

---

**CITY OF KELOWNA**

**MEMORANDUM**

---

**DATE:** November 2, 2006  
**FILE NO.:** **Z06-0021**

**TO:** City Manager

**FROM:** Planning & Development Services Department

**SUBJECT:**

APPLICATION NO. Z06-0021                      OWNER: R219 ENTERPRISES LTD.

AT: 747 FITZPATRICK ROAD                      APPLICANT: R219 ENTERPRISES LTD.  
(Mark Whittle)

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

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: I2 – GENERAL INDUSTRIAL

REPORT PREPARED BY: PAUL McVEY

---

**1.0     RECOMMENDATION**

THAT Rezoning Application No. Z06-0021 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, Sec. 34, Twp. 26, O.D.Y.D., Plan 3236, located on Fitzpatrick 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 FURTHER 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 is seeking to rezone the subject property to the I2 – General Industrial zone in order to permit the development of the site for general industrial uses. This proposed land use is consistent with the Official Community Plan future land use designation of “Industrial”.

## 2.1 Advisory Planning Commission

The above noted application (Z06-0021) was reviewed by the Advisory Planning Commission at the meeting of May 25, 2006 and the following recommendation was passed:

That the Advisory Planning Commission supports Rezoning Application No. Z06-0021, for 747 Fitzpatrick Road / Lot 9, Plan 3236, Sec. 34, Twp. 26, O.D.Y.D., by R219 Enterprises Ltd. (Mark Whittle), to rezone the property from A1 – Agriculture 1 zone the I2 – General Industrial zone for general industrial uses.

## 3.0 BACKGROUND

The subject property is located within the boundaries of the Finns Road Concept Development Plan, dated March 1995. That study was commenced by the local land owners of the day with a view to determine a suitable land use development pattern and to identify the associated servicing requirements to support development in the neighbourhood. As well, there was the Ministry of Transportation Access Management Plan prepared which dealt with the Highway 97 corridor from Highway 33 to the northern boundary of the City of Kelowna with a view to improve intersections along the highway, and a plan to eliminate uncontrolled accesses to the highway. However, neither of these documents were ever endorsed by Council.

One of the findings of both of these studies was the need for a connection of Fitzpatrick Road south to McCurdy Road across Stremel Road, by the extension of Mayfair Road. To date the extension of Mayfair Road from McCurdy Road to Stremel Road has been identified. However, the extension north of Stremel Road has been a contentious issue among the affected area land owners.

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 different 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.

### 3.1 The Proposal

The applicant is proposing to rezone the subject property to the I2 – General Industrial zone to allow for future industrial development, including manufacturing and self storage uses on the subject property.

The property is designated as a Natural Environment DP Area for Francis Brook which is part of the Gopher Creek and Chichester Pond drainage system. A 15.0 m no disturb

riparian management area, as measured from the top of bank, is to be established in the south east corner of the subject property. Some restoration works may also be required. The applicant will also be required to dedicate a 10.0m wide corridor for a public access route along Francis Brook as outlined in the Official Community Plan. The 10 m wide corridor may be located outside any riparian area of environmental conditions. To prevent private/public encroachment, the applicant will be required to fence the rear yard of the subject property adjacent to the parkland with a min. 2.0 m high black chain link fence.

The conceptual site plan provided in support of this rezoning application indicates a 1,853 m<sup>2</sup>, (54.9 m long by 33.5 m wide) metal prefabricated industrial building located adjacent to the Fitzpatrick frontage of the property. This building is proposed to be used for general industrial uses. The applicants are also proposing two additional single storey metal buildings to provide space for commercial self-storage located behind the north building. It is anticipated that the northern building (1696 m<sup>2</sup>) will be constructed as a single storey metal building concurrent with the industrial building, while the most southerly will be constructed at a later date.

As part of this application it will be necessary for the applicant to address the 15 m corridor along Francis Brook in the south east corner of the property.

The subject property is not located within a development permit area that would address the form and character of the proposed development. The site is designated as a Natural Environment/Hazardous Condition Development Permit area.

The following are the development regulations for the I1 – Business Industrial zone.

CRITERIA	PROPOSAL	I2 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	11,730 m <sup>2</sup>	4,000 m <sup>2</sup>
Site Width (m)	77.11 m	40.0 M
Site Depth (m)	152 m	35.0 m
Site Coverage (%)	44%	60%
Total Floor Area (m <sup>2</sup> )	5,204 m <sup>2</sup>	
F.A.R.	.44	FAR = 1.5 max
Maximum Ht. (m)	7.5 m	14 m
Setbacks (m)		
- Front	7.5 m	7.5 m
- Rear	7.0 m	0.0 m adj. to C or I zones 6.0 m adj. to other zones
- East Side	7.7 m	0.0 m adj. to C or I zones 4.5 m adj. to other zones
- West Side	7.6	0.0 m adj. to C or I zones 4.5 m adj. to other zones
Parking Stalls (#)	42 stalls provided	42 parking stalls required
Loading Stalls (#)	3 stalls required	1 stall per 1,900 m <sup>2</sup>

Parking Calculations;

Warehousing 0.5 stalls per 100 m <sup>2</sup>	-	4,251 m	=	22 stalls
General Industrial 2.0 per 100 m <sup>2</sup>	-	953 m	=	20 stalls
				42 stalls required

### 3.2 Site Context

The subject property is located on the south side of Fitzpatrick Rd. between Finns and Findlay Roads.

Adjacent zones and uses are, to the:

North - I2 – General Industrial  
East - A1 – Agriculture 1  
South - RU1 – Large Lot Housing  
West - I1 – Business Industrial

### 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.

#### 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

This property is designated as a Natural Environment DP area for Francis Brook which is part of the Gopher Creek and Chichester Pond drainage system. A 15-m no disturb riparian management area, as measured from top-of-bank, is to be established. Some restoration works may also be required at time of DP.

##### 4.2 Fire Department

Fire department access, fire flows and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements. Section 5.4 Spray Coating Operations and Section 5.4.13 Dry Powder Coating, of the BC Fire Code and applicable BC Building Code Sections to apply to the Business and buildings.

##### 4.3 FortisBC

No Response.

##### 4.4 Inspection Services Department

Demolition permit required for removal of existing house. Proposed buildings to meet requirements of BCBC 1998 and City of Kelowna Zoning Bylaws. Concerns with proposed off street parking layout.

##### 4.5 Irrigation District (B.M.I.D.)

At this time of rezoning BMID has no requirement. However, at the building permit stage, the following items will need to be addressed by the property owner;

1. Latecomer capital charges are incurred . Latecomer charges associated with Lot 9, Plan 3236 amount to \$10,000.00, and will be invoiced when land use changes and buildings are constructed and require fire protection,
2. Future buildings and structures on this lot will be assigned a capital charge at \$1,000.00 for the first 100 m<sup>2</sup> of building, and \$4.00 per m<sup>2</sup> there after. These charges will be assessed as part of the building permit application process,
3. Water meter(s) will be required for the domestic water service,
4. Connection fee(s) of \$350.00 per connection will be due depending on service requirements.

##### 4.6 Parks Manager

1. The Applicant will be required to dedicate a 10 meter wide corridor for a public access route along Francis Brook as outlined in the OCP. The 10 meter wide corridor may be located outside any riparian areas or environmental conditions.

2. To prevent private/public encroachment, the Applicant will be required to fence the rear yard of the subject property adjacent to the parkland with min. 2.0' high black chain link fence.

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 A-1 and I-2 are as follows:

1. Subdivision

- a) Dedicate approx. 3.0m. along the Fitzpatrick Road Right of way to achieve the ultimate 20.0 m. road right of way.
- b) Dedicate 15.0m. right of way along the creek, measured from the top of the bank as required by the Environment Department.
- c) The proposed road closure is not supported at the intersection of Finns and Fitzpatrick Roads at this point in time, the closure may be considered in the future when the function of Finns Road is re-evaluated in the transportation network for the area.
- 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.

This property is located within the Sanitary Sewer Specified Area #20 and is currently serviced by the municipal wastewater collection system. The owner has cash commuted the charge for the single dwelling and must pay the additional charge for the industrial zoned property. The charge is in the amount of **\$48,729.90** calculated as follows: the current charge is \$6,935.35 per Equivalent Dwelling Unit (EDU); for industrial land the formula is 2.8 EDU per net acre for a total cost of \$55,149.90 (\$6,935.35 x 2.84 ac. x 2.8 ac.) less the single family cash commuted amount of \$6,420.00

5. Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual will be a requirement of the application for a building permit.

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.

a) Fitzpatrick Road.

The applicant is responsible to construct the Fitzpatrick 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 estimated cost of this work, for bonding purposes, is **\$45,800.00**, inclusive of a bonding contingency

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

Fitzpatrick Road frontage construction	\$45,800.00
----------------------------------------	-------------

Total performance bonding	<b><u>\$45,800.00</u></b>
---------------------------	---------------------------

b) Levies

Specified Area # 20 charges	<b><u>\$48,729.90</u></b>
-----------------------------	---------------------------

## 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The proposal to rezone the subject property from the A1 – Agriculture 1 zone to the I2 – General Industrial zone is consistent with the OCP future land use designation of “Industrial”. The applicant will be required to provide the road dedication along the Fitzpatrick frontage and park dedications along Francis Brook prior to adoption of the zone amending bylaw. Staff also notes that the property is located within an Environmental Development Permit area. A development Permit waiver or an environmental development permit application to address the Francis Brook riparian management area will also be required.

The Planning and Development Services Department does not have any major concerns with this application. The building program proposed at this time is consistent with the I2 – General Industrial zone.

However, it should be noted that there will be no Development Permit required to deal with the form and character of the proposed building as this area is not identified in the Official Community Plan as a Development Permit area.

Now that the issue relating to the transportation network in the neighbourhood has been resolved, it is appropriate for this application to move forward to Council for review.

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

☐

Mary Pynenburg, MRAIC MCIP  
Director of Planning & Development Services

PMc/pmc  
Attach.