

CITY OF KELOWNA
MEMORANDUM

Date: November 8, 2007

To: City Manager

From: Planning and Corporate Services Department

APPLICATION NO. Z05-0036
DVP05-0093

OWNER: MapleHeath Ranch Ltd.
Inc. No. 612469

AT: 4460 Gordon Drive

APPLICANT: Terasen Gas

PURPOSE: TO REZONE A PORTION OF THE SUBJECT PROPERTY FROM
THE RU5 – BARELAND STRATA HOUSING ZONE TO THE
UTILITIES ZONE TO ACCOMMODATE THE RELOCATION OF
TERASEN REGULATOR/GATE STATION

EXISTING ZONE: RU5 – BARELAND STRATA HOUSING

PROPOSED ZONE: P4 - UTILITIES

REPORT PREPARED BY: Corine (Cory) Gain, MCIP, CPT

1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0036 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, District Lot 358 ODYD Plan KAP76990, located on Gordon Drive, Kelowna, B.C., from the RU5 – Bareland Strata Housing Zone to the P4 – Utilities Zone as shown on Map "A" attached to the report of Planning & Development Services Department, dated October 3, 2007, 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.

2.0 SUMMARY

The applicant is seeking to rezone a portion of the subject property from the RU5 – Bareland Strata Housing Zone to the P4 – Utilities Zone to accommodate the relocation of a Terasen regulator/gate station on the subject property. The use is defined by the Zoning Bylaw as “utility services, minor impact”. It has taken considerable time for the applicant to prepare an amended proposal that satisfies the adjacent property owner and confirms the exact proposed location of the proposed structure.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of May 31, 2005 it was resolved:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0036, for 669-687 DeHart Road, Lot 1, Plan 76990, District Lot 358, ODYD, by Terasen Gas Inc. (Neil Robson), to rezone a portion of the subject property from the RU5-Bareland Strata zone, to the P4-Utilities zone, in order to allow for the relocation of a Terasen Utility Service;

AND THAT the Advisory Planning Commission not support Development Variance Permit Application No. DVP05-0093, for 669-687 DeHart Road, Lot 1, Plan 76990, Sec. 31, Twp. 29, ODYD, by Terasen Gas Inc. (Neil Robson), to vary the northern side yard setback from the 7.5 m required to the 4.8 m proposed; and to vary the southern side yard setback from the 7.5 m required to the 4.8 m proposed.

The Advisory Planning Commission was concerned with the chain link fencing proposed along the west property line and the building design as it was not complimentary to the residential neighbourhood as originally submitted. The Advisory Planning Commission stated a preference that the proposal reflect the form and development anticipated within the Maple Heath project. The proposal has been modified to address these concerns and the principal of MapleHeath Ranch Ltd. has provided confirmation of the acceptance of the modified plans dated October 11, 2007 (Attachment 'K').

4.0 PROPOSAL

At the request of the City of Kelowna, Terasen Gas has relocated a regulator/gate station located on the southwest corner of Gordon Drive at Dehart Road to approximately 200m to the south at the entrance to the new Trafalgar Square by Maple Heath Estates bareland strata development to accommodate road widening.

The existing utility station is located on a portion of the road right-of-way for Gordon Drive in the vicinity of DeHart Road. Terasen Gas has secured a property at the entrance to the Trafalgar Square (Maple Heath Estates) development and intends to construct a new building in this location. The new regulator/gate station will be located in a small one-storey building at a location screened from Gordon Drive with decorative concrete block wall fencing and vegetative barrier (consistent with Level 3 landscaping standard of Zoning Bylaw 8000). The remainder of the site will be screened from the strata development by a 1.83 m high solid board privacy fence consistent with the residential character of the development. One portion of the fence facing the entry way to the Trafalgar Square development will feature vehicle gate to permit access to the site.

The applicant seeks a variance to the setbacks of the P4 Utility Zone for both the rear and side yards of the site to accommodate the proposed building under Development Permit Application DVP05-0093. The variance will be required to accommodate the facility on the subject property. The variances are required because the proposed P4 site is surrounded by residentially zoned land; as such, the standard setback requirements of 4.5 m to property line are increased to 7.5 m. The proposal meets the standard setback requirements for the P4 zone, but does not satisfy the 7.5 m requirement. The proposed fencing and 'pyramidal cedar' hedge along the southern side of the site adjacent to the fence that separates the facility from the remainder of the strata development

The application meets the requirements of the proposed P4 – Utilities zone as follows:

CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS
Setbacks-Utility Building (m)		
Front	~ 23.5 m	6.0m
Rear	4.5 m	4.5 m, except it is 7.5 m when adjacent to a residential zone
North Side	4.5 m ^①	4.5 m, except it is 7.5 m when adjacent to a residential zone
South Side	4.5 m ^②	4.5 m, except it is 7.5 m when adjacent to a residential zone

① Note: The applicant is seeking to vary the northern side yard setback from 7.5m required to 4.5 m proposed.

② Note: The applicant is seeking to vary the southern side yard setback from 7.5m required to 4.5 m proposed.

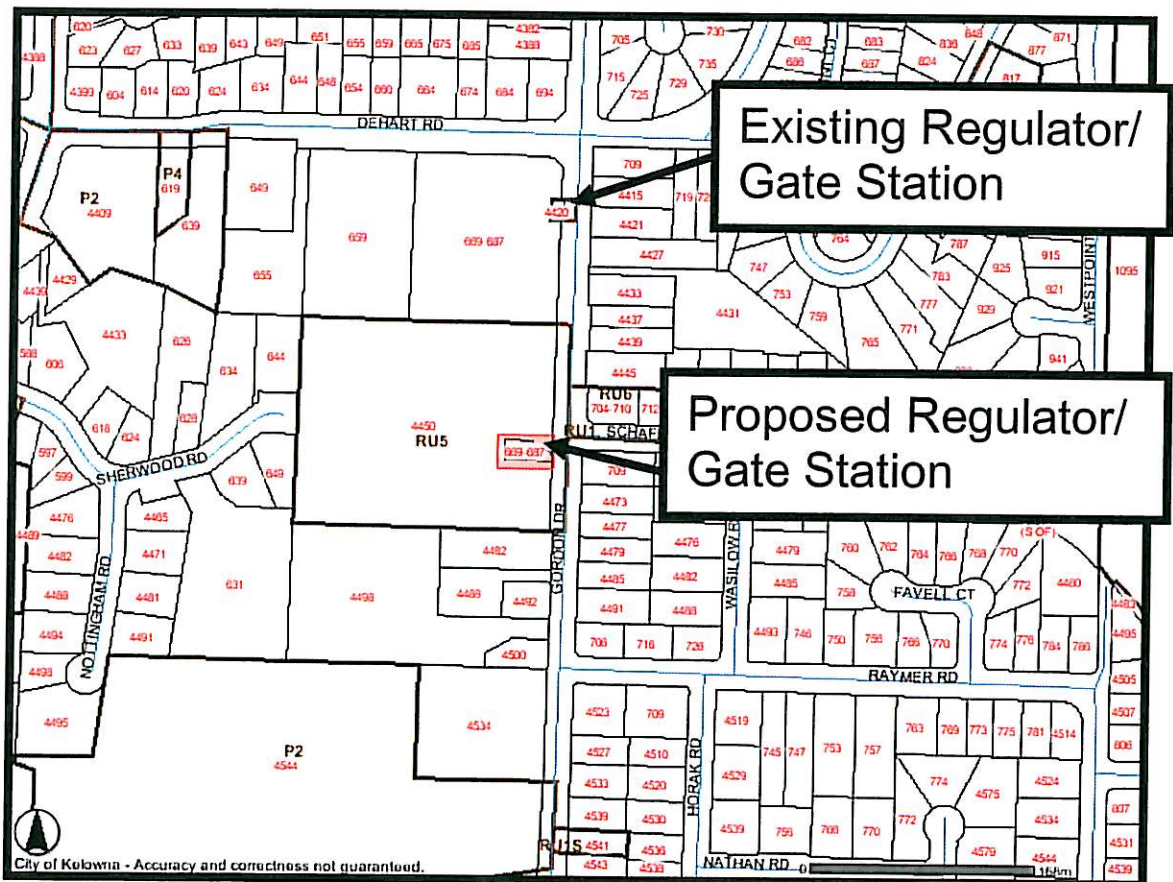
4.1 Site Context

The subject property is located on the west side of Gordon Drive, south of Dehart Road.

Adjacent zones and uses are:

- North - RU5 – Bareland Strata Housing – Entrance area
- East - RU1 – Large Lot Housing – Gordon Drive & Single Family Dwelling
- South - RU5 – Bareland Strata Housing – Lots currently vacant
- West - RU5 – Bareland Strata Housing – Single family strata units

4.2 Site Location Map - 4460 Gordon Drive



4.3 Development Potential

The property is zoned RU5 – Bareland Strata. The purpose of this zone is to provide a for bareland strata use on serviced urban lots. The applicant is proposing to rezone the property to the P4 – Utilities zone. The purpose of this zone is to provide for public and private utility services.

5.0 TECHNICAL COMMENTS

See attached.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

Staff has no concerns with regard to the proposed rezoning. Terasen Gas has worked with the strata development to ensure that the proposed complements the surrounding subdivision. The applicant has provided additional and updated detail with regard to landscaping and screening. The landscape works will be completed as construction on the site continues. A new legal description for the proposed separate legal parcel to be transferred from Mapleheath Ranch Ltd. to Terasen Gas will be provided in due course to ensure the correct reference is included in the zoning bylaw and development variance permit documents.


Shelley Gambcort
Current Planning Supervisor

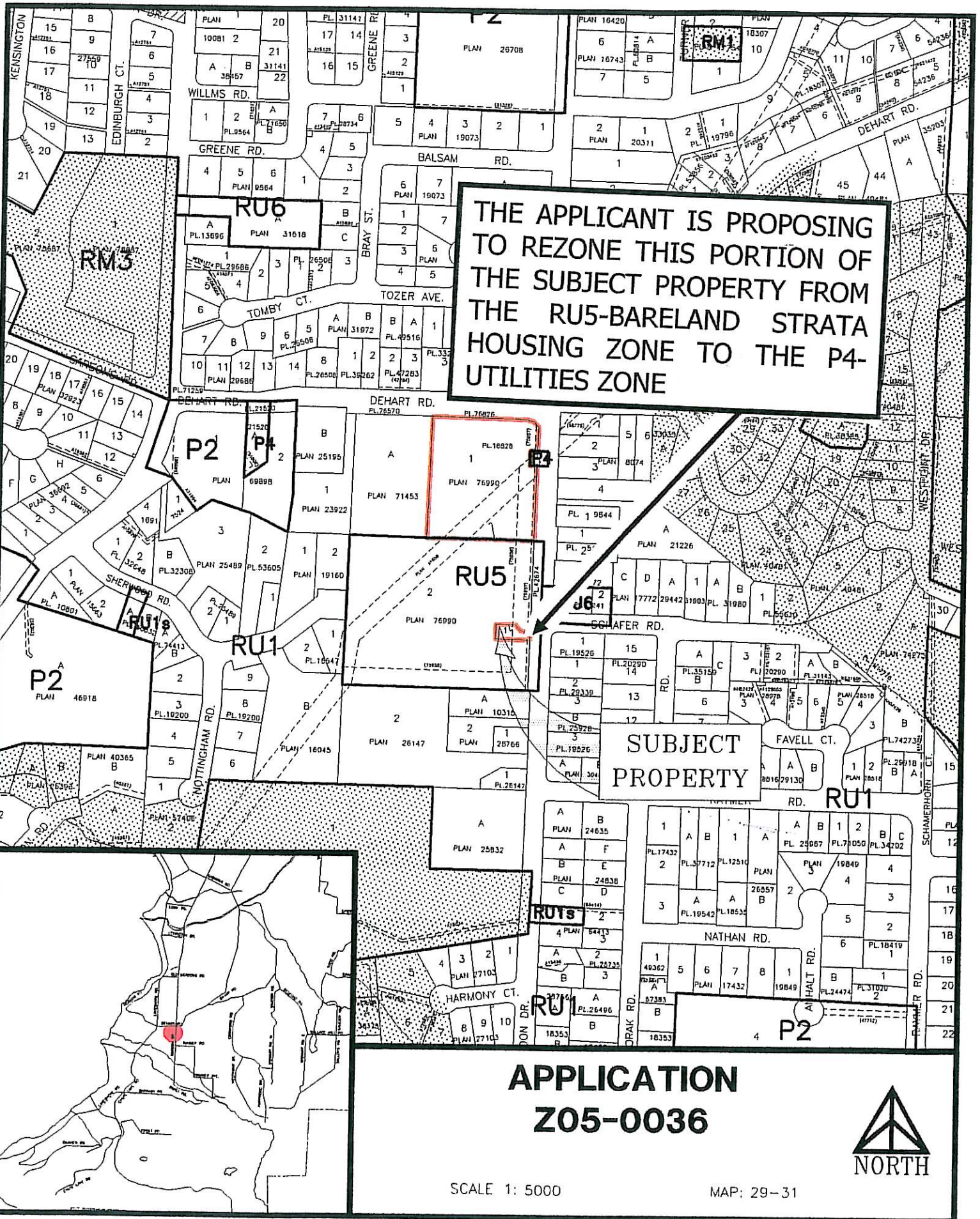
SG/cg

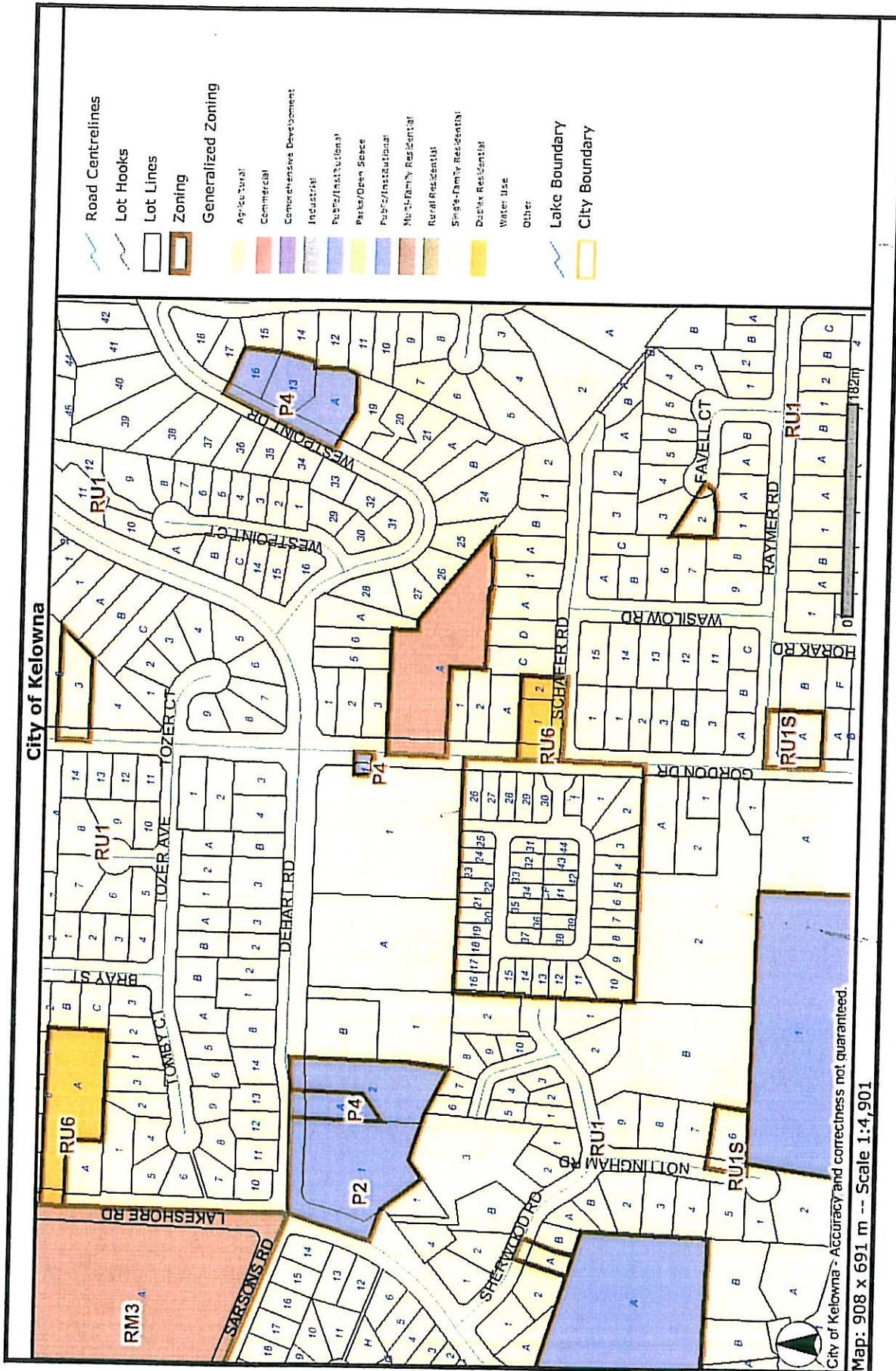
Attachments:

- A - Location Map (Map 'A')
- B - Generalized Zoning Map
- C - 2006 Orthophoto
- D - Excerpt from Zoning Bylaw 8000 – P4 Utilities Zone
- E - Regulator and Metering Building Plan and Wall Elevations
- F - Station Plan
- G - Terasen Gas Gate Station Gordon Drive/Schafer Road
- H - Terasen Gas Gordon Drive/Schafer Road Sections
- I - Photographs – October 3, 2007
- J - File Circulation Report
- K - Letter from Mapleheath Ranch Ltd. dated October 11, 2007

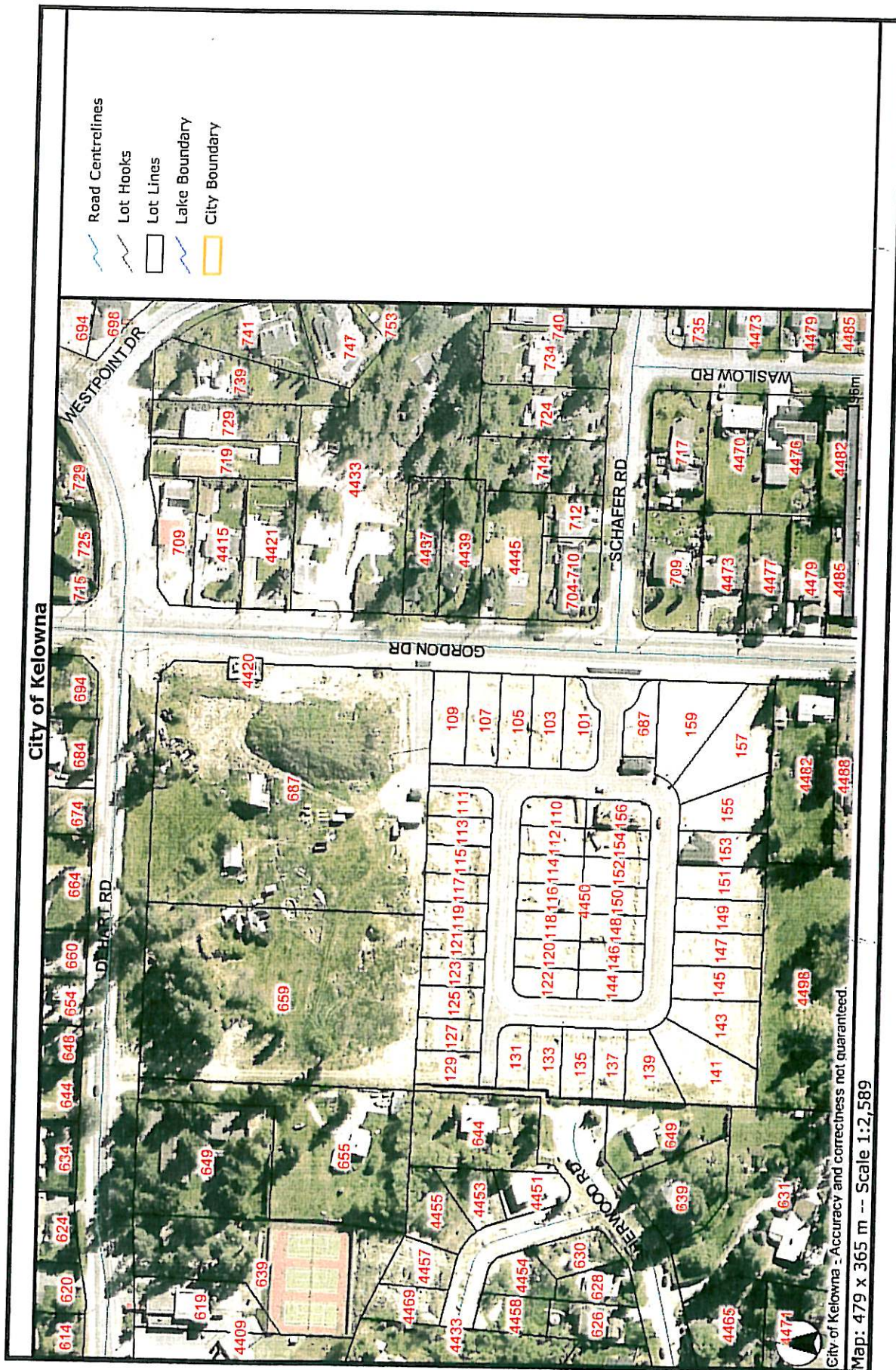
MAP 'A'

ATTACHMENT A





This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

16.4 P4 – Utilities

16.4.1 Purpose

The purpose is to provide a **zone** for private and public utilities.

16.4.2 Principal Uses

The **principal uses** in this **zone** are:

- (a) **utility services, major impact**
- (b) **utility services, minor impact**

16.4.3 Secondary Uses

The **secondary uses** in this **zone** are:

BL8528 added a new paragraph (a):

- (a) **participant recreation services, outdoor**
- (b) **outdoor storage**

16.4.4 Subdivision Regulations

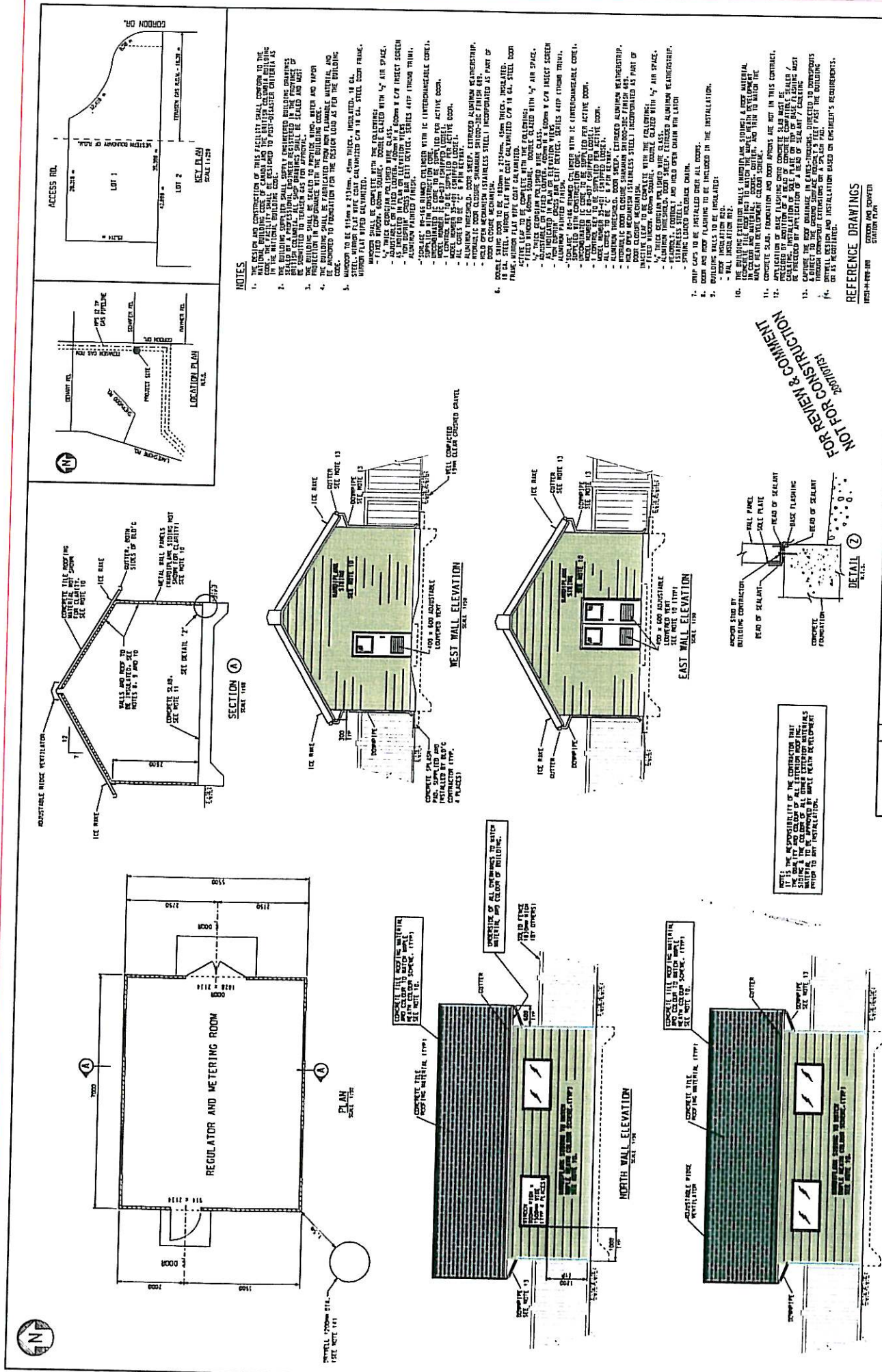
- (a) The minimum **lot width** is N/A.
- (b) The minimum **lot depth** is N/A.
- (c) The minimum **lot area** is N/A.

16.4.5 Development Regulations

- (a) The maximum **height** is 10.0 m for principal **buildings** or **structures** and 23.0 m for accessory **buildings** or **structures**. There is no maximum **height** for mechanical **structures**.
- (b) The minimum **front yard** is 6.0 m.
- (c) The minimum **side yard** is 4.5 m, except it is 7.5 m when **adjacent** to a residential **zone**.
- (d) The minimum **rear yard** is 4.5 m, except it is 7.5 m when **adjacent** to a residential **zone**.

16.4.6 Other Regulations

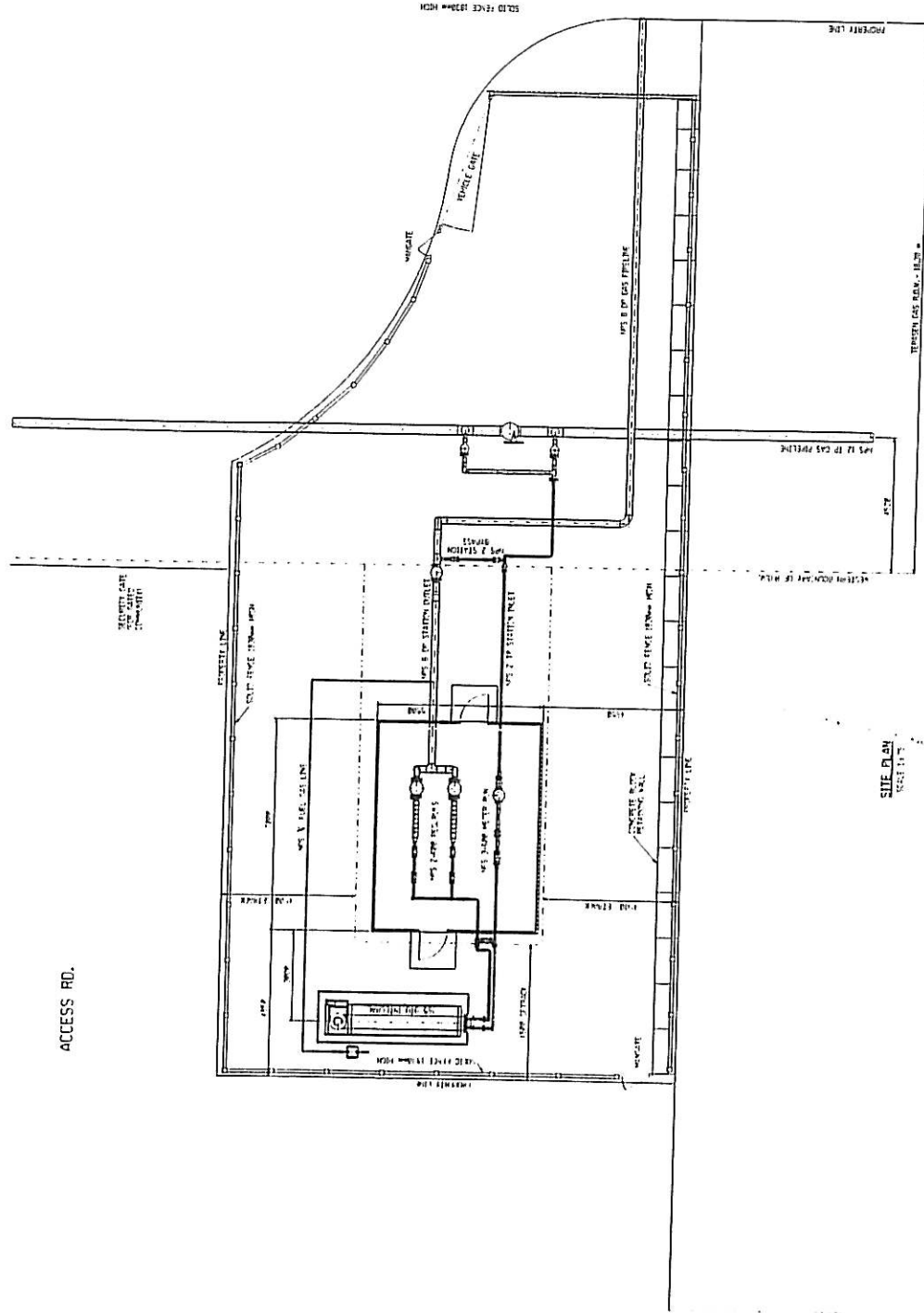
- (a) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6 (accessory **development**, **yards**, projections into **yards**, accessory **development**, lighting, stream protection, etc.), the **landscaping** and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific **use** regulations of Section 9.



REFERENCE DRAWINGS				DRAWING NUMBER			
10151-C-000-1001-RO				10151-C-000-1001-RO			
GORDON AND SCHAFER GATE STATION				REGULATOR AND METERING BUILDING (RENDERING) PLAN AND WALL ELEVATIONS			
TERASEN				ENGINEER SEAL			
DATE: 01-01-21				SCALE: AS SHOWN			
REVISION				REVISION			
BY				BY			
CHECKED				CHECKED			
APPROVED				APPROVED			
DATE				DATE			



ACCESS RD.



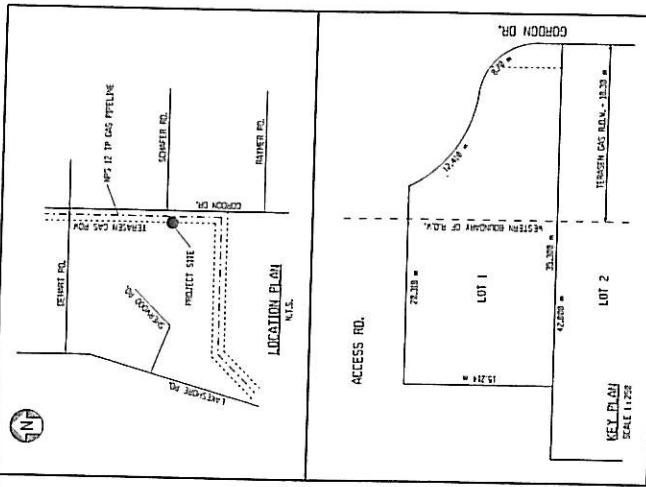
SITE PLAN
SCALE 1/8" = 1'-0"

GORDON DR.

EXISTING FENCE 10' HIGH

REFERENCE DRAWINGS:
GORDON AND SCHAFER GATE STATION
MECHANICAL
PLAN AND WALL ELEVATIONS

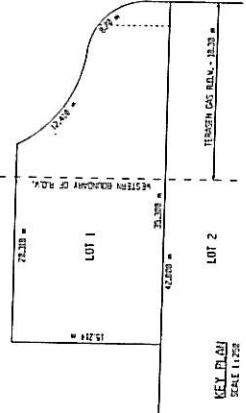
NOT TO SCALE
FOR INFORMATION ONLY
DO NOT CONSTRUCT



LOCATION PLAN
SCALE 1/4" = 1'-0"

ACCESS RD.

GORDON DR.



KEY PLAN
SCALE 1/2" = 1'-0"

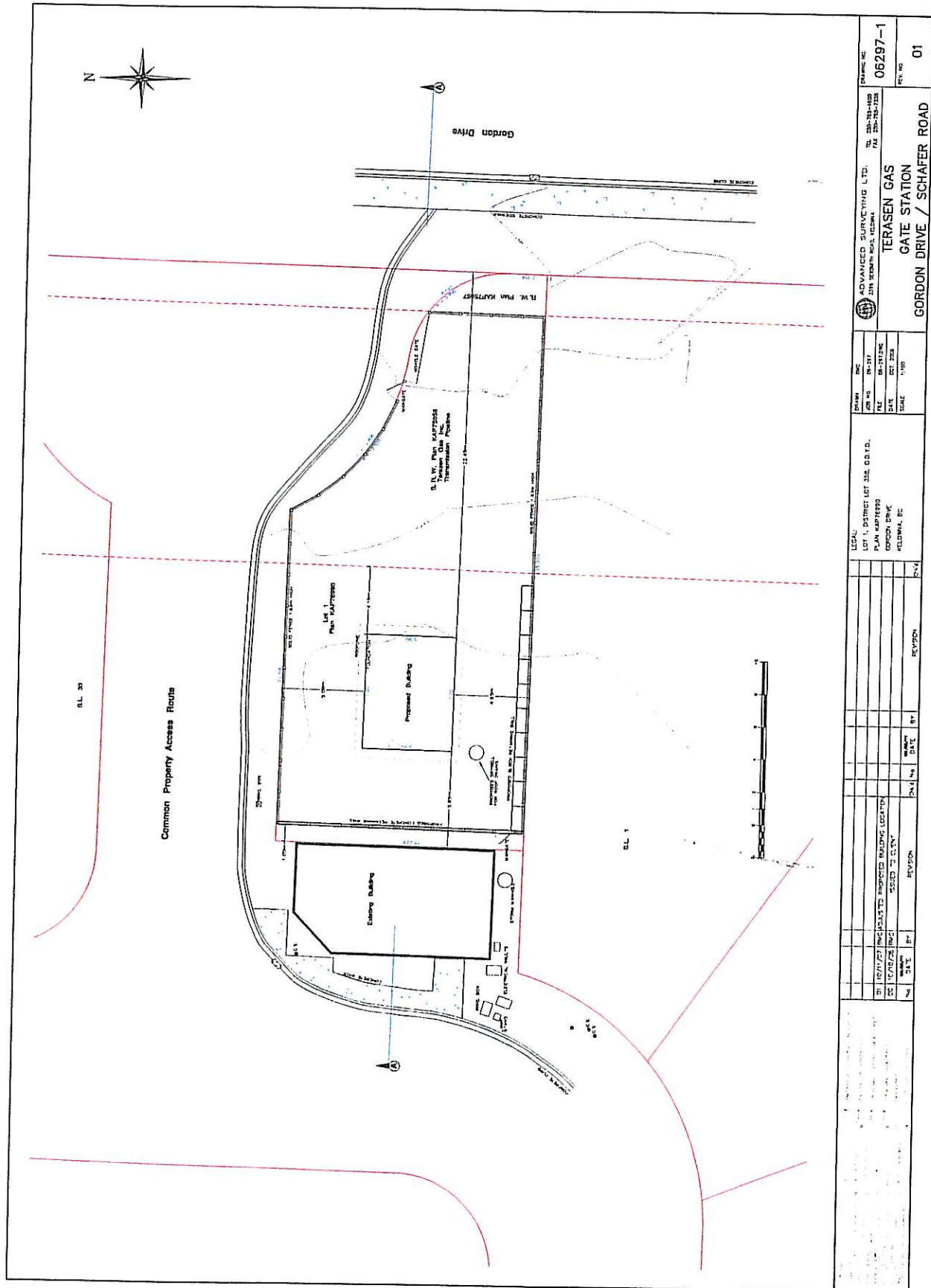
PRELIMINARY		DESIGN		CONSTRUCTION		AS-BUILT		REVISIONS		SCALE	
NO.	DATE	NO.	DATE	NO.	DATE	NO.	DATE	NO.	DATE	NO.	DATE
1	05-01-01	1	05-01-01	1	05-01-01	1	05-01-01	1	05-01-01	1	05-01-01
2	05-01-01	2	05-01-01	2	05-01-01	2	05-01-01	2	05-01-01	2	05-01-01
3	05-01-01	3	05-01-01	3	05-01-01	3	05-01-01	3	05-01-01	3	05-01-01
4	05-01-01	4	05-01-01	4	05-01-01	4	05-01-01	4	05-01-01	4	05-01-01
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9	05-01-01	9	05-01-01	9	05-01-01	9	05-01-01	9	05-01-01	9	05-01-01
10	05-01-01	10	05-01-01	10	05-01-01	10	05-01-01	10	05-01-01	10	05-01-01



GORDON AND SCHAFER GATE STATION

STATION PLAN

ENGINEER SEAL
10151-M-000-100-R-



Photographs – October 3, 2007



Gas Transmission Main



Fencing and Landscaping adjacent to Gordon Drive

Photographs – October 3, 2007



Existing building located directly to the west of the proposed facility that houses the Geothermal unit for the strata development



Home located directly across the strata road from the geothermal facility.

Type: REZONING

Seq	Out	In	By	Comment
	B.C. Assessment Authority (info only)			
2005-05-11	2005-05-11			
	Community Development & Real Estate Mgr			
2005-05-11	2005-06-06	SALEXANC		Land Comments: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 ? x 11 copy, of any survey plans.
	Community Planning Manager			
2005-05-11	2005-06-08			Landscaping, fencing and screening of the proposed utility structure should be done in such a way that hidden areas are not created, and vandalism and graffiti are discouraged. See the City's CTPED document for details on this design concept.
	Environment Manager			
2005-05-11	2005-06-20	FSCHAAD		No comment
	Fire Department			
2005-05-11	2005-05-19	JSHARHO		No objections
	FortisBC			
2005-05-11	2005-05-27			Will provide underground electrical service.
	Inspections Department			
2005-05-11	2005-06-27			No response.
	Mrg Policy, Research & Strategic Plannin			
2005-05-11	2005-05-17	GSTEPHEN		The OCP designates the future land use of the subject property as Medium Density Multiple Unit Residential. It is acknowledged that the property has recently been rezoned to the RU5 ? Bareland Strata Housing zone. The OCP states that complementary uses such as minor public utilities which are integral components of urban neighbourhoods would be permitted along with the above noted residential uses. The applicant should ensure that the subject property is adequately screened and landscaped and that the screening and landscaping is complimentary or consistent with the landscaping and screening agreed to under the recently approved bareland strata housing development.
	Park/Leisure Services Dir. (info only)			
2005-05-11	2005-05-11			
	Parks Manager			
2005-05-11	2005-05-30	TBARTON		As part of this rezoning application, can we include the two park parcel to the west for the future Dehart Road Community Park for P3 rezoning? They are presently RU1. 659 Dehart Road 655 Dehart Road
	Public Health Inspector			
2005-05-11	2005-06-02			No comment.
	RCMP			
2005-05-11	2005-06-09			No comment.
	School District No. 23			
2005-05-11	2005-06-16			No response.
	Shaw Cable			
2005-05-11	2005-05-16			No comment.
	Telus			
2005-05-11	2005-05-25			Will provide underground facilities to this development. Developer will be required to supply and install conduite as per policy.
	Terasen Utility Services			
2005-05-11	2005-05-24			No comment.
	Works & Utilities			
2005-05-11	2005-06-20			Rezoning does not compromise W & U requirements - See report under File S03-0091 to further comments.

From: Pushor Mitchell

To: *131*43574013*160457 10/11/2007 16:21

ATTACHMENT K

MAPLEHEATH RANCH LTD.

October 11, 2007

City of Kelowna
1435 Water Street
Kelowna, BC
V1Y 1J4

Dear Sirs/Mesdames:

RE: Mapleheath Ranch Ltd. / Terasen Gas Inc.
"Maple Heath Estates", Gordon Road

We confirm that the regulator and metering building to be erected by Terasen Gas Inc. on property situated at Gordon and Schafer Roads, legally described as Lot 1, District Lot 358, Osoyoos Division Yale District, Plan KAP79421, will be constructed in accordance with the plans and specifications attached hereto as Schedule "A".

Yours truly,

MAPLEHEATH RANCH LTD.

Per:

WALLY REID

/jlb
Enc.



TERASEN GAS INC. hereby acknowledges and agrees with both Mapleheath Ranch Ltd. and the City of Kelowna that it will construct in accordance with the specifications attached hereto as Schedule "A" and confirms the foregoing provisions this 15 day of OCTOBER, 2007.

TERASEN GAS INC.

Per:

Authorized Signatory


CHRISTOPHER COADY

MANAGER PROPERTY SERVICES