

Memo



DATE: October 8, 2009
TO: City Manager
FROM: Community Sustainability Division

APPLICATION NO. Z09-0040 OWNER: T 231 Enterprises Ltd., Inc. No. 658931
AT: 2598, 2620 & 2636 Highway 97 N. APPLICANT: Olive Tree Holdings Ltd. (A. Bruce)

PURPOSE: TO REZONE THE SUBJECT PROPERTIES FROM C9 - TOURIST COMMERCIAL, C10 - SERVICE COMMERCIAL & A1 - AGRICULTURE 1 TO C3 - COMMUNITY COMMERCIAL TO ALLOW FOR A RESTAURANT AND GENERAL COMMERCIAL USES.

EXISTING ZONES: C9 - TOURIST COMMERCIAL, C10 - SERVICE COMMERCIAL & A1 - AGRICULTURE 1

PROPOSED ZONE: C3 - COMMUNITY COMMERCIAL

REPORT PREPARED BY: Alec Warrender

1.0 RECOMMENDATION

THAT Rezoning Application No. Z09-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 125, ODYD, Plan 3522, located at 2636 Highway 97 North, Kelowna, B.C. from A1 - Agriculture 1 to the C3 - Community Commercial Zone not be considered by Council;

AND THAT Rezoning Application No. Z09-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 125, ODYD, Plan 35785 Except Plan KAP83939, located at 2598 Highway 97 North, Kelowna, B.C. from C9 - Tourist Commercial to the C3 - Community Commercial Zone not be considered by Council;

FURTHER THAT Rezoning Application No. Z09-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 125, ODYD, Plan 35785 Except Plan KAP83940 located at 2620 Highway 97 North, Kelowna, B.C. from C10 - Service Commercial to the C3 - Community Commercial Zone not be considered by Council;

2.0 SUMMARY

This application seeks to rezone the subject properties from C9 - Tourist Commercial, C10 - Service Commercial & A1 - Agriculture 1 zones to the C3 - Community Commercial zone to facilitate the development of a restaurant and comprehensive general commercial uses, upon consolidation of the lots.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on August 18, 2009, the APC passed the following motion:

THAT the Advisory Planning Commission support Rezoning Application No. Z09-0040, for 2598, 2620 & 2636 Hwy 97 N; Lots 1 & 2, Plan 35785, DL125, except Plan KAP83939; Lot 1, Plan 3522, DL 125, ODYD; to rezone the subject properties from C9 - Tourist Commercial, C10 - Service Commercial; and A1 - Agriculture 1 zone to the C3 - Community Commercial zone to allow for a restaurant and general commercial use.

4.0 BACKGROUND

The subject property is located in an area that was historically designated as Industrial in the OCP. Furthermore, when the land was excluded from the Agricultural Land Reserve the arguments in favour of the exclusion were based on the need for additional Industrial lands within the City of Kelowna. Since then there has been a conversion of the Industrial designation in this general area to a Service Commercial designation. This application now proposes a conversion from the C10 - Service Commercial land use to C3 Community Commercial.

The purpose of the C3 - Community Commercial zone is to provide a zone for the development of community commercial centres to serve more than one neighbourhood. This zone is intended for urban centres where residential neighbourhoods can easily access the commercial amenities. Contrary to the purpose of the C3 zone this area is not within an Urban Centre and is not supported or centred within a residential community.

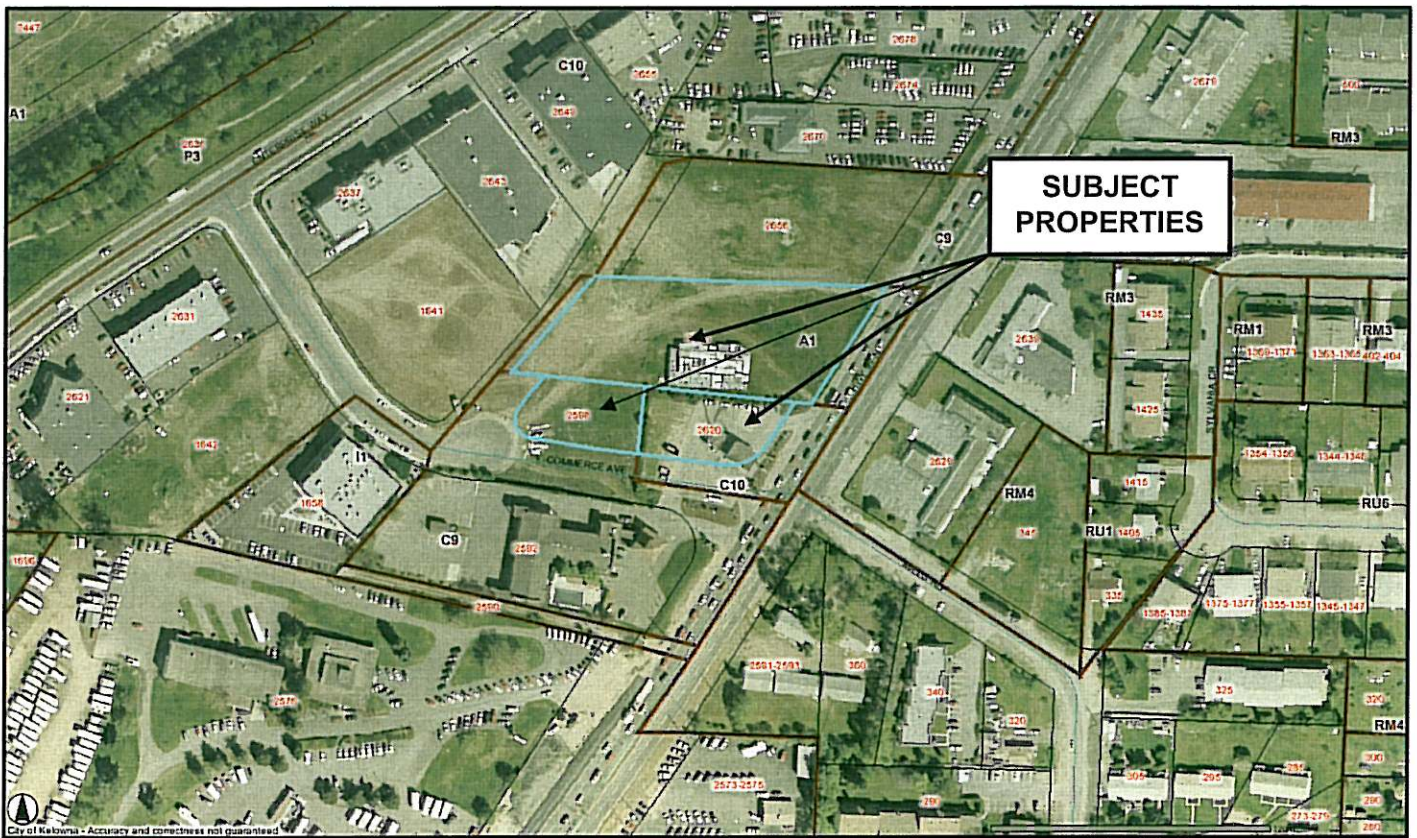
5.0 THE PROPOSAL

The purpose of this application is to rezone the subject properties to the C3 - Community Commercial zone. The intended use of the subject property is for a restaurant building and a second building with general commercial use(s).

This application would result in the dedication of land for the Jenkins Road right-of-way as well as additional widening of the Hwy 97 right-of-way. The applicant has not submitted a Development Permit application at this time, pending support for the proposed land use. Should the rezoning be favourably considered by Council, final reading of the zone amending bylaw will be withheld until a Development Permit application is brought forward for consideration.

5.1 SUBJECT PROPERTY MAP:

2598, 2620 & 2636 Highway 97 N.



5.2 Site Context

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

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	C9 - Tourist Commercial	Hotel
West	C10 - Service Commercial	Commercial
South	C9 - Tourist Commercial	Hotel
East	C9 - Tourist Commercial	Hotel

6.0 CURRENT DEVELOPMENT POLICY

6.1 Future Land Use (OCP)

The proposed zone is consistent with the “Commercial” Future Land Use as outlined in the OCP.

6.2 OCP Objectives for Commercial Development

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should provide visual interest and human scale.
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, and community cohesiveness).
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

6.3 OCP Commercial Land Use Policy Objectives

Location of New Commercial. Direct new commercial ventures to locate in areas designated for commercial purposes (see Map 19.1);

Urban Centre Focus. Encourage new retail, service, office, hotel/motel, and entertainment facilities to locate within the Urban Centres, in accordance with the provisions of Map 6.2 and the policies of Chapter 6;

Conversion from C10. Discourage the conversion of C10 Service Commercial zoned areas to C3, C4 or C7 zoning, outside of Urban Centres. The City, depending on site-specific circumstances, may support the conversion of C10 Service Commercial zoned sites to C3, C4 or C7, within Urban Centres;

7.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, whose comments are included as attachments to this report.

8.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The subject property is designated 'Commercial' in the OCP and the existing uses and zoning in the area are predominantly C9-Tourist Commercial and C10 - Service Commercial located outside of the Highway Urban Centre. OCP Policy 9.1.37 states that we should "discourage the conversion of C10 Service Commercial zoned areas to C3, C4 or C7 zoning, outside of Urban Centres". This policy was added to the OCP as a result of Council endorsement of the recommendations contained within the Commercial Study (2005).

Specifically, the Commercial Study (page 38) states:

“Generally the C10 Service Commercial zone does not allow retail uses or office commercial uses unless they are development / construction related or integral to some other service / business use. The intention would be to prevent future retail and office commercial uses, more properly located in Urban Centres, from gravitating to cheaper lease rates available in service commercial areas. The gradual conversion of service commercial nodes to allow general commercial uses could force displaced service commercial uses to seek other locations, most likely in areas extended along the highway corridor or on industrial land. This trend would impact the ability to achieve OCP objectives on growth management and intensification in Urban Centres.”

“Existing service commercial areas should be retained to prevent conversion to retail and office uses and thereby reduce sprawl from displaced service commercial along the highway corridor and into designated industrial areas. The conversion of C10 Service Commercial zones to C3, C4 or C7 should generally be discouraged outside of an Urban Centre. The City might consider support for such conversions within Urban Centres based on the merits of each case.”

The site is not located in an urban centre and therefore does not meet the OCP policy objectives for the C3 zone. There is no residential community in the immediate area between the Highway and Enterprise Way that would require the C3 - Community Commercial services. Notably, some residential uses are located east of Highway 97, however they do not have direct and safe pedestrian or vehicular access to the subject properties and are more directly served by the existing urban centre. The Dilworth Mountain community to the north is also more readily serviced by the existing urban and town centres.

The C9- Tourist Commercial and C10 - Service Commercial zones provide a sufficient range of commercial services for the employees of the businesses in the surrounding areas. Allowing the C3 - Community Commercial would allow a range of businesses not suitable to the area, and would likely raise the market value of the lands. This would create increased pressure to convert the other industrial and agricultural lands further up the highway for tourism and service uses. Eventually it could lead to the elongation of the commercial corridor and increased travel distances, working at a cross-purpose to sustainable land use objectives.

The applicant may be correct in arguing that there is no need for additional C9- Tourism Commercial uses in this area given the established hotel sites to both the north and south. However, there is a need to preserve C10 - Service Commercial uses and support C3- Community Commercial uses in existing urban areas, such as the Rutland Urban Centre.

In the applicant's letter dated July 3, 2009 (copy attached) it was noted that OCP Policy 9.1.37 discourages conversion of C10 zoned land to C3, C4 or C7. The rationale noted in support of their rezoning to C3 stated:

“One of the three subject parcels is currently zoned C10 but due to its reduced size and access limitations, it is not feasible as a stand alone C10 site.”

However, it should be noted that the proposed site plan (copy attached) shows the consolidation of the lots into one lot, 8,087 m² in area (C10 minimum lot area requirement is 1000 m²) and shows access from Commerce Avenue with a shared access off of Jenkins Road.

Should Council choose to favourably support this application, an alternate recommendation is provided.

9.0 ALTERNATE RECOMMENDATION

THAT Rezoning Application No. Z09-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 125, ODYD, Plan 3522, located at 2636 Highway 97 North, Kelowna, B.C. from A1 - Agriculture 1 to the C3 - Community Commercial Zone be considered by Council;

THAT Rezoning Application No. Z09-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 125, ODYD, Plan 35785 Except Plan KAP83939, located at 2598 Highway 97 North, Kelowna, B.C. from C9 - Tourist Commercial to the C3 - Community Commercial Zone be considered by Council;

THAT Rezoning Application No. Z09-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 125, ODYD, Plan 35785 Except Plan KAP83940 located at 2620 Highway 97 North, Kelowna, B.C. from C10 - Service Commercial to the C3 - Community Commercial Zone be considered by Council;

THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate the properties into one title;

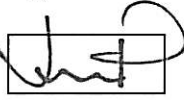
THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject properties;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.



Shelley Gambacort
Director of Land Use Management

Approved for Inclusion

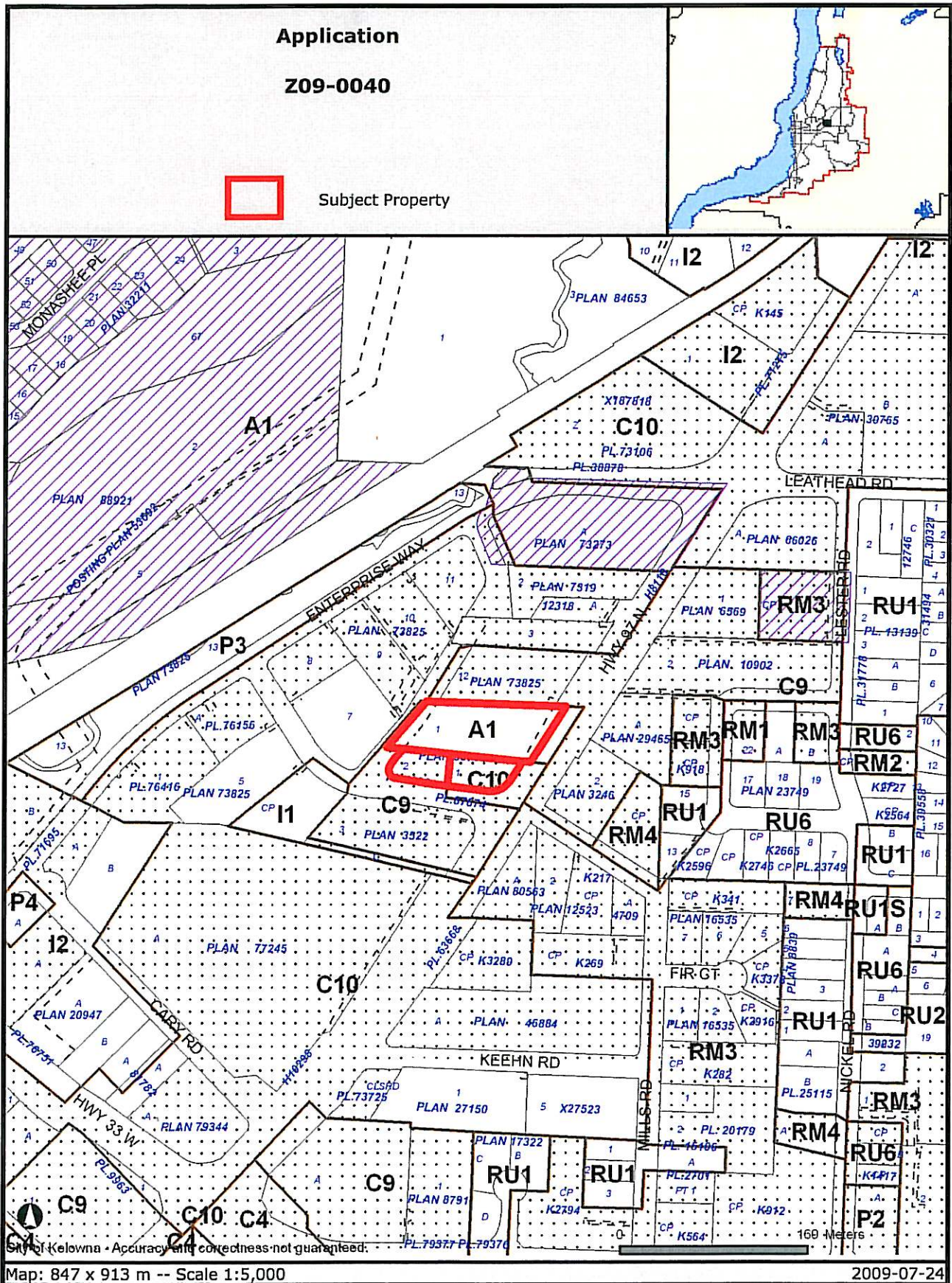


Jim Paterson
General Manager, Community Sustainability

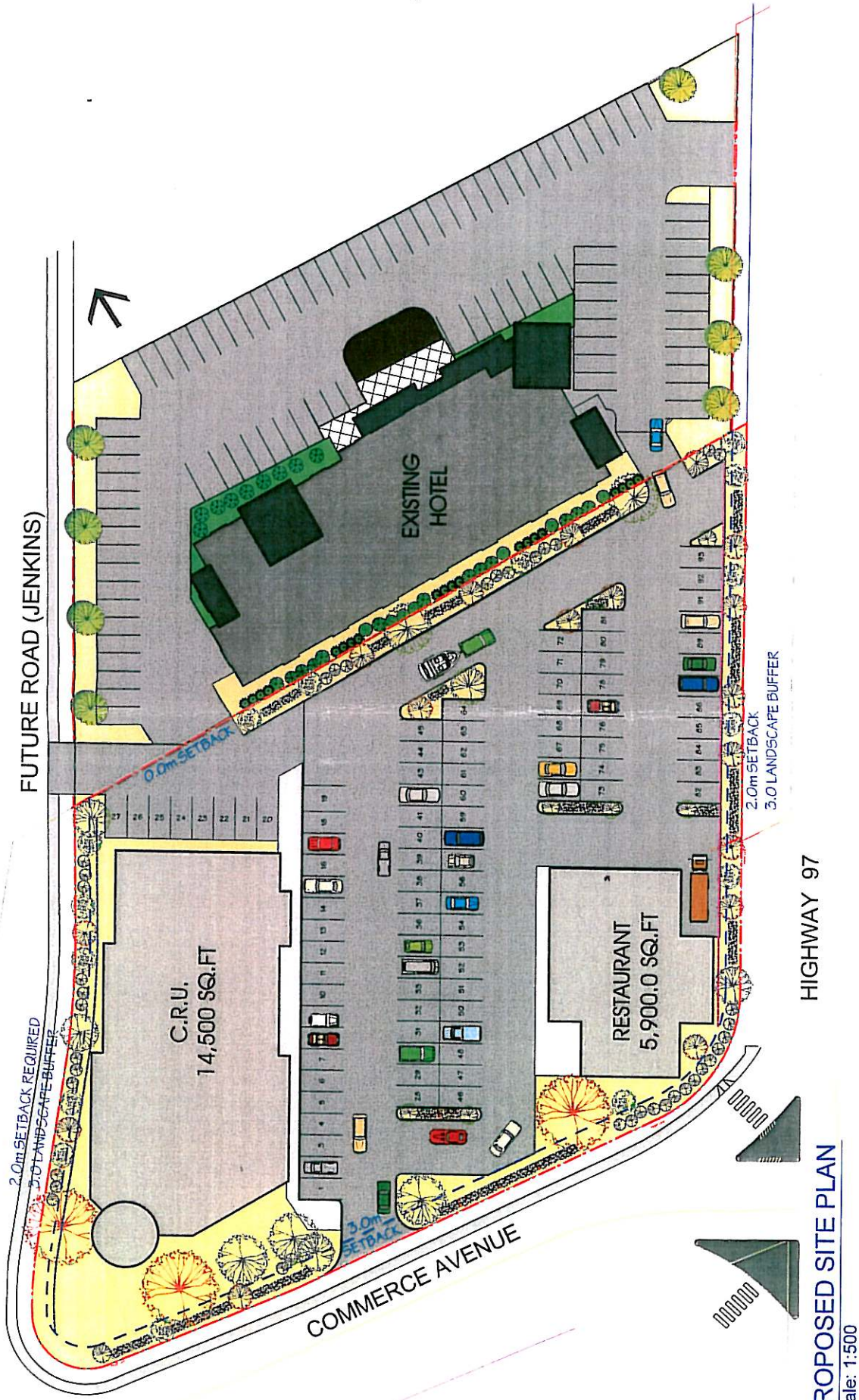
SG/DN/aw

Attachments:

Subject Property Map
Proposed Site Plan
Letter of rationale



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.



PROPOSED SITE PLAN

Scale: 1:500

Proposed Rezoning for Commercial Development at Hwy 97 & Commerce Ave.
 FOR BRAEMAR GROUP, KELOWNA, B.C.

July 3, 2009

City of Kelowna
Development Services
1435 Water Street
Kelowna, B.C.
V1Y 1J4

Subject: Rezoning Application for T 231 Enterprises Ltd. – 2598, 2620, and 2636 Highway 97 North

Please find enclosed a rezoning application for the above noted properties legally described as;

- Lot 2, DL 125, ODYD, Plan 35785 Except Plan KAP83939
- Lot 1, DL 125, ODYD, Plan 35785 Except Plan KAP83940
- Lot 1, DL 125, ODYD, Plan 3522

The following table indicates the current and proposed zoning:

Property Description	Civic Address	Current Zoning	Proposed Zoning	Area
Lot 2, Plan 35785	2598 Highway 97 N	C9	C3	1407 m ²
Lot 1, Plan 35785	2620 Highway 97 N	C10	C3	1663 m ²
Lot 1, Plan 3522	2636 Highway 97 n	A1	C3	6056 m ²
Total Gross Area				9126 m ²
Total Net Area after Road Dedications				8087 m ²

A conceptual plan for the proposed development under the C3 zone has been attached. The owner has not completed the full design to Development Permit level and wishes to proceed with rezoning based on the current conceptual plan. The owner is currently completing the construction of the Comfort Inn Suites project on the adjacent parcel to the north and is therefore aware of the conceptual shared access between the proposed development and the hotel site. In summary, the proposed development on the subject properties consists of the following details:

Detail	Proposed	C3 Zone Compliance
Net Site Area	8087 m ²	1300 m ² min (no lane)
Site Width	85 m	40 m min (no lane)
Site Depth	105 m	30 m min
Building Height	1 storey	4 Storey max, 15 m max
Front Yard	3.0 m	3.0 m min
Side yard (Flanking)	2.0 m	2.0 m min
Building Site Coverage	23.4% (1895 m ²)	50% max (4043 m ²)
F.A.R.	0.234:1	1.0:1 max

Use	Size	Required Parking	Provided Parking
Restaurant	548 m ² (120 seats)	30 stalls (1 per 4 seats)	
General Commercial Building	1347 m ²	60 stalls (4.4 per 100m ²)	
	1895 m ²	90 stalls required	93 stalls provided

Official Community Plan

The properties are all designated at Commercial for Future Land Use in the current Official Community Plan and more specifically, the proposed rezoning is relevant to the following OCP Policies:

{Comments regarding this proposal follow each policy in italics}

9.1 Commercial Policies

- 9.1.5 **Tourism Profile.** Work with tourism agencies and businesses to raise Kelowna's profile as a tourist destination, particularly in the areas of agri-tourism, cultural tourism, eco-tourism and "pre and post" convention travel;

This proposal is an infill development in an area already well served by hotels/motels and will provide for general commercial services that are highly likely to be used by guests of the various tourism commercial properties.

- 9.1.12 **Transportation Network Impacts.** Consider the rezoning of properties along the Highway Commercial corridor (including Enterprise and Springfield Roads) to allow commercial use beyond those currently provided for by the Official Community Plan only once the City has completed a comprehensive review to determine:

- how much additional traffic will be generated by future development within existing zoning;
- how much additional traffic can be accommodated on the roads within the Highway 97 corridor;
- when road capacity limits are likely to be reached;
- potential measures to reduce congestion in the corridor;
- potential implications for the OCP 20-year Major Road Network plan; and
- need for implementation of additional phases of the Central Okanagan Bypass

This area has been the subject of several transportation studies and will be contributing land and improvements to both Highway 97 and Jenkins Road to move towards completion of identified network improvements.

- 9.1.14 **Location of New Commercial.** Direct new commercial ventures to locate in areas designated for commercial purposes (see Map 19.1);

Complies with OCP Future Land Use designation.

- 9.1.15 **Urban Centre Focus.** Encourage new retail, service, office, hotel/motel, and entertainment facilities to locate within the Urban Centres, in accordance with the provisions of Map 6.2 and the policies of Chapter 6;

Although not within an Urban Centre, the subject properties are within 400 m of the Springfield/Highway 97 Urban Centre boundary and are designated for commercial use by the OCP Future Land Use designation.

- 9.1.21 **Location of Large-scale Commercial.** Direct large-scale commercial facilities to potential areas within the Highway Centre and that area generally west of Highway 97 and south of Leathead Road, on the former Central Park Golf Course site, and in the McCurdy Road area east of Highway 97;

Although not large scale on its own, this proposal should be viewed to existing tourist commercial uses within the immediate vicinity. Collectively, they could be considered larger scale.

- 9.1.37 **Conversion from C10.** Discourage the conversion of C10 Service Commercial zoned areas to C3, C4 or C7 zoning, outside of Urban Centres. The City, depending on site-specific circumstances, may support the conversion of C10 Service Commercial zoned sites to C3, C4 or C7, within Urban Centres;

One of the three subject parcels is currently zoned C10 but due to its reduced size and access limitations, it is not feasible as a stand alone C10 site.

- 9.1.38 **Retail Impact Analysis.** Require that any commercial rezoning application over 2,300 m² and outside designated Urban / Village / Neighbourhood Centres, as identified in OCP Map 6.2 and the Urban Centre definitions, fund a Retail Impact Analysis identifying associated Urban Centre impacts;

The total commercial floor area proposed by this application is less than 2300 m².

Surrounding Land Uses

The immediately surrounding land uses to the subject property are:

North - C9: new Comfort inn Suites

South – C9: Super 8 Motel

East - C9: Days Inn Motel

West- C10:

Adjacent to the C9 lands to the east, there is a well established residential community. North of the Enterprise/Leathead intersection with Highway 97, the predominant land use is industrial with some service commercial. Southeast of Highway 33 (approximately 400 m from the subject property) is the Springfield/Highway 97 Urban Centre. Northeast of the subject property is Dilworth Mountain residential community.

Rationale for Application

The subject properties are comprised of two lots that have been impacted by the joint City and MoT project that created Commerce Avenue and Jenkins Street – otherwise known as the mid-Line Road project. Lots 1 and 2, Plan 35785 were reduced in area by the Commerce Avenue dedication. Both of these lots were previously zoned for commercial uses. Lot 1, Plan 3522 remains zoned A1 and is the only lot in the general area that has not been previously developed. The amalgamation of these three lots is the most logical way of developing this last remnant of undeveloped land due to lot configuration and access. This proposal contemplates dedicating land to add to the Jenkins Road right of way as well as additional widening to the Highway 97 right of way. There remains one more parcel that needs to provide land for Jenkins Road in order to complete the long planned for Mid-Line Road.

The majority of the land on the northwest side of Highway 97 between Highway 33 and the intersection of Enterprise Way and Highway 97 is zoned C10 with some lands zoned I1 and I2. There is also a minor concentration of C9 lands on both side of Highway 97 in the immediate vicinity of the subject properties.

The intended use of the subject property is a restaurant building and a second building with some general commercial use. As the property is designated commercial in the OCP, the proposed rezoning does not require an amendment to the OCP Future land Use designation. However, there are policies within Chapter 9 that would indicate C3 is not the preferred commercial zone for the development of the subject property. We believe the intent of these policies was to try to provide some containment of C3 or general commercial uses to the Urban Centres (Both Rutland and Springfield/Highway 97 Urban Centres are within close proximity). However, as this is the last piece of land within the general area that has not been developed, we feel that allowing a small amount of C3 zoned land at this location does not compromise the intent of the OCP policies. Furthermore, there is already ample land zoned and developed for C9 (Tourism Commercial) in the immediate vicinity. The restaurant use could be

developed under either C9 or C10 zones so the only use that is specific to the request for the C3 zoning is the approximately 1350 m2 of general commercial. This amount falls under the policy requirement of 2300 m2 that would trigger a Retail Impact Analysis and should therefore not trigger concerns about diluting or raising unwarranted competition to the C3 or general commercial concentrations within the adjacent urban Centres. It could be further argued that this amount of general commercial compliments the other commercial and industrial uses as well as the residential community located to the east of the subject property.

We respectfully submit that the proposed rezoning for the subject properties is a responsible and appropriate approach to infill development with the established land use pattern for the immediate area. We are happy to answer any questions and look forward to our opportunity to present our application to staff, Advisory Planning Commission and Council.

Yours truly,

A handwritten signature in black ink that reads "Andrew Bruce". The signature is written in a cursive, flowing style.

Andrew Bruce

President

Olive tree Holdings Ltd.

File: Z09-0040

Application

File: Z09-0040

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only) 2009-07-24 2009-07-24
			RREADY	No concerns with preliminary plan, construction drawings required for code review.
				Building & Permitting 2009-07-24 2009-07-24
				Development Engineering Branch 2009-07-24 2009-09-11
			GDAFT	See "Documents" Tab.
				Fire Department 2009-07-24 2009-07-27
				There is no objections to the change in zoning. The fire department access, fire flows, and hydrants are required as per the BC Building Code and City of Kelowna Subdivision Bylaw 7900. The emergency response from the fire department to the existing hotel and the new commercial buildings would benefit from the completion of Jenkins Road as this would provide an addition access route and fire hydrant. Additional comments will be required as the property is developed and building plans are submitted.
				FortisBC 2009-07-24 2009-10-08
				No Comment provided
				Irrigation District - RWD 2009-07-24 2009-08-05
				RWD has no objection to rezoning as outlined in the request for comment. Should there be future application for DP or BP, RWD will forward the request for comment to our engineer for response.
				Ministry of Transportation 2009-07-24 2009-09-17
				MOT File No. 2009-04413. In response to your rezoning application, I can advise that the Ministry has no objection in principle subject to:
				1. No Direct access to Highway 97 for the proposed development.
				2. Consolidation of Lot 1 Plan 3522, Lot 1 Plan 35785 Except Plan KAP83940 and Lot 2 Plan KAP35785, Except Plan KAP83939 all in D.L. 125 ODYD as shown on proposed subdivision plan submitted in referral package.
				3. That the portion of Jenkins Road (mid-line road) be constructed to City of Kelowna standards from Commerce Avenue to the east boundary of development property in order to provide access to the Comfort Inn Suites.
				4. As per Conditions "C" and "15" of Controlled Access Permit: 02-081-21849 and Covenant: KV093072 (copies attached) registered on title for Lot 12, District Lot 125 ODYD Plan KAP73825; once access to Comfort Inn Suites is served from Jenkins Road, the temporary access to Highway 97 is to be removed and the shoulder, curb, etc. is to be restored with BC MOT standard non-mountable curb, and all appropriate sidewalk and boulevard treatments restored to match ambient conditions.
			TBARTON	As part of the landscaping for the development, we recommend that street trees are planted adjacent to the sidewalk at an 8.0 m spacing. Appropriate trees include Red Oak, Londonplane Tree, and/or Tulip Trees.
				Parks Planning Manager 2009-07-24 2009-08-05
				The subject property is designated Commercial in the OCP and the existing uses and zoning in the area is predominantly C9 Tourist Commercial and C10 Service Commercial. OCP Policy 9.1.37 states that we should "discourage the conversion of C10 Service Commercial zoned areas to C3, C4 or C7 zoning, outside of Urban Centres". Much of this area has already been upgraded from industrial to service commercial and additional consideration for an even greater level of commercial services is inappropriate in this tourist and service commercial node.
				Policy & Planning 2009-07-24 2009-08-21
				This site is not located in an Urban or Village Centre and there is no residential community in the area that would require C3 Community Commercial services. The C9 and C10 zones provide a sufficient level of commercial services for the employees of businesses in this area without the need to allow a range of uses not suitable to this area. Allowing C3 Community Commercial would set a precedent for the area and raise the value of these lands so that tourist and service commercial uses could not compete. The result would likely be pressure to convert other tourism / service uses in the area to a higher use and force the tourism and service uses to relocate - likely further out the highway corridor and thereby putting increased pressure on industrial and agricultural lands.
				Therefore it is recommended that this rezoning application not be supported.

File: Z09-0040

Seq	Out	In	By	Comment
2	Policy & Planning 2009-09-18	2009-09-18		<p>As discussed here are some additional comments on this application with respect to historical input and the context of the site location.</p> <p>The subject property is designated Commercial in the OCP and the existing uses and zoning in the area is predominantly C9 Tourist Commercial and C10 Service Commercial located outside of the Highway Urban Centre. OCP Policy 9.1.37 states that we should "discourage the conversion of C10 Service Commercial zoned areas to C3, C4 or C7 zoning, outside of Urban Centres". This policy was added to the OCP as a result of Council endorsement of the Commercial Study (2005). Therefore we have indicated that this application should not be supported.</p> <p>Here is an excerpt from the Commercial Study (page 38) with respect to the conversion of C10 zoned lands to C3, C4 or C7.</p> <p>Generally the C10 Service Commercial zone does not allow retail uses or office commercial uses unless they are development / construction related or integral to some other service / business use. The intention would be to prevent future retail and office commercial uses, more properly located in Urban Centres, from gravitating to cheaper lease rates available in service commercial areas. The gradual conversion of service commercial nodes to allow general commercial uses could force displaced service commercial uses to seek other locations, most likely in areas extended along the highway corridor or on industrial land. This trend would impact the ability to achieve OCP objectives on growth management and intensification in Urban Centres.</p> <p>Existing service commercial areas should be retained to prevent conversion to retail and office uses and thereby reduce sprawl from displaced service commercial along the highway corridor and into designated industrial areas. The conversion of C10 Service Commercial zones to C3, C4 or C7 should generally be discouraged outside of an Urban Centre. The City might consider support for such conversions within Urban Centres based on</p>
	Public Health Inspector 2009-07-24	2009-08-13		No comment.
	RCMP 2009-07-24	2009-08-06		No comment.
	Real Estate & Building Services Manager 2009-07-24	2009-07-30	KGENCE	RE&BS Comments for Inclusion in Council Report: 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 Real Estate & Building Services Department requires a full-sized copy, together with an 8 1/2 x 11 copy, of any survey plans.
	School District No. 23 2009-07-24	2009-10-08		No Comment provided
	Shaw Cable 2009-07-24	2009-10-08		No Comment provided
	Telus 2009-07-24	2009-08-19		Telus will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.
	Terasen Utility Services 2009-07-24	2009-09-01		Terasen Gas' facilities will not be adversely impacted by this proposal; therefore, Terasen Gas has no objection to the proposal at the above-noted location.

CITY OF KELOWNA
MEMORANDUM

File No.: Z09-0040
Date: September 10, 2009
To: Land Use Planner (AW)
From: Development Engineering Manager (SM)
Subject: 2598, 2620, 2636 Hwy 97 N. - Lot 1, Plan 3522 and Lot 1 & 2 plan 35785, DL 125

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

These are Works and Utilities initial comments and they may be subject to the MOT comments and requirements.

1. General

- a) Consolidate the properties and provide easements as may be required.
- b) Dedicate Jenkins Road right of way along lot 1, plan 3522 to match the property lines of the adjacent lots.
- c) Dedicate the Highway 97 right of way along lot 1, plan 3522 to match the property lines of the adjacent lots.
- d) Register a reciprocal cross access easement between the proposed development and the adjacent hotel site to the North of the subject property.

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays.

3. Domestic water and fire protection.

- a) The subject property is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection and upgrading costs are to be paid directly to the RWD.

4. Sanitary Sewer.

Lot 1, plan 35785 is currently serviced by the municipal wastewater collection system and is located within Specified Area #1. According to our records the property is serviced with a 250 mm. pipe. The existing service would be adequate to serve the entire consolidated properties.

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 but can be deferred until the application for a building permit is made

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. Access.

- a) There is a Highway Access Management Plan intended to preclude direct access to the Highway wherever possible, the subject property is affected by the plan.
- b) The Ministry of Transportation has indicated that the direct access onto Hwy 97 will not be granted for this development. Access will have to be provided from Commerce Avenue and Jenkins Street.

8. Road improvements.

Hwy 97

The applicant is responsible to construct a separate sidewalk along the frontage of the property. The elevation of the sidewalk must be set to accommodate the ultimate cross-section of Hwy 97. The cost of the sidewalk is estimated at **\$10,500.00** inclusive of a bonding escalation. Note that the applicant is not required to do the construction at this point in time. The construction can be deferred and the City will initiate the work later at its own construction schedule, the cost would then be reduced to **\$9,500.00**.

Commerce Avenue

The applicant is responsible to construct a sidewalk at the back of the existing curb along the frontage of Commerce Avenue and replace a section of the curb to accommodate the driveway. The cost of these works is estimated at **\$15,800.00** inclusive of a bonding escalation.

Jenkins Street.

The construction of Jenkins Street has been identified in an agreement between the City, the MOT and the original developer of the Mill Creek Industrial park. The subject properties are not included in the agreement; therefore the applicant is required to construct Jenkins Street along the frontage of the consolidated properties to the City of Kelowna urban standard SS-R5. The construction is to include a minimum of 8.0m. asphalt carriageway, curb, gutter, sidewalk, piped storm drainage, street lights, landscaped boulevard, etc. The cost of these works is estimated at **\$77,200.00** inclusive of a bonding escalation

9. Street lights.

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

10. Design and Construction.

- a) 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.
- b) 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.
- c) 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).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) 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.

11. 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 or reports 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.

12. Bonding and Levies Summary.

a) Performance Bonding

Sidewalk construction on Commerce Ave	\$ 15,800.00
Jenkins Road construction	<u>\$ 77,200.00</u>
Total Bonding	<u>\$ 93,000.00</u>

b) Levies

Sidewalk construction on Hwy 97	\$ 9,500.00
Administration and Engineering Fee (inc. GST)	<u>\$ 2,605.05</u>
Total Levies	<u>\$ 12,105.05</u>

Steve Muenz, P. Eng.
Development Engineering Manager