
CITY OF KELOWNA

MEMORANDUM

DATE: OCTOBER 5, 2006
TO: CITY MANAGER
FROM: PLANNING & DEVELOPMENT SERVICES DEPARTMENT

APPLICATION NO. Z06-0039 **OWNER:** George William Hall
Roy Lazic
AT: 3998 Hwy.97 N **APPLICANT:** Kim McKechnie

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE A1 –
AGRICULTURE 1 ZONE TO THE I2 – GENERAL INDUSTRIAL ZONE

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: I2 – GENERAL INDUSTRIAL

REPORT PREPARED BY: RYAN SMITH

1.0 **RECOMMENDATION**

THAT Rezoning Application No. Z06-0039 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 2, Township 23, ODYD Plan 2880 Except Plan H16596, located on Hwy.97 N, Kelowna, B.C. from the A1 – Agriculture 1 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 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 and Ministry of Transportation (MOT) being completed to their satisfaction;

2.0 **SUMMARY**

The applicant is proposing to rezone the subject property at 3998 Hwy 97 N from the A1 – Agriculture 1 zone to the I2 – General Industrial zone to accommodate the construction of a 1793 m² industrial development. The applicant is also seeking to vary the minimum lot width and area for an I2 – General Industrial zoned lot in order to accommodate this proposed rezoning.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of August 1st, 2006 it was resolved:

THAT the Advisory Planning Commission supports Rezoning Application No. Z06-0039, for 3998 Hwy 97 N., Lot 2, Plan 2880, Sec. 2, Twp. 23, ODYD, by Kim McKechnie to rezone the subject property from the A1-Agriculture 1 zone to the I2-General Industrial zone to allow for a 1,793 m² industrial building;

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP06-0133, for 3998 Hwy 97 N., Lot 2, Plan 2880, Sec. 2, Twp. 23, ODYD, by Kim McKechnie to obtain a Development Variance Permit to vary the lot width from 40 m to 38.1 m; to vary the minimum lot area from 4000 m² to 3069 m².

4.0 PROPOSAL

The subject property is located on the west side of Hwy 97N, just north of Sexsmith Road. Access to the property is via a 9.0m wide easement which runs to the property's south-western boundary. The applicant is proposing to rezone the subject property from the A1 – Agriculture 1 zone to the I2 – General Industrial zone to facilitate the development of a building for General Industrial Uses.

The main business frontage of the building will be on the south elevation where grade level access will be provided to four units. Each of the four units will also have access to a second storey area. The units on the east and west ends of the building will have access to rolling overhead doors.

The applicant is proposing to finish the exterior of the building (south and east) with both beige concrete block and brown split-face concrete block. The trim of the building will be black metal and the entrance canopies will be of steel and glass construction. The northern and western elevations will be finished only with beige concrete block.

The applicant has proposed to landscape the perimeter of the property with a 3.0 m wide landscape buffer to meet the Zoning Bylaw standard.

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 4,000 m² required to 2,897 m². In addition, the applicant is seeking to vary the lot width from 40.0 m required to 38.1 m.

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

CRITERIA	PROPOSAL	I2 ZONE REQUIREMENTS
Site Area	2,897m ² ❶	4,000m ²
Lot Width	38.1m❷	40.0m
Lot Depth	80.56m	35.0m
Size of Building	1585m ²	
Site Coverage	25.6%	60%
Floor Area Ratio	0.54	1.5
Setbacks		
Front (Hwy.97)	15.24m	15m (Hwy.97 Setback)
Side (north)	4.5m	4.5m
Side (south)	17.1m	4.5m
Rear (west)	0.0m	0.0m
Parking	32 spaces	2 spaces per 100m ² of gross floor area x 1,793m ² Total: 33 spaces
Refuse Bins	Provided and Screened to meet Zoning Bylaw.	Required.

❶ The applicant is seeking to vary the site area from 4000 m² required to 2897m² proposed.

❷ The applicant is seeking to vary the lot width from 40.0m required to 38.1m proposed.

5.0 SITE CONTEXT

The subject property is located on the west side of Hwy 97N just north of Sexsmith Road.

Adjacent zoning and existing land uses are to the:

- North - A1 – Agriculture 1 – Single Family Dwelling with Home Based Business
- East - I2 – General Industrial – Industrial Uses
- South - P3 – Parks and Open Space – Vacant (former Info-Center site)
- West - I2 – General Industrial – Industrial Uses

7.0 CURRENT DEVELOPMENT POLICY

7.0.1 Existing Development Potential

The subject property 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.

7.0.2 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.

7.0.3 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.

8.0 TECHNICAL COMMENTS

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

8.1 Works and Utilities

These are Works and Utilities initial comments and are subject to the Ministry of Transportation requirements.

8.1.1 Subdivision

Dedicate some road widening along the Hwy 97 frontage to provide to achieve the ultimate Right of way in accordance with the Ministry of Transportation long term plan.

Provide a 7.5 m. lane along the entire length of the west property line.

8.1.2 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:

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

8.1.3 Highway 97 and Access

The property is affected by the Highway 97 Access Management Plan. Direct access onto Hwy 97 will not be permitted in the future. Access will be restricted to the rear lane only.

8.1.4 Domestic Water and Fire Protection

The property is serviced by the Black Mountain Irrigation District (BMID) and as such, all servicing arrangements are to be made with the District.

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.

A water meter is mandatory for this development. This meter must be capable of metering all of the water to the site. The meter must be installed inside an above-ground meter house at the service inlet to the site. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Remote readers units are also mandatory on all meters.

8.1.5 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. The storm water must be detained on site by providing catch basins, drywells all interconnected by perforated pipes.

8.1.6 Sanitary Sewer

The subject property is not currently serviced by the municipal sanitary sewer collection system. An application for inclusion in Specified Area 1 must be made and an administration levy of \$250.00 is required.

A sanitary sewer main extension and a sanitary sewer service to the property line must be installed at the developer's cost. The routing and the cost of the sanitary sewer extension are to be determined based on a preliminary design provided by an Engineer and approved by the City.

8.1.7 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.

8.1.8 Rear Lane

The 7.5 m rear lane must be constructed in accordance with Standard SS-R2 complete with storm drainage. The cost is to be determined based on a preliminary design provided by an Engineer and approved by the City.

8.1.9 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.

8.1.10 DCC Credits

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

8.1.11 Latecomer

Under the provision of the Local Government Act, Latecomer provision may apply to the sanitary sewer extension.

8.1.12 Levies and Performance Bonding

Performance bonding	
Lane construction	To be determined
Sanitary Sewer extension	To be determined
Levies.	
Sewer Specified Area Inclusion Fee	\$250.00

- 8.2 Environment Division, FortisBC, Fire Department, School District #23, RCMP, Public Health Inspector, Parks Manager

No comments.

- 8.3 Inspection Services

Two hour fire wall required at west property line. Floor layouts (washrooms, stairs, etc) and access for first and second floor should be provided at Building Permit stage.

- 8.4 Ministry of Transportation

a) Section 219 covenant to be registered on Title stipulating "No direct access to be granted to Highway 97."

b) Road dedication of 4.5m to be provided along eastern property boundary.

c) Existing Highway access for Single Family Dwelling to be removed.

- 8.5 Shaw Cable

Developer/owner to install duct.

- 8.6 Telus

TELUS will provide aerial service.

9.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

Staff are generally supportive of the proposed rezoning and Development Variance Permit applications. Although the subject property is smaller than the minimum lot size permitted for un-sewered I2 – General Industrial lots, the subject property is in an area designated for future Industrial development and the proposed development is of a scale which suits the size of the property. The developer will be required to connect to the adjacent Community Sanitary Sewer System as a condition of this Rezoning application.

Staff is encouraging the applicant to consider adding additional detailing to the northern and western elevations in order to provide for more visual interest when viewed in the southbound direction from Highway 97. The applicant must also provide bike racks to meet the City's Zoning Bylaw requirement. In addition, staff is working with the applicant to create a landscape scheme along the Highway 97 frontage which not only adds visual interest to the development, but also buffers the noise impacts from the highway traffic. Site and design related issues will be addressed by staff and the applicant for Council to consider at the Development Permit/Development Variance Permit stage.

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