

---

**CITY OF KELOWNA**

**MEMORANDUM**

---

**DATE:** September 26, 2008

**File No.:** Z08-0069

**To:** City Manager

**From:** Planning & Development Services Department

**Purpose:** To rezone the subject properties from the RR3 – Rural Residential 3 zone to the I2 – General Industrial Zone to allow for the construction of a 2 storey industrial building.

**Applicant/Contact Person:** Protech Consultants Ltd. (Grant Maddock)

**Owners:** 0709128 BC Ltd. (Stan Pridham)

**At:** 128 & 158 Penno Road

**Existing Zone:** RR3 – Rural Residential 3

**Proposed Zone:** I2 – General Industrial Zone

**Report Prepared By:** Luke Turri

---

**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z08-0069 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A, District Lot 123, ODYD, Plans 16931 & 4784, except plans 14539, H16596 and H8110, located 128 and 158 Penno Road, Kelowna, BC from the RR3 - Rural Residential 3 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 Permit on the subject property.

AND THAT final adoption of the zone amending bylaw be considered subsequent to the consolidation of the subject properties, and the requirements of the Works & Utilities department and the Ministry of Transportation being completed to their satisfaction.

## **2.0 BACKGROUND**

Currently, 128 Penno Road is a vacant lot having frontage onto Highway 97. However, 158 Penno Road currently includes a single family dwelling and accessory buildings, with considerable on-site vehicle storage. Previously in 2006, a rezoning application for 128 Penno Road was brought forward which proposed the I2 – General Industrial zone, and received Third Reading by Council. However, the applicant subsequently withdrew the application and the rezoning was not completed.

## **3.0 ADVISORY PLANNING COMMISSION**

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of September 23, 2008 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z08 0069, for 128 & 158 Penno Road, Lot A, District Lot 123, ODYD, Plans 16931 & 4784, except plans 14539, H16596 and H8110 by Protech Consultants Ltd. (G. Maddock), to rezone from the RR3 – Rural Residential 3 zone to the I2 – General Industrial zone to allow for the construction of a 2 storey industrial building.

### **3.1 The Proposal**

The subject properties are currently zoned RR3 – Rural Residential 3. The applicant is proposing to rezone the properties to the I2 – General Industrial zone. The proposed development would construct a 2 storey warehouse sales building for the main tenant, KMS Tools, in addition to space for an additional four tenants along the eastern elevation.

As part of the Highway Access Management Plan (1994), Penno Road is to be closed at Highway 97. It is foreseen that Penno Road will terminate at a cul-de-sac, from which the subject property would be accessed. The proposed cul-de-sac bulb would be included on the site as a road reserve, but does not greatly affect the site plan or parking and loading areas.

The proposed zoning is congruent with the Official Community Plan Future Land Use mapping, which clearly defines the area as Industrial.

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

CRITERIA	PROPOSAL	I2 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	4894 m <sup>2</sup>	4000 m <sup>2</sup>
Lot Width	84.57 m	40.0 m
Lot Depth	57.70 m	35.0 m
Development Regulations		
Floor Area Ratio	0.47	1.5
Site Coverage (total)	44.2%	60%
Height	8.0 m	14.0 m
Front Yard (South)	16.10 m	4.5 m
Side Yard (West)	17.21 m	15.0 m
Side Yard (East)	12.84 m	0.0 m
Rear Yard (North)	0.0 m	0.0 m
Other Regulations		
Parking Spaces	51 Spaces	49 Spaces total
Loading Spaces	2 spaces	2 spaces
Bicycle Parking	23 spaces	23 spaces
Landscape Buffer	Meets requirements	Front Yard: Level 4
	Meets requirements	Side Yard (Hwy 97): Level 4

### 3.2 Site Context

The subject properties are located at the corner of Highway 97 and Penno Road, surrounded by Industrial uses, and directly north of "Reid's Corner."

Site Location Map

Subject properties: 128 &amp; 158 Penno Road



More specifically, the adjacent land uses are as follows:

North	I1 – Business Industrial
East	I2 – General Industrial
South	I2 – General Industrial
West	I2 – General Industrial

**4.0 EXISTING/PROPOSED DEVELOPMENT POTENTIAL**

The purpose of the RR3 – Rural Residential zone is to provide a zone for country residential development on smaller lots, and complimentary uses, in areas of high natural amenity and limited urban services.

The purpose of the I2 – General Industrial zone is to provide for general industrial uses, including automotive services, outdoor storage, and warehouse sales.

**5.0 CURRENT DEVELOPMENT POLICY**Kelowna Official Community Plan (OCP)

The proposed zoning is consistent with the Future Land Use provisions of the OCP. *Section 10.13 – Location of New Industrial:* Direct future industrial development to those areas designated for industrial purposes (see Map 19.1).



## **6.0 TECHNICAL COMMENTS**

### **6.1 Fire Department**

Detailed building code analysis (detail equivalencies, if any) required for proposed building; to include exiting, fire protection information, fire department access, occupancy class, building height, construction type, etc.

Fire separation between the living area and the rest of the complex is to meet BCBC 2006 requirements.

### **6.2 Inspection Services**

Provide Fire Resistance Ratings in the code analysis for walls and floor between warehouse space and residential suite at time of building permit application.

### **6.3 Ministry of Transportation**

We have no objections to the proposed rezoning of the above noted properties from RR-1 to I-2 subject to:

- Highway 97 right-of-way being protected by a legal plan at 23 metres from existing mean of Centreline.
- No direct access to Highway 97 - all access to be from local municipal road.
- Physical closure of Penno Road at Highway 97 as per the Access Management Plan. This includes removal of asphalt, restoration of highway shoulder to Ministry satisfaction and the construction of a cul-de-sac to Municipal guidelines. All existing drainage to be maintained.

### **6.4 Shaw Cable**

Owner/developer to install underground conduit system.

### **6.5 Telus**

Telus will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

### **6.6 Works and Utilities**

See attached.

## **7.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS**

The current zoning of the properties is no longer the most efficient and compatible use of the sites, as commercial and industrial development has developed north of Sexsmith Road in the past two decades. The closure of Penno Road at Highway 97 would ensure that there are no highway access issues for the site. Favourably, the Ministry of Transportation has no objection to the proposal, subject to the closure of Penno Road at

Highway 97, as well as a small highway widening to be measured 23 meters from the existing mean of centreline. The Development Permit will be brought forward for consideration of the form and character of the proposed building at a later date.

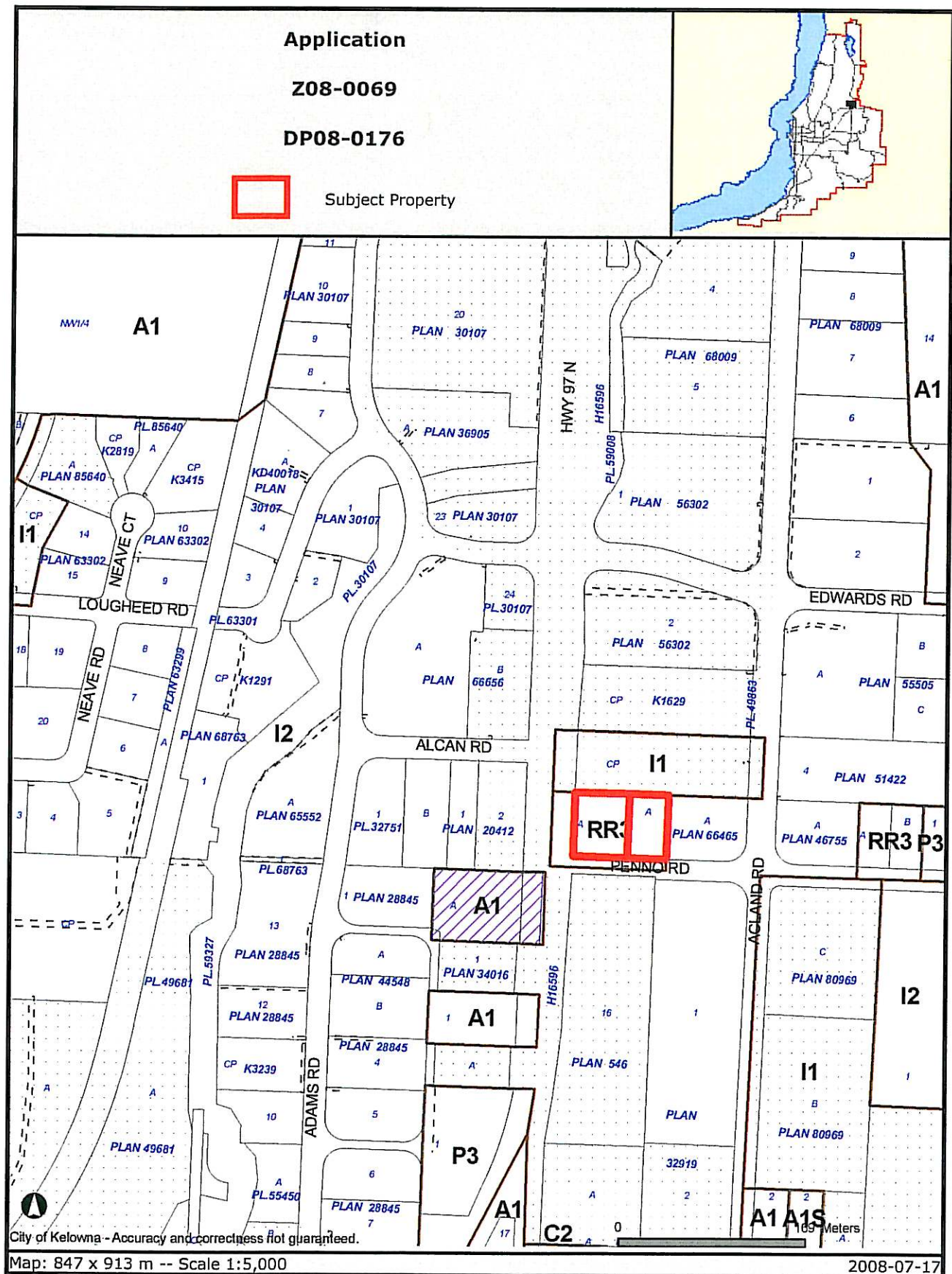


---

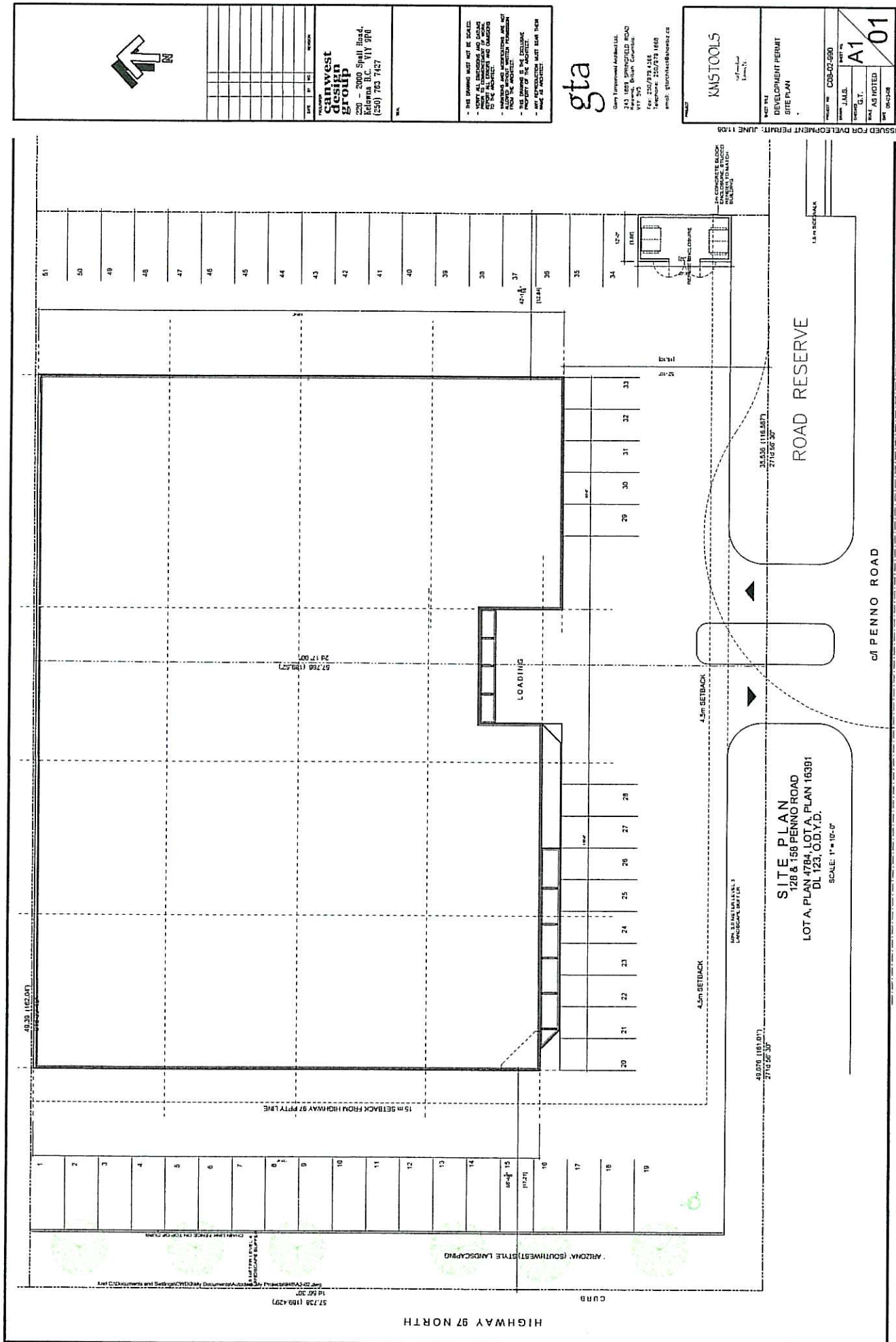
Danielle Noble  
Current Planning Supervisor

#### **ATTACHMENTS**

- **Location of subject property**
- **Site Plan**
- **Sample Elevation**
- **Works & Utilities Comments**



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.





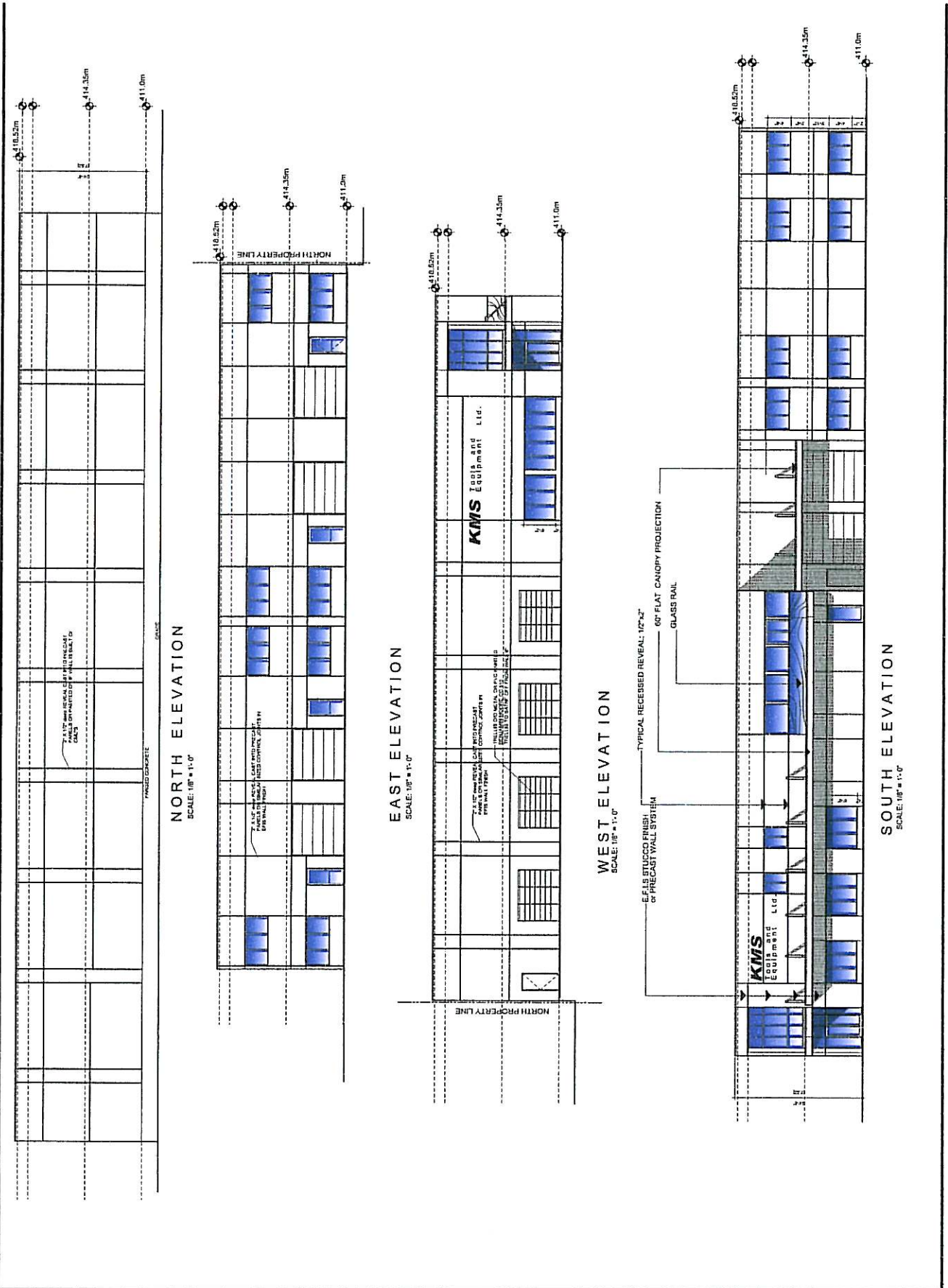
<b>invest design group</b> 230 - 2000 Spill Road Kalamazoo, MI 49001 (269) 763 7427	
ANY INFORMATION FOR THE RECORD SHOULD BE SUBMITTED TO THE PROJECT ENGINEER TO BE REVIEWED AND APPROVED BY THE PROJECT ENGINEER. ANY CHANGES TO THE PROJECT MUST BE SUBMITTED TO THE PROJECT ENGINEER FOR REVIEW AND APPROVAL. ANY CHANGES TO THE PROJECT MUST BE SUBMITTED TO THE PROJECT ENGINEER FOR REVIEW AND APPROVAL.	

gta

Gary Tompkins Architect Ltd  
 241 18th Street, Suite 100  
 Kalamazoo, MI 49001  
 Tel: 269.763.7427  
 Fax: 269.763.7428  
 Email: gary@gtadetroit.com

<b>KMS TOOLS</b> 10000 1st Ave Kalamazoo, MI 49001	
DEVELOPMENT PERMIT ELEVATIONS	
PROJECT NO: CDS-02-890 DATE: J.M.S. DRAWN BY: G.T. CHECKED BY: AS NOTED SCALE: 1/8" = 1'-0"	SHEET NO: 01 OF 02

REVIEW DEVELOPMENT PERMIT APPLICATION: SEPT 04/08



---

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

---

**Date:** August 18, 2008 Revised  
**File No.:** Z08-0069

**To:** Planning & Development Services Department (LT)

**From:** Development Engineer Manager (SM)

**Subject:** 128 & 158 Penno Road, Lot A Plan 4784 Lot A, Plan 16391  
D.L. 123, ODYD

---

The Works & utilities Department comments and requirements regarding this application are as follows:

**These are W. & U. initial comments and they may be subject to MOT requirements**

1. Subdivision.
  - a) Dedicate the required widening along Hwy 97, if required by the Ministry of Transportation (MOT), to accommodate the ultimate Hwy 97 cross-section
  - b) Provide a road reserve for one half of a cul-de-sac along Penno Road (refer to item 6 below)
  - c) Provide easements as may be required.
  - d) Consolidate the two lots.

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 sulphates.
- 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

3. Sanitary Sewer System.

- a) The subject property is not currently serviced by the Municipal wastewater collection system. The size of the subject property does not permit on-site sanitary waste treatment and disposal. The subject property must be connected to the wastewater collection system.
- b) The nearest sanitary sewer connection point is located at approximately 140m to the east of the subject property. The cost of the sanitary sewer extension is estimated at \$70,200.00 and is inclusive of a bonding escalation.
- c) Services to the benefiting and un-serviced properties fronting the sanitary main extension must be provided to the property line. The cost of the installation of the services will be born by the City of Kelowna.

4. Water Servicing Requirements.

- 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. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with the City of Kelowna current Bylaws and Policies.
- b) A watermeter is mandatory as well as a sewer credit meter to measure all the irrigation water. Watermeters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

5. Stormwater Management plan.

- a) 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 drainage study should indicate the size and location of the detention or retention facilities.

6. Roads.

Penno Road.

- i) The Penno Road access to and from Hwy 97 was not supported in the Highway Access Management Report. The Ultimate Highway access management configuration comprises of the construction of a cul-de-sac at the west end of Penno Road. After consultation with the City of Kelowna transportation department and the Ministry of Transportation, the proposed location can be seen in the attached drawing (Penno Road Cul-de-sac potential location).



- ii) The frontage of Penno Road must be upgraded to a full urban standard and must include a cul-de-sac, complete with curb, gutter, sidewalk, fillet paving, storm drainage works, landscaped and irrigated boulevard, street lighting, removal and/or relocation existing utilities and driveways as may be required, etc. The City wishes to defer the upgrades to Penno Road fronting this development. Therefore, cash-in-lieu of immediate construction is required. The cash-in-lieu amount is determined to be **\$25,200.00** for the Penno Road upgrades. **Any additional costs to reshape or modify the applicants site due to the future road works, will be at the applicants cost.**

7. Street lights

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

8. 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.

9. Engineering.

Design, construction, supervision and inspection of all off-site civil works must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer.

10. DCC Credits.

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

11. Latecomer Provisions

Under the provisions of the Local Government Act, Latecomer provisions are available for the extension of the sanitary sewer.



12. Bonding and Levies Summary.

a) Performance Bonding

Sanitary sewer extension \$ 70,200.00

Total Performance Bonding \$ 70,200.00

b) levies

Specified area #1 inclusion fee \$ 250.00

Penno Rd. frontage upgrading \$ 25,200.00

Total Cash Levies \$ 25,450.00

---

Steve Muenz, P. Eng.  
Development Engineering Manager  
BB/DC

Cc: MOT (Lynda Lochhead)