
CITY OF KELOWNA

MEMORANDUM

DATE: July 21, 2009

TO: City Manager

FROM: Community Sustainability Division

APPLICATION NO. Z09-0030 /
TA09-0004

OWNER: Pier Mac Petroleum Installation Ltd., Inc.
No. 88127

AT: 5220 Highway 97 North

APPLICANT: Pier Mac Petroleum Installation Ltd

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM P4 - UTILITIES
TO CD15 – AIRPORT BUSINESS PARK

TEXT AMENDMENT TO ADD THE SUBJECT PROPERTY TO
THE INDUSTRIAL BOUNDARY AREA OF THE AIRPORT
BUSINESS PARK AS NOTED ON CD 15 MAP 1.

EXISTING ZONE: P4 – UTILITIES

PROPOSED ZONE: CD15 – AIRPORT BUSINESS PARK

REPORT PREPARED BY: Alec Warrender

1.0 RECOMMENDATION

THAT Rezoning Application No. Z09-0030 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 11, Twp. 23, ODYD, Plan 34113 Except Plan KAP81399 located at 5220 Highway 97 North, Kelowna, B.C. from P4 – Utilities to CD15 – Airport Business Park be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA09-0004 to amend City of Kelowna Zoning Bylaw No. 8000 by adding the subject property to the industrial boundary area of the CD15 - Airport Business Park zone as noted on CD15 Map 1 as shown on Map A attached to the report of the Land Use Management Department, dated July 21, 2009, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA09-0004 and 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 Ministry of Transportation and the Development Engineering Branch being completed to their satisfaction.

2.0 SUMMARY

This application seeks to rezone the subject property from P4-Utilities to CD15 - Airport Business Park, and accordingly a Text Amendment is also required to include the subject property within the CD15 Map 1 boundary area in the CD15 – Airport Business Park.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on June 23, 2009, the APC passed the following motion:

THAT the Advisory Planning Commission support Rezoning Application No. Z09-0030 and Text Amendment Application No. TA09-0004, for 5220 Hwy 97N; Lot 1, Plan 34113, Sec 11, Twp 23, ODYD; to rezone the subject property from P4 – Utilities to CD15 Airport Business Park and to add the subject property to the industrial areas in the Airport Business Park as noted on CD 15 Map 1.

4.0 THE PROPOSAL

The purpose of this proposal is to have the subject property added to the industrial area of the Airport Business Park. In order to accomplish this, the property must be rezoned from P4-Utilities to CD15 – Airport Business Park. A Text Amendment is also required in order to ensure that Map 1 in the CD15 – Airport Business Park is amended to recognize the subject property. The subject property has an Industrial Future Land Use designation and is anticipated to be subdivided into four separate parcels at a later date (See attached). The proposed development meets the subdivision regulations of the CD15 – Airport Business Park as follows:

Zoning Bylaw No. 8000					
CRITERIA	PROPOSAL				CD15 – Airport Business Park
Subdivision Regulations					
	Lot A	Lot B	Lot C	Lot D	
Lot Width	75m	75m	78m	78m	40.0m
Lot Depth	122m	111m	111m	111m	35.0m
Lot Area	8,498 m ²	8,296m ²	8,296m ²	8,053m ²	4,000m ²

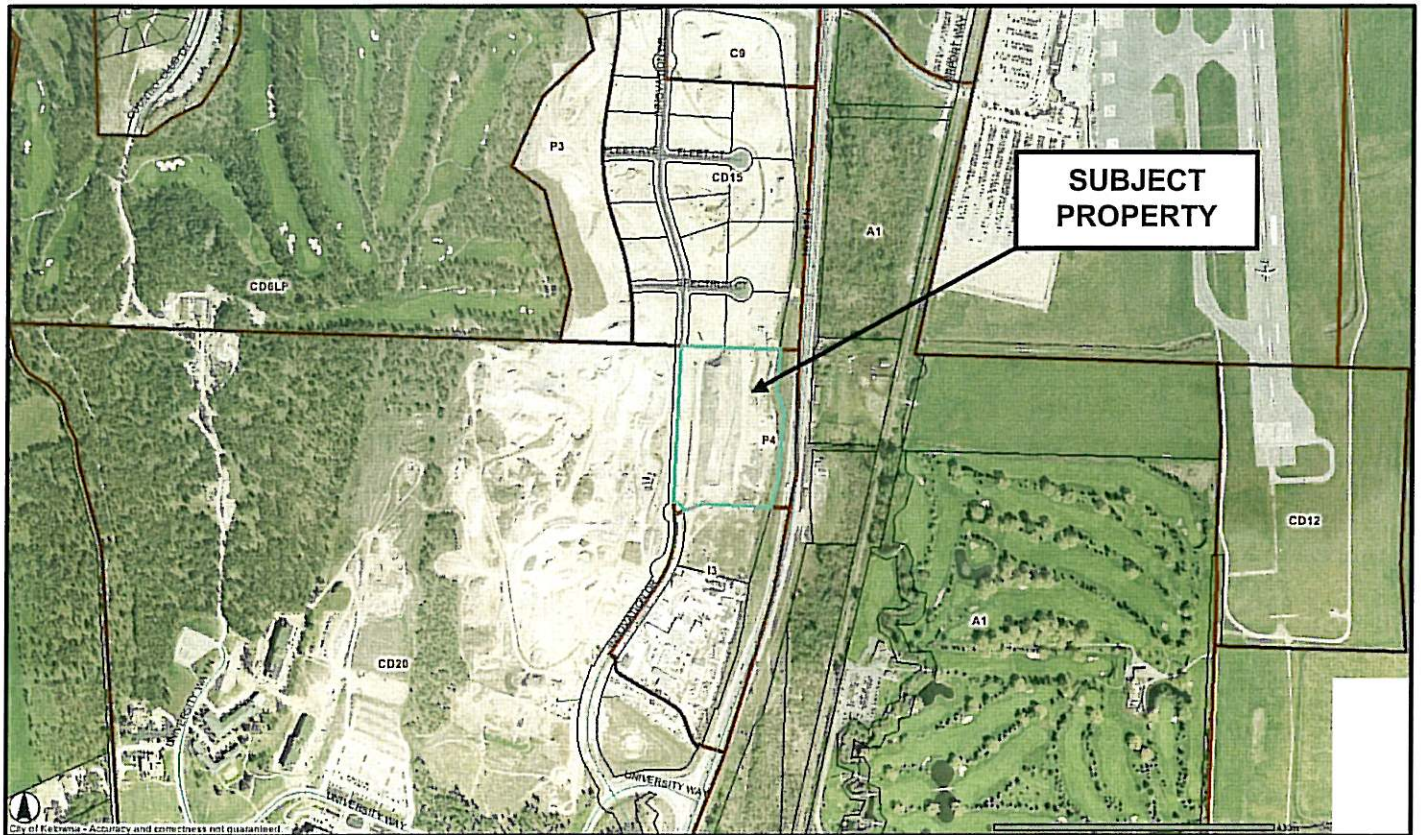
4.1 Site Context

The surrounding area has been developed with a variety of uses, with industrial to the north and south and the airport to the east. More specifically, the adjacent land uses are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	CD15 – Airport Business Park	Industrial
West	CD20– Comprehensive University Development Zone	Institutional
South	I3 – Heavy Industrial	Industrial
East	Highway 97 North	Highway

4.2 SUBJECT PROPERTY MAP

5220 Highway 97 N



5.0 CURRENT DEVELOPMENT POLICY

5.1 Future Land Use (OCP)

The proposed zone is consistent with the "Industrial" Future Land Use as outlined in the OCP.

5.2 OCP Industrial Land Use Policy Objectives

Location of New Industrial. Direct future industrial development to those areas designated for industrial purposes (see Map 19.1). The map notes a focus on future industrial development in the Highway 97 corridor, the North End and the Beaver Lake Road area.

Use of Serviced Land. Consider, when evaluating rezoning applications, the degree to which industrial proposals contribute to the efficient use of serviced industrial land within existing industrial areas.

Focus of Industry. Focus on attracting job-intensive, high-technology, knowledge-based, non-polluting businesses to the City.

Business Centres. Encourage, in areas shown as “Industrial” on Future Land Use Map 19.1, the provision of business centres that incorporate a mix of research, light manufacturing and business office uses.

Land Use Intensification. Encourage more intensive industrial use of currently under-utilized industrial sites.

Compatibility. Encourage only those new industrial developments that are compatible with surrounding land uses (e.g. visual qualities, noise, odour, transportation).

6.0 TECHNICAL COMMENTS

6.1 Building & Permitting
No Concerns.

6.2 Development Engineering
See Attached.

6.3 Fire Department
The fire department access, fire flows, and hydrants are required as per the BC Building Code and City of Kelowna Subdivision Bylaw. Additional comments may be required as the property is developed.

6.4 Ministry of Transportation

In response to your May 25, 2009 referral I can advise that this Ministry has no objection to the proposed rezoning subject to the following conditions:

1. Innovation Drive to be designed, constructed and established to a municipal standard from the north roundabout through to the existing constructed portion at the north boundary of Lot 1, Plan 34113
2. Highway 97 to be established 23m from existing mean centreline by legal survey plan.
3. No direct access to Highway 97. All access to be via the municipal street system.

6.5 Glenmore Ellison Irrigation District
GEID has no comments at this time. GEID will provide comments re: servicing requirements and CEC's when subdivision application received.

7.0 LAND USE MANAGEMENT DEPARTMENT

The purpose of the CD15 – Airport Business Park zone is to provide a zone for the development of a comprehensively planned business park for high technology, general industrial and business uses to complement the City's northern gateway development node.

From a land use perspective, Staff have no concerns with adding the subject property to the industrially designated lands within the CD-15 Airport Business Park zone. As the

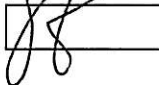
CD15 – Airport Business Park zone is intended to be a light industrial business park, the proposed use would not be in conflict with the surrounding area. As the CD15 zone has comprehensive development guidelines for outdoor storage, landscaping and outdoor display regulations, the inclusion of this property will ensure complimentary industrial uses in the City's northern gateway development node.

As a part of this rezoning application, Innovation Drive will have to be extended along the length of the western property line. This will be a considerable benefit as a direct north/south traffic linkage from UBCO to the Quail Ridge will be provided.



for:
Danielle Noble
Urban Land Use Manager

Approved for Inclusion



Shelley Gambacort
Director of Land Use Management

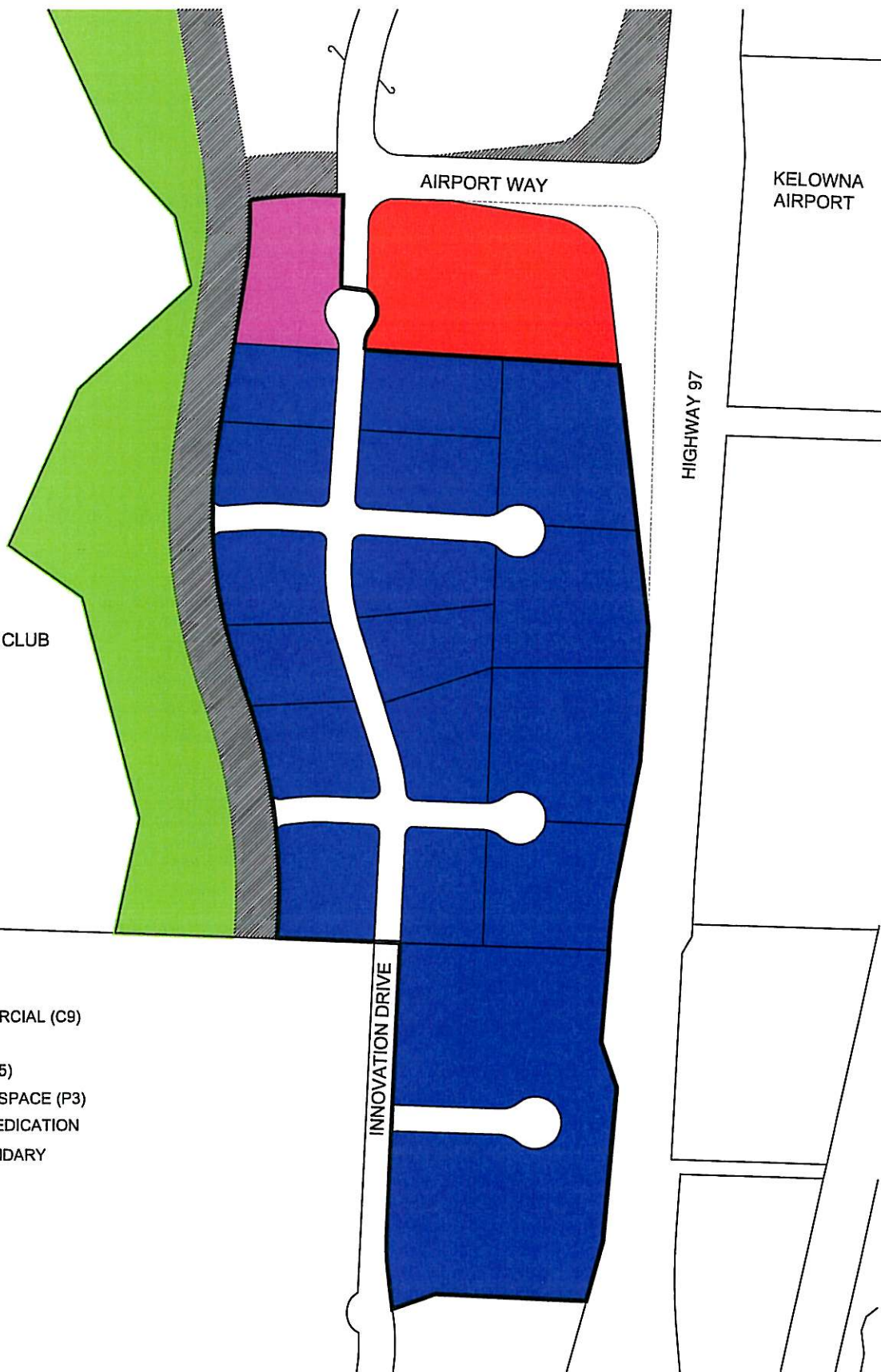
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ATTACHMENTS

Location of subject property
Parcel Plan



- MAP A -



LEGEND:

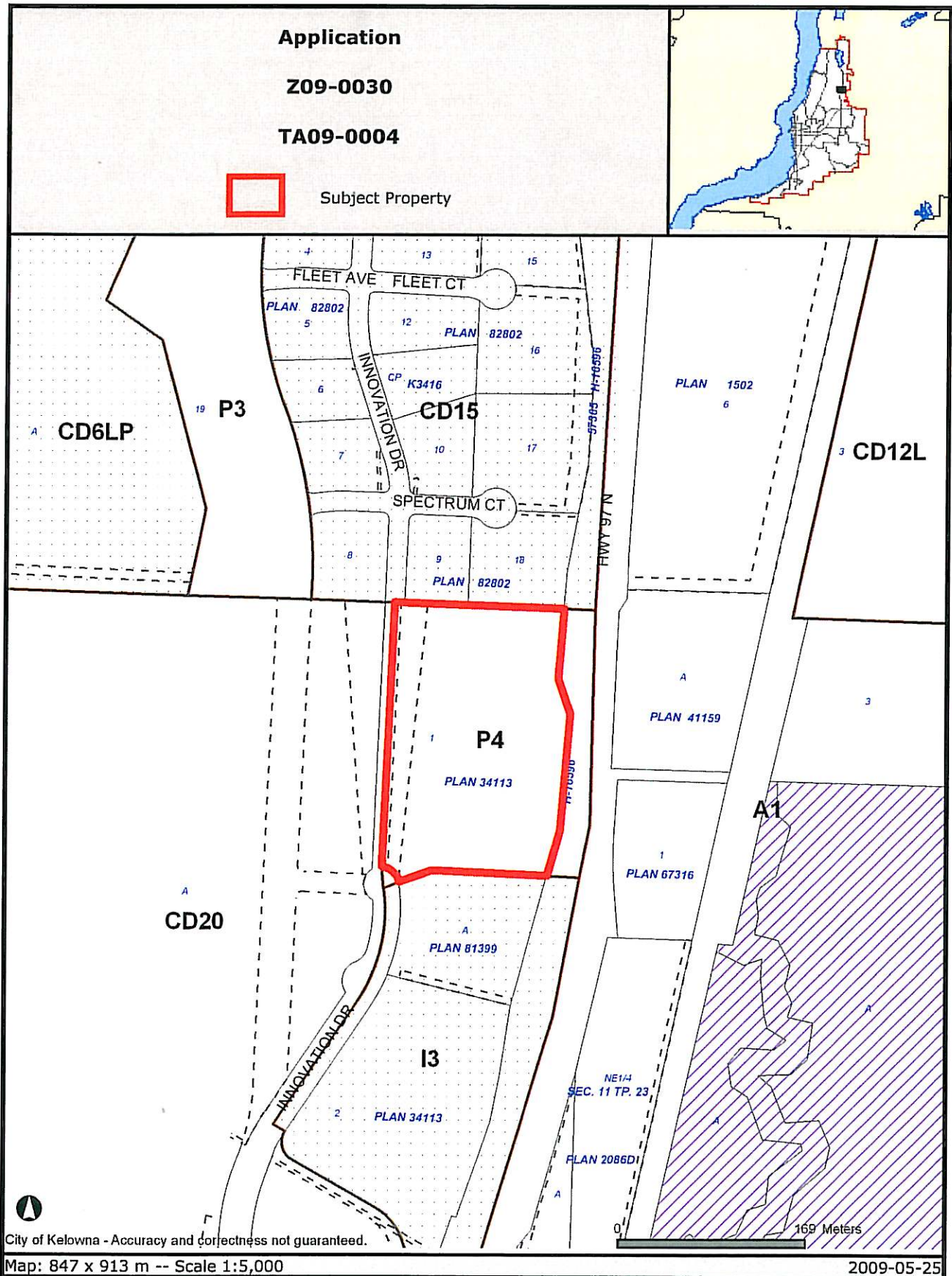
- TOURIST COMMERCIAL (C9)
- COMMERCIAL
- INDUSTRIAL (CD15)
- PARK AND OPEN SPACE (P3)
- FUTURE ROAD DEDICATION
- CD15 ZONE BOUNDARY

DATE: JUNE 26, 2009

SCALE 1:4000

AIRPORT BUSINESS PARK
PHASE 1 & 2 ZONING PLAN





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.

CITY OF KELOWNA
MEMORANDUM

Date: July 3, 2009
File No.: Z09-0030
To: Planning and Development Officer (AW)
From: Development Engineering Manager (SM)
Subject: 5220 Hwy. 97 N. – Lot 1 Plan 34113 – Sec. 11, Twp. 23, ODYD

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from P4 to CD15 Airport Business Park are as follows:

These are Development Engineering Services initial comments and are subject to the Ministry of Transportation requirements.

1. General.

- a) Dedicate the necessary widening along Hwy. 97 to establish a 23-m. Right of Way measured from the existing mean centreline or 3.0 m. beyond any slope extremities, whichever is greater. This is subject to confirmation by the MOT.
- b) Provide easements and right of ways as required.

2. Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).

- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage on the site.
- (vii) Identify slopes greater than 30%.
 - ii) Top of bank assessment and ground water disposal locations.
 - iii) Recommendations for items that should be included in a Restrictive Covenant.
 - iv) Any special requirements that the proposed subdivision should undertake so that it will not impact the westerly bank. The report must consider erosion and structural requirements.
 - v) Any items required in other sections of this document.
 - vi) Recommendations for erosion and sedimentation controls for water and wind.
 - vii) Recommendations for roof drains and perimeter drains.

3. Road Improvements and access

- a) Driveway access is not permitted onto Hwy 97. A restrictive covenant, registrable under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.
- b) Innovation Way is designated as an urban class 1 Collector road. Dedicate and construct the road in accordance as per drawings 701 (rev.6), 702 (rev. 5), 703 (rev. 2) and 704 (rev.1) prepared by site 360, approved on February 13, 2009. The existing road section from the south end of 5220 Hwy 97 N to University way should be upgraded with asphalt due to the potential increase in traffic.
- c) The existing surety bond for these works is no longer an acceptable form of security accepted by the City. The applicant will be responsible to provide performance bonding for all offsite works in the amount of 130% of the construction value. A cost estimate prepared by a Professional Engineer are required to determine the bonding requirements.
- d) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- e) Grade the fronting road boulevards in accordance with the standard drawing and provide a minimum of 50 mm of topsoil. Major cut/fill slopes must start at the property lines.

- f) Landscaped boulevards, complete with underground irrigation, is required on all roads.

4. Domestic Water and Fire protection.

- a) The property is serviced by the Glenmore Ellison Improvement District (GEID) and as such, all servicing arrangements are to be made with the District.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations and confirmation from the GEID for this subdivision. Ensure that every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits.

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 retained on site by providing catch basins, drywells all interconnected by perforated pipes in accordance with the Pier-Mac Area Structure Plan pre-design study.

6. Sanitary Sewer.

The property is not currently serviced by the municipal wastewater collection system. The existing wastewater collection system may be extended to service the subject property. A pre-design and a cost estimate prepared by a Professional Engineer are required to determine the bonding requirement.

7. Power and Telecommunication Services and Street Lights

- b) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
- c) Street lights must be installed on all roads.
- d) Before making application for approval of your subdivision plan, please make arrangements with FortisBC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- e) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- f) Remove aerial trespass(es)

8. Design and Construction

- g) 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. Drawings must conform to City standards and requirements.
- h) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- i) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- j) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- k) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

9. Servicing Agreements for Works and Services

- a. A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b. Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

10. Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

11. 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.

12. DCC Credits.

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

13. Levies and performance bonding.

Performance bonding	
Sanitary sewer extension	To be determined
Innovation Way extension	To be determined
(subject to MOT requirements)	
Levies.	
Sanitary Sewer Specified Area inclusion fee	\$250.00

Steve Muenz, P. Eng.
Development Engineering Manager

DC