUMMARY

Staff is proposing to amend the Future Land Use Designation for the subject property as identified in Map 19.1 of the Official Community Plan from Single/Two Family Residential to Commercial and to rezone the subject property from the A1 – Agriculture 1 zone to the C2 – Neighborhood Commercial zone. In order to facilitate this rezoning application,. The subject property is to be consolidated with the C2 – Neighborhood Commercial zoned property to the east (also owned by the city) in order to allow for a more suitably size development site.

## 3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of July 4, 2006 it was resolved:

THAT the Advisory Planning Commission supports Official Community Plan Amendment No. OCP06-0015, for 1789 KLO Road, Lot 9, Plan 13722, Sec. 17, Twp. 26, ODYD, by City of Kelowna (Doug Gilchrist), to amend the Official Community Plan Future Land use designation from Single/Two Unit Residential to Commercial;

AND THAT the Advisory Planning Commission supports Rezoning Application No. Z06-0036, for 1789 KLO Road, Lot 9, Plan 13722, Sec. 17, Twp. 26, ODYD, by City of Kelowna (Doug Gilchrist), to rezone from the A1-Agriculture 1 zone to the C2-Neighbourhood Commercial zone for future commercial redevelopment.

## 4.0 BACKGROUND

The subject properties are located adjacent to the corner of KLO Road and Benvoulin Road. The corner lot (1799 KLO) has been reduced in size by 50% due to a road dedication which leaves the balance unavailable to be developed under the current C2 zoning. The property to the East of the corner lot (1789 KLO) has been reduced in size due to a 5 m road dedication and remains a non-conforming A1 property.

The City has dedicated the portions of the subject properties needed for the upgrades to the KLO and Benvoulin intersection and is now prepared to sell the remnant parcels; both of which are vacant land. The property at 1789 KLO previously had a dilapidated house on it which has since been removed.

## 5.0 SITE STATISTICS

The application compares to the requirements of the C2 – Neighborhood Commercial zone as follows:

<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>C2 ZONE REQUIREMENTS</b>
Lot Area (m <sup>2</sup> ) 1789 KLO Rd.	1680m <sup>2</sup>	1500m <sup>2</sup>
Lot Area (m <sup>2</sup> ) 1799 KLO Rd.	1008m <sup>2</sup>	1500m <sup>2</sup>
Lot Depth(m) 1989 KLO Rd.	47.94m	30.0m
Lot Depth(m) 1799 KLO Rd.	46.88m	30.0m
Lot Width(m) 1789 KLO Rd.	33m	40.0m
Lot Width (m)1799 KLO Rd.	39m	40.0m
Lot Area(m <sup>2</sup> ) – Consolidated Lot	2688m <sup>2</sup>	1500m <sup>2</sup>
Lot Width(m)	51.42m	40.0m
Lot Depth(m)	66.71m	30.0m

## 6.0 SITE CONTEXT

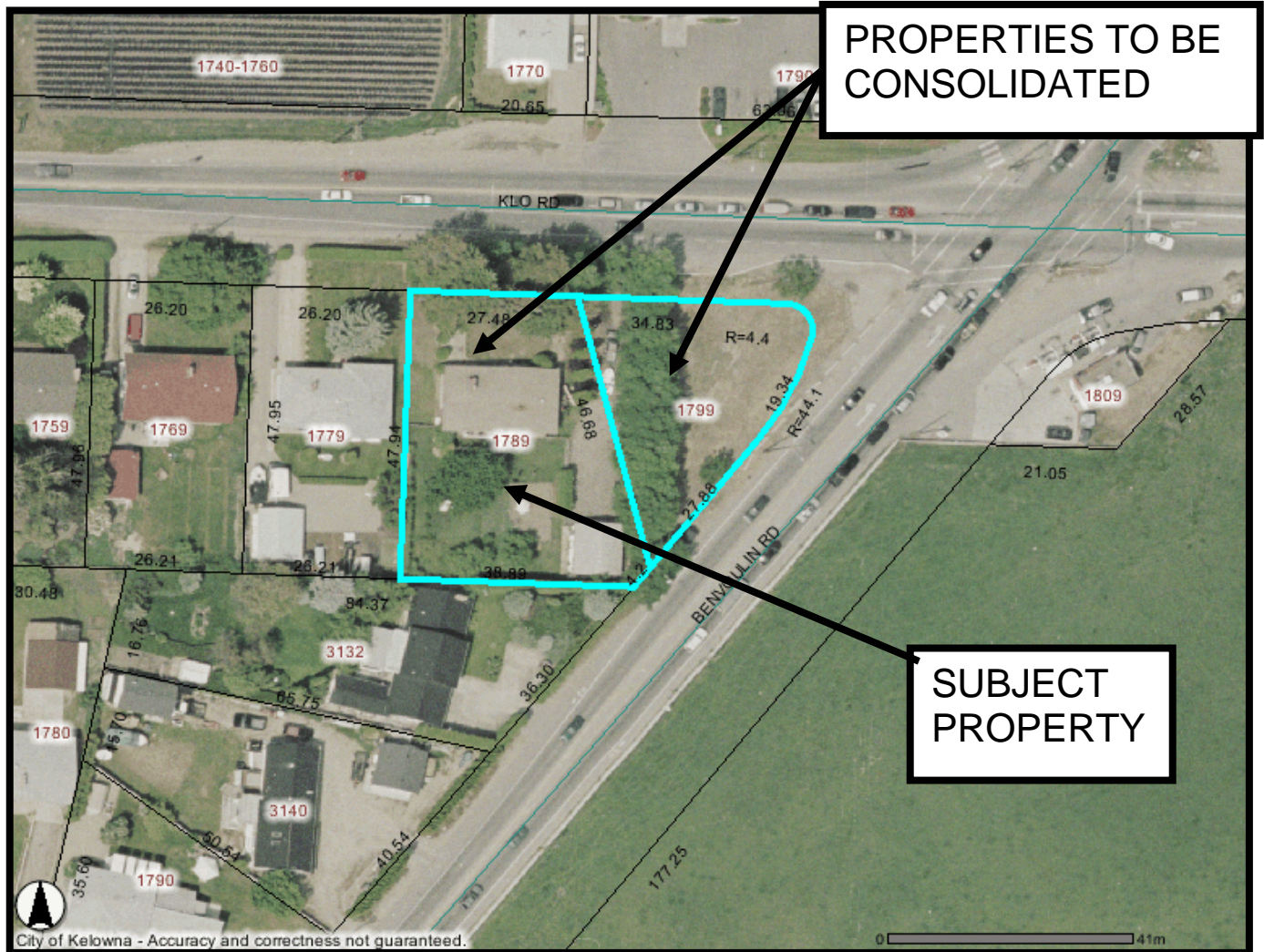
The subject property is located on the southwest corner of KLO Road at Benvoulin Road.

Adjacent zones and uses are:

- North - C10 – Service Commercial - Garage
- East - C2 – Neighborhood Commercial – Vacant (to be consolidated)
- South - A1 – Agriculture 1 – Single Family Dwellings
- West - A1 – Agriculture 1 - Single Family Dwelling

## 7.0 SITE LOCATION MAP

Subject Property: 1789 and 1799 KLO Road (Only 1789 is subject to this rezoning application)



## 8.0 CURRENT DEVELOPMENT POLICY

### 8.1 Existing and Proposed Development Potential

The subject property (non-conforming in size) is currently zoned A1 – Agriculture 1. The purpose of the A1 – Agriculture 1 zone is to provide for rural areas and agricultural uses as well as other complementary uses suitable in an agricultural setting. A maximum of one single dwelling house is permitted. In addition a secondary suite may be permitted when in accordance with relevant provisions of this bylaw including subsection 6.5 and 9.5.

The City of Kelowna is proposing to rezone this property to the C2 – Neighborhood Commercial zone. The purpose of this zone is to provide for a limited range of local convenience services required by both the urban and rural population.

### 8.2 Kelowna Official Community Plan

The future land used designation for the subject property identified in the Official Community Plan is Single/Two Family Residential. The proposed C2 – Neighborhood Commercial zone is not consistent with this designation.

Staff has reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

## 9.0 TECHNICAL COMMENTS

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

### 9.1 Works and Utilities

The Works & Utilities Department has the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit, but are outlined in this report for information only.

#### 9.1.1 Domestic Water and Fire Protection

The property is located within the City of Kelowna water service area.

This development site is serviced with a 19mm diameter copper water service.

Site servicing issues will be reviewed and comments related to site servicing will be deferred to the development permit stage.

#### 9.1.2 Sanitary Sewer

A new 100mm diameter sanitary sewer service has been provided to the development site as part of the recent sanitary sewer main construction on KLO Road.

Site servicing issues will be reviewed and comments related to site servicing will be deferred to the development permit stage.

The property is located within the Sanitary Sewer Connection Area No. 25 (Chamberlain)

#### 9.1.3 Storm Drainage

Comments related to storm water management, lot grading, onsite drainage containment and disposal systems, will be deferred to the development permit stage.

#### 9.1.4 Road Improvements

KLO Road frontage upgrading including the construction of curb and gutter, fillet pavement, boulevard treatment, separate sidewalk, driveway letdown, and a piped storm drainage system is near completion. The construction costs have been budgeted by the City.

Section 219 Restrictive Covenant to be registered on title that restricts access to KLO and Benvoulin Roads to right turns in and out, only.

Access and maneuverability issues will be further addressed at the development permit stage.

Section 219 Restrictive Covenant to be registered on Title which prohibits “food-primary” uses on the subject property.

Existing Section 219 Restrictive Covenant which prohibits “gas bars” to be carried forward to cover consolidated property.

#### 9.1.5 Electric Power and Telecommunication Services

The electrical and telecommunication services to this development must be installed in an underground duct system. It is the developer’s responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the developer’s cost.

#### 9.1.6 Geotechnical Report

As a requirement of this application and / or prior to issuance of a building permit, the applicant must provide a modified geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

Area ground water characteristics.

Site suitability for development; i.e. unstable soils, etc.

Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyze soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

Recommendations for roof drains and perimeter drains.

#### 9.1.7 Bonding and Levy Summary

##### Bonding

Construction costs for Road frontage improvements including storm drainage facilities on KLO Road fronting this development site have been budgeted by the City.

Cash Levy	Sanitary Sewer Connection Area No.25 (Chamberlain) Eff. Date 2001-01-01    Rate/Edu = \$16,700.
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Total Levies	To be determined.
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## 10.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

As noted above, both 1789 and 1799 KLO Road have been heavily impacted by road dedications. The largest impact has been on the property located at 1799 KLO Road. Given the present size and configuration of the property located at 1799 KLO Road, staff is of the opinion that the parcel is somewhat small to accommodate the type of commercial development that would be permitted under the existing C2 – Neighborhood Commercial zoning. For this reason, staff is of the opinion that the rezoning may be an appropriate compromise to facilitate a commercial development on the corner of this busy intersection. In addition, while the size of the newly consolidated parcel will be larger than the original commercial property prior to the road dedications, the additional size should allow better functioning of the KLO/Benvoulin intersection and decrease the number of driveway accesses onto KLO Road.

In order to reduce the amount of traffic generated from this site and promote driver safety in this newly renovated intersection, the Transportation Division has requested that a covenant be placed on title which prohibits any food primary use in the future and recognizes that no “left-in” access will be permitted. In addition, a covenant currently exists on title for 1799 KLO which prohibits “gas bars” as a use. The Transportation Division has asked that this covenant be carried over to cover with the lot consolidation to cover the newly created parcel. Planning Staff support these recommendations and will ensure that the appropriate Section 219 Restrictive Covenant is registered prior to final adoption of the Zone Amending Bylaw.

If this proposed rezoning is approved by Council, staff will be initiating the sale of this land. Any future development will require a Development Permit.

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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 of subject property

### **MAP “A”**

