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

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**Date:** January 8, 2008

**To:** City Manager

**From:** Planning and Corporate Services Department

**APPLICATION NO.** Z05-0036  
DVP05-0093

**OWNER:** Terasen Gas Inc.

**AT:** 4460 Gordon Drive **APPLICANT:** Terasen Gas Inc.

**PURPOSE:** 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;

THE APPLICANT IS SEEKING TO VARY THE REAR AND SIDE YARD SETBACKS FROM 7.5M REQUIRED TO A MINIMUM 4.65M PROPOSED.

**EXISTING ZONE:** RU5 – BARELAND STRATA HOUSING

**PROPOSED ZONE:** P4 - UTILITIES

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

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**1.0 RECOMMENDATION**

THAT Final Adoption of Zone Amending Bylaw No. 9897 be considered by Council;

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0093; That Part Lot 1 District Lot 358 Osoyoos Division Yale District Plan KAP76990 as Shown on Plan KAP85681, located at 4460 Gordon Drive, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 16.4 – Utilities: 16.4.5:**

- (c) The minimum side yard be varied from 7.5 m when adjacent to a residential zone to 5.08 m for the northern property line and from 7.5 m to 4.65 m for the southern property line; and
- (d) The minimum rear yard be varied from 7.5 m when adjacent to a residential zone to 5.85 m

for a proposed Terasen Gas Regulator/Gate Station.

**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”.

### 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.

### 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 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	22.45 m	6.0m
Rear	5.85 m <sup>①</sup>	4.5 m, except it is 7.5 m when adjacent to a residential zone
North Side	5.08 m <sup>②</sup>	4.5 m, except it is 7.5 m when adjacent to a residential zone

South Side	4.65 m <sup>③</sup>	4.5 m, except it is 7.5 m when adjacent to a residential zone
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- ① Note: The applicant is seeking to vary the rear (western) yard setback from 7.5 m required to 5.85 proposed.
- ② Note: The applicant is seeking to vary the northern side yard setback from 7.5m required to 5.08 m proposed.
- ③ Note: The applicant is seeking to vary the southern side yard setback from 7.5m required to 4.65 m proposed.

#### 4.1 Site Context

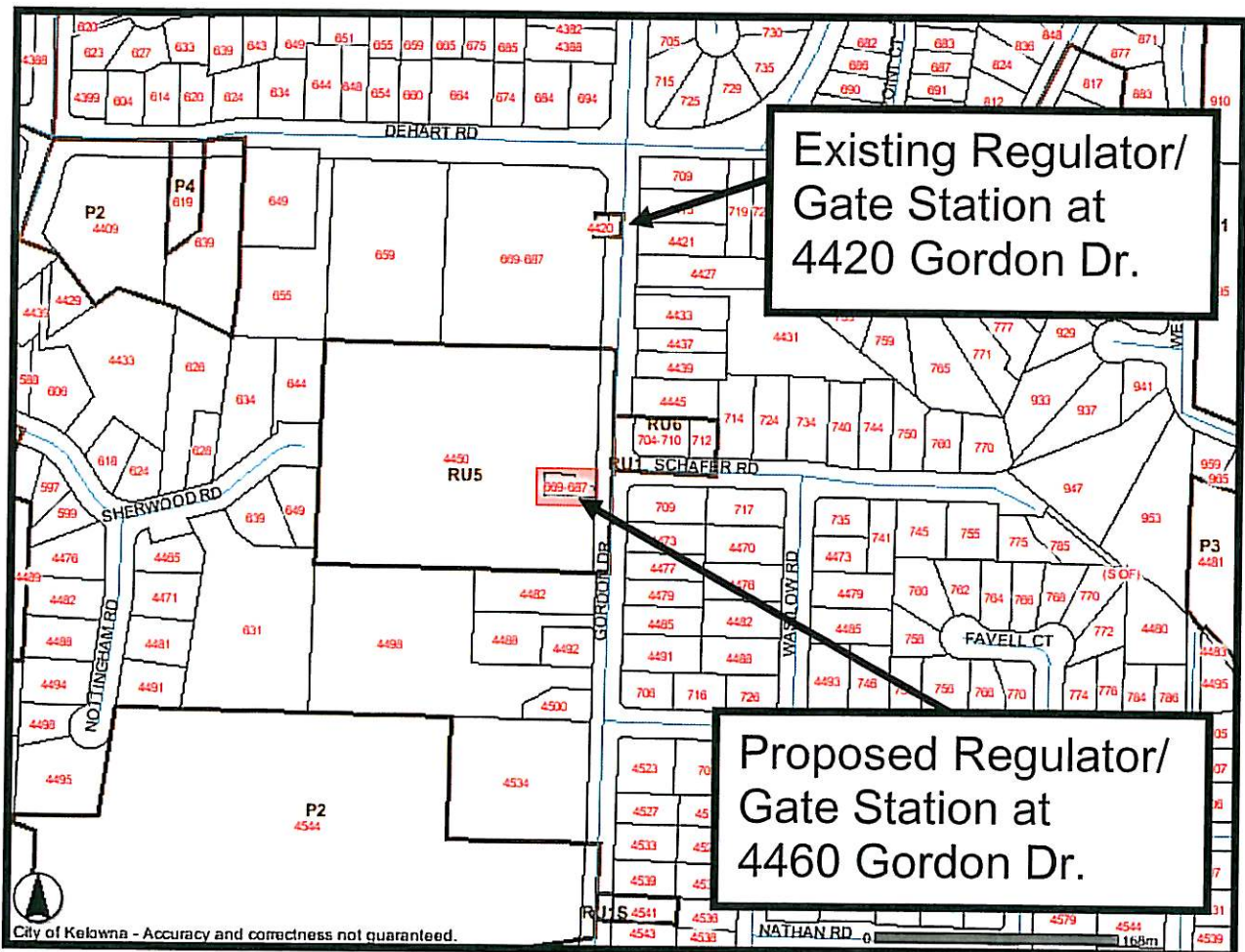
The subject property is located on the west side of Gordon Drive, south of Dehart Road.

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

Subject Property: 4450 Gordon Road



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 Attachment 'J'.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

Staff has no concerns with regard to adoption of the proposed rezoning or issuance of the Development Variance Permit. 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. Terasen has purchased the subject property from the former property owner and a separate legal description now describes the property.



Shelley Gambacort  
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** - Site Section Plan (Drawing No. 06297-2)
- I** - Photographs – October 3, 2007
- J** - Development Application File Circulation Report (Z05-0036)
- K** - Letter from Mapleheath Ranch Ltd. dated October 11, 2007

# MAP 'A'

ATTACHMENT A

THE APPLICANT IS PROPOSING TO REZONE THIS PORTION OF THE SUBJECT PROPERTY FROM THE RU5-BARELAND STRATA HOUSING ZONE TO THE P4-UTILITIES ZONE

SUBJECT PROPERTY

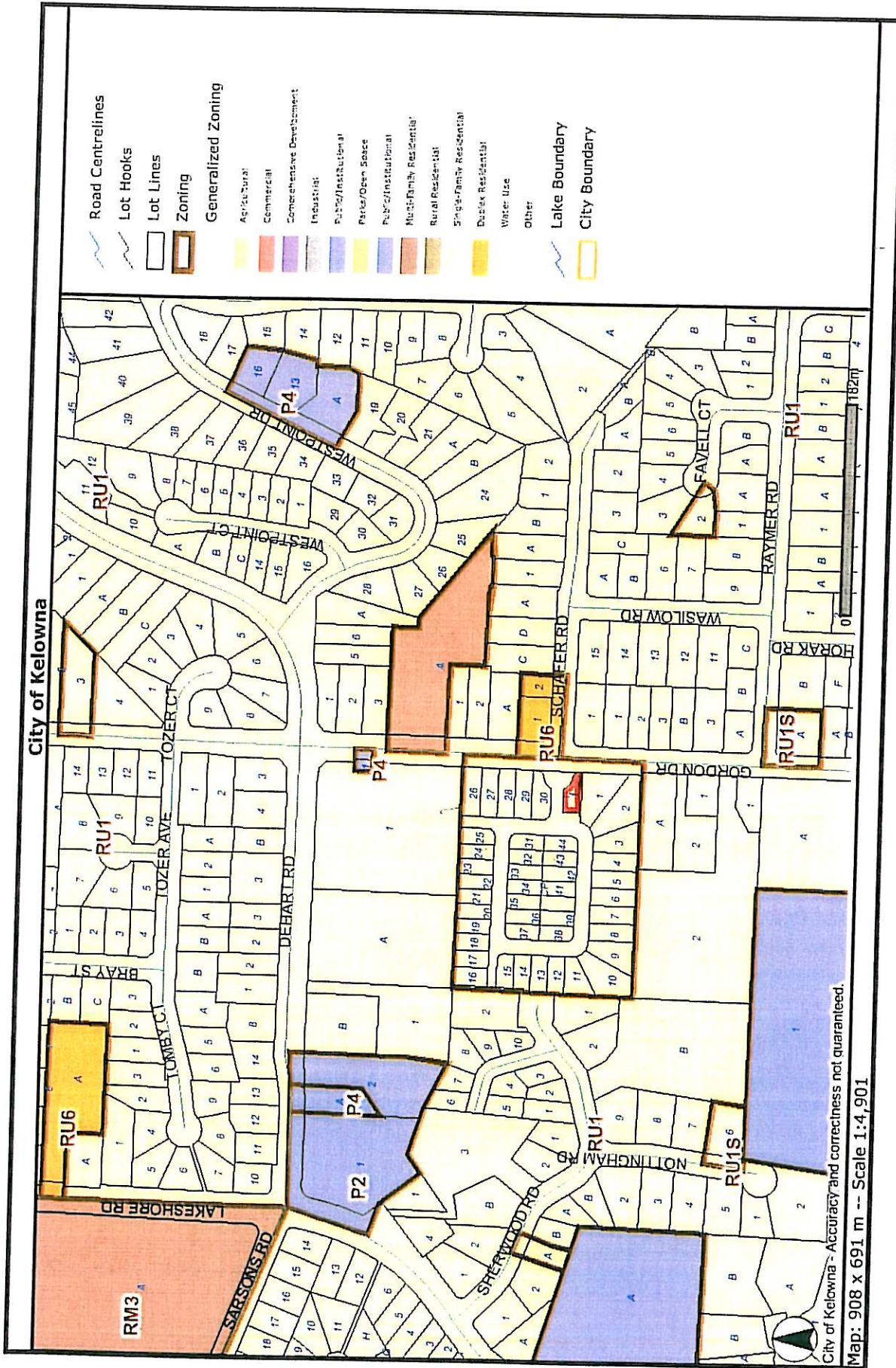
NEW LEGAL DESCRIPTION:  
THAT PART LOT 1 DISTRICT LOT 358 OSOYOOS  
DIVISION YALE DISTRICT PLAN KAP76990 AS SHOWN  
ON PLAN KAP85681

APPLICATION  
Z05-0036

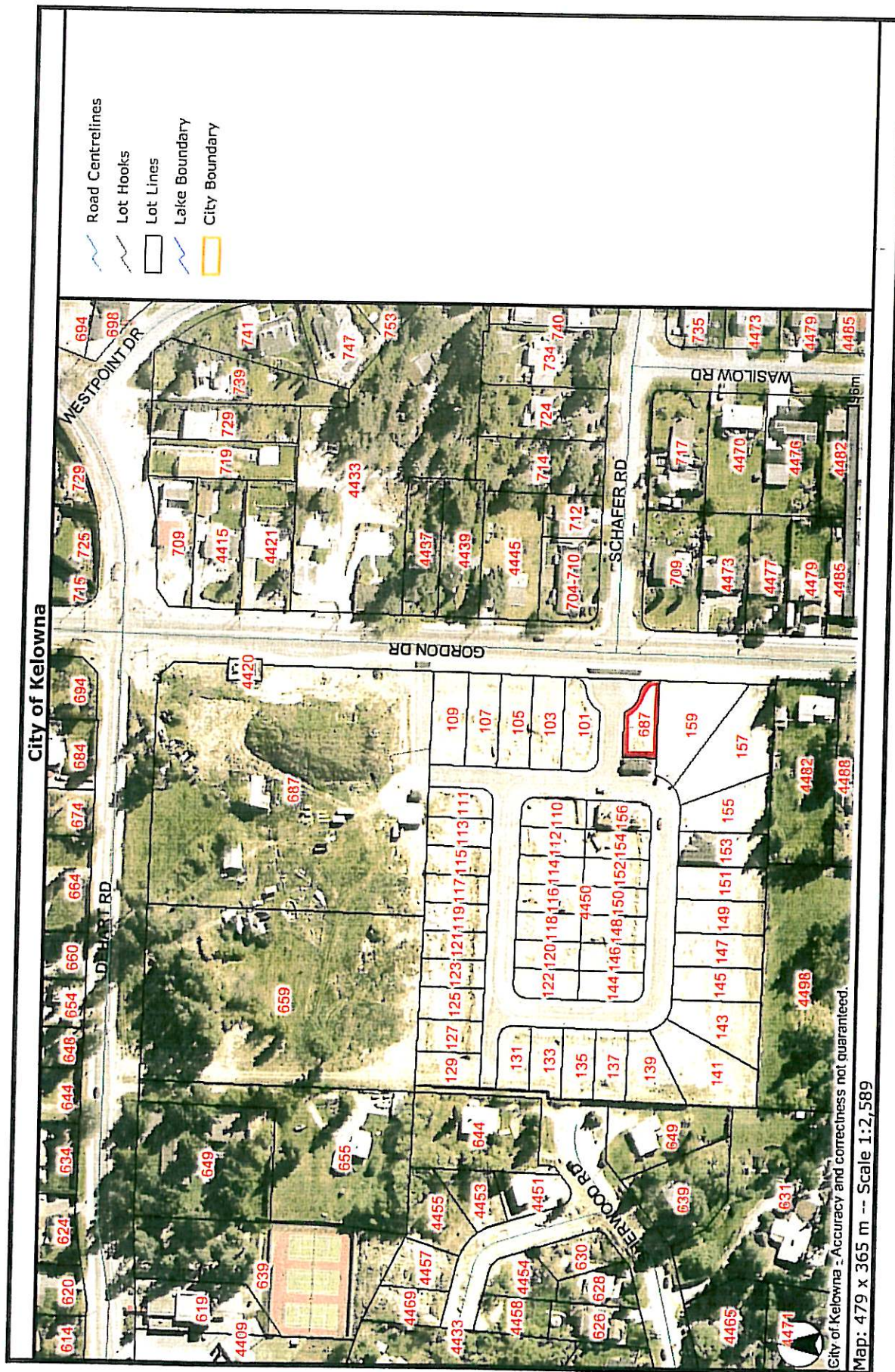


SCALE 1: 5000

MAP: 29-31



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



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**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**

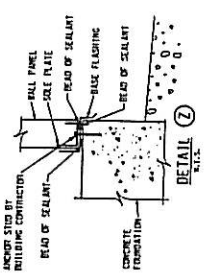
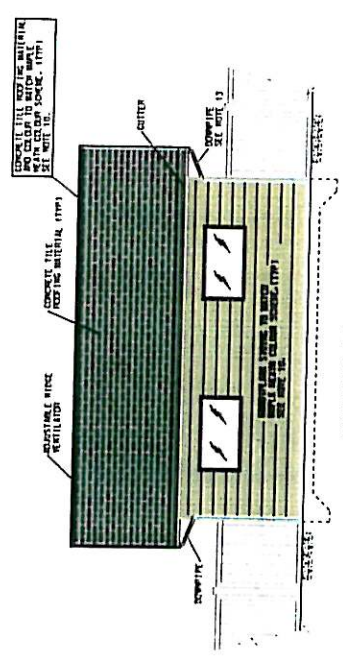
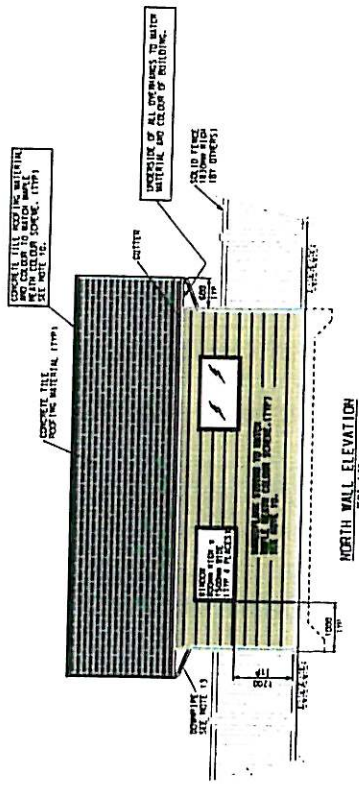
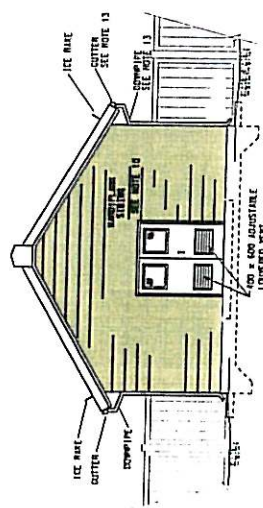
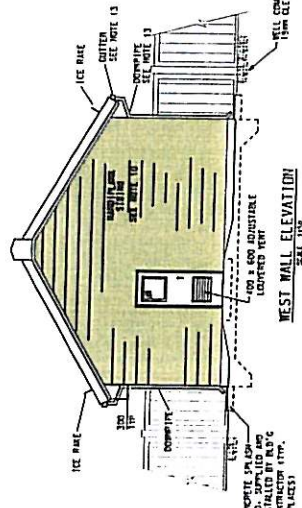
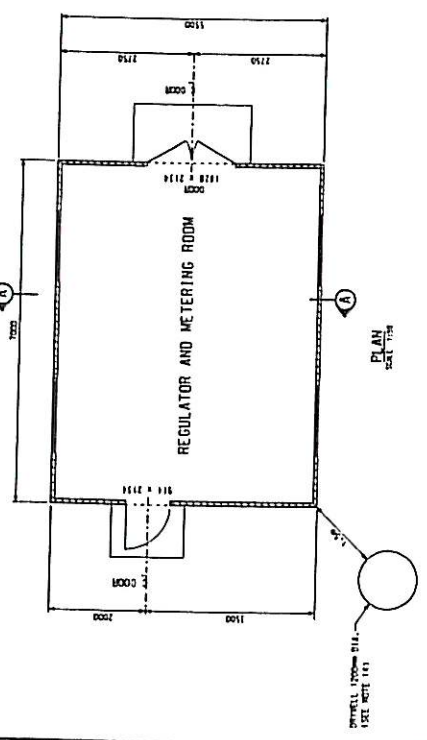
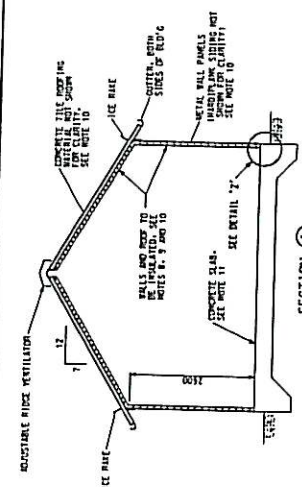
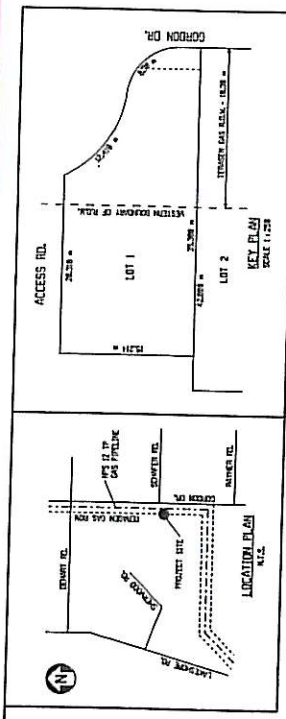
- (a) The minimum **lot width** is **N/A**.
- (b) The minimum **lot depth** is **N/A**.
- (c) The minimum **lot area** is **N/A**.

**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.



FOR REVIEW & COMMENT  
20070713

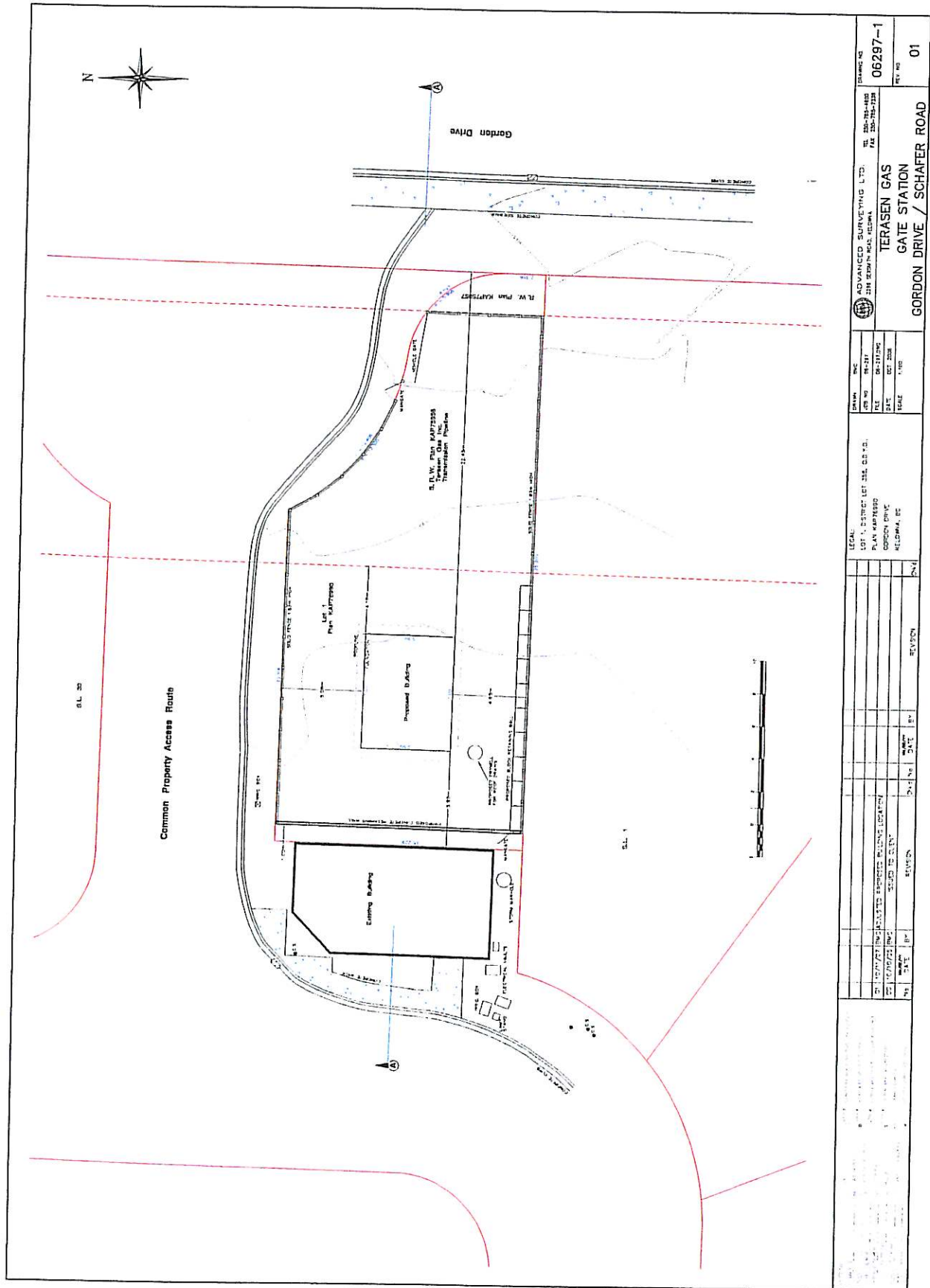
**NOTE:**  
IT IS THE RESPONSIBILITY OF THE CONTRACTOR THAT THE COLOR AND COLOR OF ALL EXTERIOR ROOFING, SIDING & THE COLOR OF ALL OTHER EXTERIOR MATERIALS MATERIALS TO BE APPROVED BY MAJLE HEAVY DEPARTMENT PRIOR TO ANY INSTALLATION.

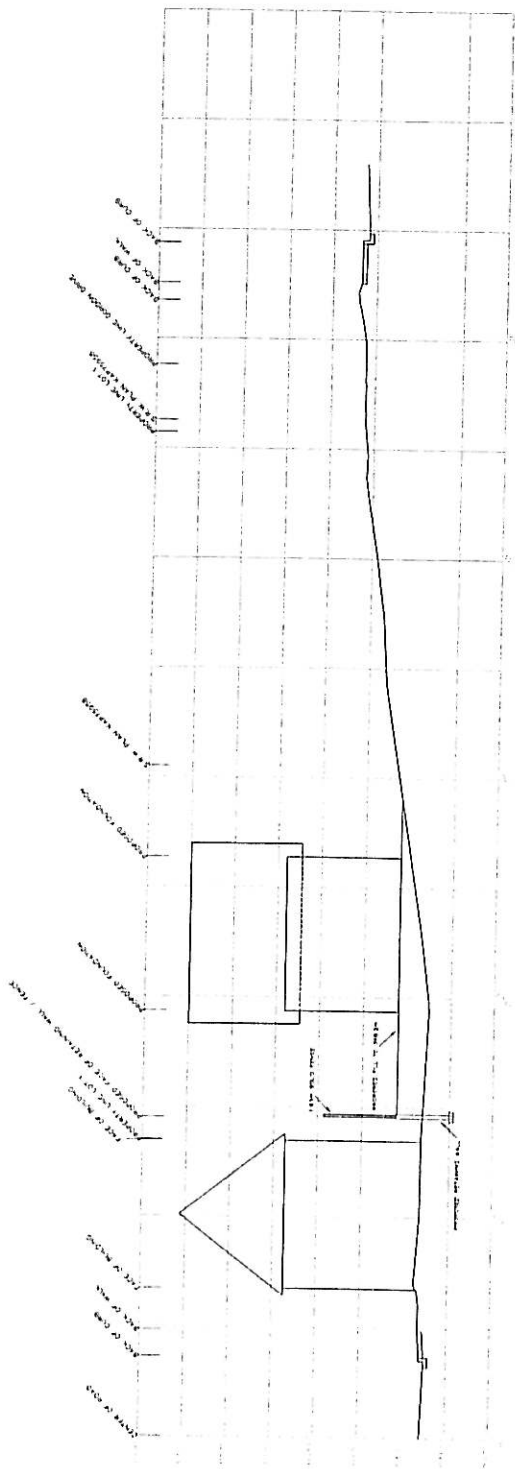
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GORDON AND SCHAFER GATE STATION	REGULATOR AND METERING BUILDING (RENDERING) PLAN AND WALL ELEVATIONS	10151-C-000-1001-RO
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ATTACHMENT F





Section A - A

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.
	Mgr Policy, Research & Strategic Plannin			
2005-05-11	2005-05-17	GSTEPHE		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.

## 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**

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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