

Memo



Date: October 5, 2010

To: City Manager

From: Land Use Management, Community Sustainability

Application: OCP09-0012 / Z09-0035 / TA10-0008 **Owners:** Matthew Ewonus, Kimberly & John Berg, Shanny & Marlin Toews, 567752 BC Ltd.
Address: 3130, 3150, 3170, 3190 Sexsmith Rd **Applicant:** Protech Consultants Ltd.

Subject: OCP text and designation amendment, Zoning Bylaw text amendment, Rezoning

Existing OCP Designation: Single/Two Unit Residential

Proposed OCP Designation: Industrial - Limited

Existing Zone: A1 - Agriculture 1

Proposed Zone: I6 - Low-Impact Transitional Industrial

1.0 Recommendation

THAT OCP Bylaw Amendment No. OCP09-0012 to amend Kelowna 2020 - Official Community Plan Bylaw No. 7600 by creating a new future land use designation, Industrial - Limited, as outlined in Schedule "A" of the report of the Land Use Management Department dated October 5, 2010, be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP09-0012 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600, by changing the Future Land Use designations of Lot 25 Sections 2 and 3 Township 23 ODYD Plan 18861, Lot 26 Section 3 Township 23 ODYD Plan 18861, Lot 27 Section 3 Township 23 ODYD Plan 18861, Lot 28 Section 3 Township 23 ODYD Plan 18861, located at 3130, 3150, 3170, and 3190 Sexsmith Road, Kelowna, BC from the Single/Two Unit Residential designation to the Industrial - Limited designation, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA10-0008 to amend City of Kelowna Zoning Bylaw No. 8000, by creating the I6 - Low-Impact Transitional Industrial zone as outlined in Schedules "B" and "C" of the report of the Land Use Management Department dated October 5, 2010, be considered by Council;

AND THAT Rezoning Application No. Z09-0035 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classifications of Lot 25 Sections 2 and 3 Township 23 ODYD Plan 18861, Lot 26 Section 3 Township 23 ODYD Plan 18861, Lot 27 Section 3 Township 23 ODYD Plan 18861, Lot 28 Section 3 Township 23 ODYD Plan 18861, located at 3130, 3150, 3170, and 3190 Sexsmith Road, Kelowna, BC from the A1 - Agriculture 1 zone to the I6 - Low-Impact Transitional Industrial zone, be considered by Council;

AND THAT the OCP Text/Bylaw Amendment No. OCP09-0012, Zoning Bylaw Text Amendment No. TA10-0008, and Rezoning Application No. Z09-0035 be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP/Zone Amending Bylaws be considered subsequent to the requirements of the Development Engineering Branch and the Glenmore Ellison Irrigation District being completed to their satisfaction;

AND FURTHER THAT final adoption of the OCP/Zone Amending Bylaws be considered in conjunction with Council's consideration of Development Permit(s) for the subject properties.

2.0 Purpose

The applicant proposes to amend the OCP in order to create the new Industrial - Limited future land use designation and to amend the future land use designation of the subject properties from Single/Two Unit Residential to Industrial - Limited. In addition, the applicant proposes a text amendment to Zoning Bylaw No. 8000 in order to create the proposed I6 - Low-Impact Transitional Industrial zone. The applicant further proposes to rezone the subject properties from the A1 - Agriculture 1 zone to the new I6 - Low-Impact Transitional Industrial zone.

3.0 Land Use Management

Staff have worked with the applicant group extensively over the past year to arrive at a zone and land use mix that achieves a satisfactory outcome for all parties, and staff commend the applicants for their willingness to collaborate and compromise.

During the Official Community Plan review public consultation, a home-based industry designation had been contemplated and received broad public support. This application represents the evolution of that idea and it is proceeding to Council ahead of the OCP. Should Council find the proposed future land use designation and zone acceptable, the Industrial - Limited future land use designation would be considered for the balance of the area and included in the revised 2030 OCP for Council's consideration. Each property owner would then require rezoning under individual applications whenever they wish to proceed.

The zone is intended to perform a transition role allowing for reasonable land uses between general industrial, to the south, and residential/rural to the north. Minimum lot areas and dimensions are intended to match the existing lot pattern, and the opportunity exists for smaller scale industrial uses (but land assembly is still possible). Uses included were selected on the basis of limiting the potential impact to the existing and future neighbourhood, including noise, traffic, odour, vibrations, light, et al. While general local support was expressed for industrial land uses as part of the OCP review, the hope is to allow residential uses to prevail, recognizing that the area is not going to change from residential/rural to industrial overnight. This is to be achieved with design guidelines, setbacks, and buffer treatments to be applied to redeveloping properties.

A new future land use designation was required in the OCP in order to ensure that other, conventional industrial zones would not be applied inappropriately to properties that should be seeking the new I6 - Low-Impact Transitional Industrial zone. Thus, the new Industrial - Limited future land use designation includes the I6 - Low-Impact Transitional Industrial zone but precludes the use of other industrial zones, such as I2 - General Industrial or I3 - Heavy Industrial.

Integrated into the zone are development regulations and design guidelines that seek to respond to the surrounding land use context. For example, industrial building setbacks expand if a residential land use is adjacent, and building height also interacts with building setbacks. Proposed residential and industrial building heights are comparable in storeys, although industrial storeys are typically larger than residential storeys. The design guidelines speak to building particulars such as addressing the street and providing a prominent pedestrian entrance. Ultimately the zone's development regulations and integrated design guidelines intend to provide

for buffering and building design that will result in minimal visual impact from the transitional industrial and not interfering with the enjoyment of adjacent residential lands.

A unique component of the proposed zone is that single detached dwellings will be allowed on the same lot as the transitional industrial activity, hopefully creating a niche opportunity for small (family) business live/work expansion within the City. Industrial zones typically only allow for a limited security/operator unit.

4.0 Proposal

4.1 Site Context

The subject properties are located in the Highway 97 OCP sector, on Sexsmith Rd approximately 700-800 metres west of the highway and across from existing designated, industrially zoned properties.



This portion of Sexsmith Rd is identified in the OCP as a four-lane arterial, and as a result permanent, future road access is to be from the north via the currently unconstructed Palomino Rd. The subject properties are not within the Agricultural Land Reserve.

The surrounding area is utilized for a variety of land uses, and there are a number of bylaw enforcement files in the subject area relating to illegal home-based businesses operating in the A1 - Agriculture 1 zone. The area has and continues to represent a challenge for enforcement and land use appropriateness.

Specifically, the adjacent zones are:

Direction	Zone	ALR
North	A1 - Agriculture 1	No

South	I2 - General Industrial	No
East	A1 - Agriculture 1	No
West	A1 - Agriculture 1	No

4.2 Background

During public consultation associated with the ongoing Official Community Plan Review, the Sexsmith Road area was noted as being under consideration for a home-based business industrial future land use designation. The designation had been conceptually described as follows:

“Home Industry area. This area will allow home industry which includes larger home based businesses that may require a large shop or garage, and screened areas for outdoor storage. Examples include a trucking operation with one or two trucks, a smaller scale contracting operation with 2 - 3 pieces of equipment, landscaping business with some outdoor storage of landscaping materials, or a small scale assembly and manufacturing operation that employs one or two extra people.”

The July 24, 2009 status report (received by Council on August 10, 2009) for the OCP review (Phase 2) public consultation notes the following:

“Within the UBCO area ... a Home Based-business Industrial corridor [was] very strongly supported.” (p. 4)

“The idea of allowing home based industry in the Appaloosa Road area was agreed/strongly agreed to by nearly 60% of respondents [to the online survey]. Many were neutral (31.4%) and only a few (8.9%) disagree or strongly disagree.” (p. 6)

“It is interesting to note the high number of dots [*Note: dots represent feedback from the public open house and were placed on display panels by respondents*] (33 green and 7 red for a total of 40 dots) for the Home Based Industrial in the Arab/Appaloosa area, which was second only to the number of dots associated with the Downtown [*area’s land use changes*]. This indicates a high level of interest in the land uses for this area.” (p. 12)

The applicant group applied in July 2009 to amend the OCP future land use designation to Industrial and to rezone to the I2 - General Industrial zone for their properties. In August of 2009 staff noted that this proposed land use change was premature in light of the ongoing OCP review and that staff were not able to support full-scale general industry in an area that is intended as a transition between differing land uses (industrial to the south and residential/rural to the north).

Staff and the applicant have been working collaboratively on a solution that provides for a limited set of transitional industrial uses and appropriate development regulations while also allowing sufficient development to offset the significant future servicing costs (future construction of Palomino Rd between Pinto Rd and Arab Rd, substantial sewer and water upgrades, and frontage improvements).

4.3 Project Description

The applicant group is proposing these amendments to the City of Kelowna Official Community Plan and Zoning Bylaw No. 8000 in order to implement proposed land use changes that would permit a novel form of transitional industrial development.

The application and subject properties compare with the proposed I6 - Low-Impact Transitional Industrial zone as follows. Provisions of the I2 - General Industrial zone are also included for ease of comparison.

Criteria	Proposed	I6 Zone Requirement	I2 Zone Requirement
Lot Area	7445 to 7501 m ²	3500 m ² (w/ sewer)	4000 m ² (w/ sewer)
Lot Width	64.38 to 64.92 m	40.0 m	40.0 m
Lot Depth	115.68 to 115.85 m	50.0 m	35.0 m
Floor Area Ratio (FAR)	n/a	1.0	1.5
Site Coverage (buildings, driveways, and parking)	n/a	60%	n/a
Site Coverage (buildings)	n/a	n/a	60%
Max. Height	n/a	Residential: Lesser of 9.5 m or 2½ storeys Industrial: Lesser of 14.0 m or 3 storeys	14.0 m
Front Yard	n/a	4.5 m, 9.0 m from garage or carport entry from front, 6.0 m for portions of industrial buildings and structures greater than 2 storeys or 9.5 m in height	7.5 m
Side Yard	n/a	Residential: 3.0 m Industrial: 0.0 m, or 3.0 m from flanking street, or when adjacent to residential land use, 3.0 m for a structure not exceeding 4.5 m in height otherwise 7.5 m	0.0 m abutting C or I zones, 4.5 m otherwise, and 6.0 m on a flanking street
Rear Yard	n/a	Residential: 7.5 m Industrial: 0.0 m, or when adjacent to residential land use, 30.0 m	0.0 m abutting C or I zones, 6.0 m otherwise

Land uses provided for in the proposed zone were selected on the basis of potential for neighbourhood impact (traffic, noise, light, odour, et al) and the appropriateness of the use as a

transition. Design guidelines are integrated into the zone itself (similar to the CD15 - Airport Business Park zone) in order to minimize potential impact and ensure that appropriate transitional qualities are achieved during development of the area.

In addition, Development Permits for form and character would be required for those industrial developments occurring along Sexsmith Road and the future extension of Hollywood Road, as these are identified in the current OCP as General Commercial and Industrial Development Permit Areas. It is possible that the draft 2030 OCP could propose modified Development Permit Areas in this location.

5.0 Current Development Policies

5.1 Public Process

Staff recommends that the Advisory Planning Commission public process should be considered appropriate consultation for the purpose of Section 879 of the Local Government Act, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

Staff have reviewed this application and it may move forward without affecting either the City's financial plan or waste management plan.

5.2 Kelowna 2020 - Official Community Plan

The subject properties are currently designated as Single/Two Unit Residential for future land use. Relevant policies are included below.

Growth Management Policies:

Minimize Impact on Agricultural Lands. Support the Agricultural Land Reserve and establish a defined urban-rural/agricultural boundary, as indicated on Map 11.2 - Urban - Rural/Agricultural Boundary, utilizing existing roads, topographic features, or watercourses wherever possible. The City will direct urban uses to land within the urban portion of the defined urban-rural/agricultural boundary, in the interest of reducing development and speculative pressure, toward the preservation of agricultural lands. The City will discourage further extension of existing urban areas into agricultural lands.

Encourage Mixed Use Developments. Encourage a mix of residential, employment, institutional, and recreational uses within individual buildings or larger development projects, and an increased share of development going to the designated Urban Centres, to provide access by proximity, thereby reducing transportation-related pollution and urban sprawl.

Industrial Policies:

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.

Rezoning to Industrial. Consider allowing land not designated on Future Land Use Map 19.1 to be supported for an Official Community Plan amendment and subsequently rezoning to allow industrial uses provided that such a rezoning would be consistent with other Official Community Plan policies and provided that the industrial use would be compatible with existing and proposed future surrounding uses, as indicated on the Future Land Use Map 19.1. Compatibility issues to consider include, but are not limited to, visual impact, noise, odour, hours of operation, pollution and traffic.

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.

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).

Location of Heavy Industry. Deter heavy industries from locating in areas that would negatively affect existing neighbourhoods or businesses.

6.0 Technical Comments

Building & Permitting. No comment.

Development Engineering. See attached.

Fire Department. There are 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. Additional comments may be required as the property is developed.

Glenmore Ellison Irrigation District. See attached.

Ministry of Transportation. No objections.

Policy & Planning. The subject property is currently designated as Single / Two Unit Residential in the OCP. In addition, a portion of the eastern most lot is identified as being required for the extension of Hollywood Road. The current OCP designation is predicated on the future extension of sanitary sewer that would enable the further subdivision of this area into residential lots.

As part of the OCP Review consideration has been given to a new OCP designation that would provide an opportunity for home based businesses of a larger scale that may include some industrial component. However the OCP public and political consultation is not yet complete.

Interior Health. No concerns provided community water and sanitary sewer are available.

7.0 Application Chronology

Date of Application Received: July 8, 2009

Advisory Planning Commission July 20, 2010

The above noted application was reviewed by the Advisory Planning Commission at the meeting on July 20, 2010 and the following recommendations were passed:

THAT the Advisory Planning Commission support Official Community Plan Bylaw Amendment Application No. OCP09-0012, for 3130, 3150, 3170 and 3190 Sexsmith Road to amend the Official Community Plan to create the Industrial-Limited future land use designation and to amend the future land use designation of the subject properties from Single/Two Unit Residential to Industrial-Limited.

THAT the Advisory Planning Commission support Text Amendment Application No. TA10-0008 for to create the proposed I6 - Low Impact Transitional Industrial zone.


THAT the Advisory Planning Commission support Rezoning Application No. Z09-0035, for 3130, 3150, 3170 and 3190 Sexsmith Road, in order to rezone the subject properties from the A1 - Agriculture 1 zone to the I6 - Low-Impact Transitional Industrial zone.

In addition, the following anecdotal comments were recorded in the minutes:

While the Advisory Planning Commission supports the Text Amendment, Members suggested that the inclusion of food primary establishments and liquor primary establishment uses be reconsidered. It was also noted that pedestrianization or civic improvements be included in the Design Guidelines.

Note: Design guidelines integrated into the zone mandate that buildings address the street and provide a prominent front pedestrian entrance. Street urbanization (incl. curb, gutter, and sidewalk) will be dealt with at the Development Permit stage for any given development, with payment of frontage improvement charges.

Report prepared by:



Andrew Browne, Planner II

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

Approved for inclusion:



Jim Paterson General Manager, Community Sustainability

Attachments:

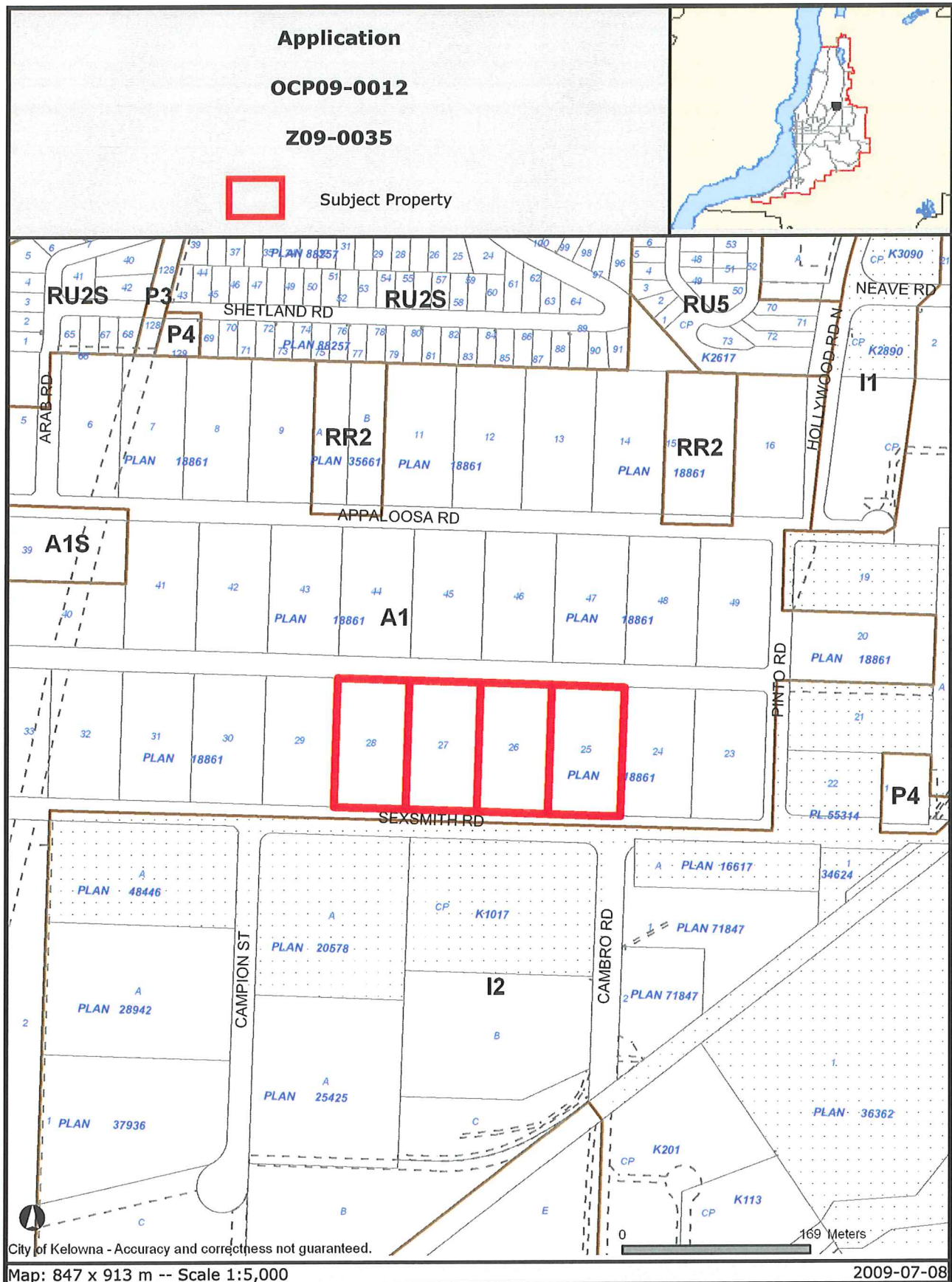
Subject properties and zoning map

Technical comments

Schedule A - OCP amendments

Schedule B - Zoning Bylaw amendments

Schedule C - Zoning Bylaw amendments



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: September 29, 2010
File No.: Z09-0035
To: Planning & Development Services Department (AB)
From: Development Engineer Manager (SM)
Subject: 3130, 3150, 3170, 3190 Sexsmith Rd., Lot 25-28 Plan 18861

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from A-1 to I2 are as follows:

1. General.

- a) Provide easements as may be required.
- b) Provide a 5.0m road dedication along the entire frontage of Sexsmith Road to accommodate the future 4 lane improvements.
- c) Provide road dedication for the Future Hollywood Road North extension.
- d) Access to the subject lots must ultimately be achieved off of Palamino Road as Sexsmith Road is designated as a 4 lane arterial and access will be restricted. Until such time that Palamino Road is built, the subject properties can have a total of two accesses off Sexsmith Road. This will require mutual access agreements registered on title of the properties.

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the subject property. 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. Sanitary Sewer System.

The subject properties have been pre-serviced as part of the Sol Terra Development. The proposed development lots are within the sanitary sewer connection area #35 and are subject to the associated charges.

The Specified Area #35 charges (19,500 per SFE) will have to be cash commuted in accordance with the City of Kelowna current policies. The charges are 2.8 SFE per acre for a total of 20.69 SFE (7.39 acres x 2.8sfe). The total pay-out charge for this development will be \$403,455 (\$19,500 x 20.69) subject to council approval.

4. Water Servicing Requirements.

- a) This development is within the service area of the Glenmore Ellison Irrigation District (GEID). The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connection and upgrading costs are to be paid directly to the GEID. 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.

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 required per lot.

6. Roads.

- a.) The frontage of Sexsmith Road will be upgraded to a full 4 lane arterial urban standard in accordance with Bylaw 7900, complete with curb and gutter, storm works, sidewalk, fillet paving, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc. This construction will be deferred until Sexsmith Road is upgraded to a 4 lane standard and a cash in lieu of construction payment of \$118,500 will be required.
- b.) Palamino Road at the rear of the lots will be upgraded to a full urban Standard (SS-R5) in accordance with Bylaw 7900, complete with curb, gutter, sidewalk, fillet paving, storm drainage works which extends and connects to the municipal system, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc. The developer is responsible for contributing for their half of Palamino road for the entire frontage of the subject lots. The cash in lieu of construction for these works is \$167,000.

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. 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.

10. 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.

11. DCC Credits.

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

12. Bonding and Levies Summary

 Levies

Palamino Road upgrades	\$167,000
Sexsmith Road upgrades	\$118,500
Spec are #35 charge (subject to council approval)	<u>\$403,455</u>
Total	\$688,955

Steve Muenz, P. Eng.
Development Engineering Manager



Glenmore-Ellison Improvement District
445 Glenmore Road
Kelowna, BC V1V 1Z6

Email: glenmore.ellison@shaw.ca

Website: www.glenmoreellison.com

Phone: 250-763-6506

Fax: 250-763-5688

August 5, 2009

RECEIVED

AUG 12 2009

**CITY OF KELOWNA
PLANNING DEPT.**

City of Kelowna
Land Use Management Department
1435 Water Street
Kelowna, BC V1Y 1J4

Attention: Andrew Browne

**Re: Rezoning & OCP Amendment Applications
Files Z09-0035 & OCP09-0012
Sexsmith Rd.**

Thank you for the referral dated July 8, 2009 concerning the above applications.

At the present time, GEID has a 200mm watermain fronting these lots on Sexsmith Rd. Lots 25, 26 & 28, Plan 18861 are serviced by GEID while Lot 27 is using a private on-site well.

Schedule 4 of City of Kelowna Bylaw 7900 requires that a minimum fire flow of 225 L/s be available for industrial zones. GEID's existing water system is capable of supplying up to 150 L/s in this area. In the event that the building fire flow demands exceed 150 L/s, or if additional fire flow capacity is required, significant water system upgrades will be necessary and will be at the developer's expense.

Please note that the existing service to Lot 25 may need to be re-located with the development of that property for the future Hollywood Rd North extension to tie in to Cambro Road. Costs of this service re-location will be the responsibility of the landowner that completes the subdivision that will be required in the future for the roadway extension.

If you have any questions on this matter, please do not hesitate to contact my office.

Sincerely,
**GLENMORE-ELLISON
IMPROVEMENT DISTRICT**

Darren Schlamp, B.Sc.
Manager, Engineering & Development

Schedule "A" - OCP Text Amendment No. OCP09-0012

Official Community Plan Bylaw No. 7600			
No.	Section	Existing Text	Proposed Text
1	Chapter 19 – Future Land Uses Section: Mapping Designations and Notes Subsection: Land Use Designations	nil (addition)	Industrial – Limited General industrial uses, limited by compatibility with on-site and nearby residential uses. Uses consistent with the I6 - Low-Impact Transitional Industrial zone, as amended from time to time, are only available for this designation.

Schedule "B" – Zoning Bylaw Text Amendment No. TA10-0008

Zoning Bylaw No. 8000			
No.	Section	Existing Text	Proposed Text
1	§2.3.3 General Definitions	nil	GENERAL INDUSTRIAL USE, LIMITED means development used principally for one or more of the following, occurring within an enclosed structure and without nuisance to adjacent property: processing of raw materials; the manufacturing or assembling of semi-finished or finished goods, products or equipment, but not food products directly to the public; the storage, cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial, business or household use ; the distribution and sale of materials, bulk goods and equipment to institutions, industrial or commercial businesses for their direct use or to general retail stores or other use classes for resale to individual customers, but not to exceed 2 truck trips per day; or the training of personnel in general industrial operations. Any indoor display, office, technical, administrative support, or retail sale operations shall be accessory to the limited general industrial uses listed above. The floor area devoted to such accessory activities shall not exceed 25% of the gross floor area of the building(s) devoted to the general industrial use, limited . This use does not include autobody repair and paint shops.
2	§2.3.3 General Definitions	nil	VEHICLE AND EQUIPMENT SERVICES, LIMITED means development used for the service or repair of heavy vehicles, machinery or mechanical equipment typically used in building , roadway, manufacturing, assembling and processing operations and agricultural production. This does not include truck and mobile home sales/rentals . This use is to take place within a building or fully screened, fenced and landscaped from view.
3	§7 Landscaping and Screening Table 7.1 – Minimum Landscape Buffer Treatment Levels Schedule	Industrial Zones I1, I2, I3, I4	Industrial Zones I1, I2, I3, I4, <u>I6</u>

15.6 I6 – Low-Impact Transitional Industrial**I6lp – Low-Impact Transitional Industrial (Liquor Primary)**

15.6.1 Purpose

The purpose is to provide a zone for a range of low-impact transitional industrial land uses which are appropriate as a transition between established industrial land uses and residential, rural, and agricultural land uses. This zone is only available for land that is designated in the City of Kelowna Official Community Plan for Industrial – Limited.

15.6.2 Principal Uses

- a) animal clinics, major
- b) animal clinics, minor
- c) automotive and equipment repair shops
- d) commercial storage
- e) contractor services, general
- f) contractor services, limited
- g) custom indoor manufacturing
- h) emergency and protective services
- i) equipment rentals
- j) food primary establishment
- k) general industrial use, limited
- l) household repair services
- m) liquor primary establishment, minor
- n) participant recreation services, indoor
- o) private clubs
- p) recycling depots
- q) single dwelling housing
- r) utility services, minor impact
- s) vehicle and equipment services, limited

15.6.3 Secondary Uses

- a) residential security/operator unit
- b) home based businesses, major
- c) home based businesses, minor

15.6.4 Subdivision Regulations

- a) The minimum lot width is 40.0 m.
- b) The minimum lot depth is 50.0 m.
- c) The minimum lot area is 1.0 ha unless a connection to the community sanitary sewer system, in accordance with the requirements of the City of Kelowna's Subdivision, Development & Servicing Bylaw has been installed. If a connection to a community sanitary sewer system is available the minimum lot area is 3500 m².

15.6.5 Development Regulations

- a) The maximum floor area ratio is 1.0.
- b) The maximum site coverage is 60% including buildings, driveways and parking areas.

- c) The maximum height is as follows:
 - Lesser of 2 ½ storeys or 9.5 m for residential buildings and structures.
 - Lesser of 3 storeys or 14.0 m for industrial buildings and structures.
- d) The minimum front yards are as follows:
 - 4.5 m for all buildings and structures.
 - 9.0 m from a garage or carport having vehicular entry from the front.
 - 6.0 m for portions of industrial buildings and structures greater than two storeys or 9.5 m in height
- e) The minimum side yards are as follows:
 - 3.0 m for residential buildings and structures.
 - 0.0 m for industrial buildings and structures, except when adjacent to a residential land use it is 3.0 m for a one storey industrial building or structure (not to exceed 4.5 m in height) and 7.5 m for industrial buildings and structures greater than one storey in height.
 - In all cases, not less than 4.5 m from a flanking street.
- f) The minimum rear yards are as follows:
 - 7.5 m for residential buildings and structures.
 - 0.0 m for industrial buildings and structures, except when adjacent to a residential land use it is 30.0 m

15.6.6 Other Regulations

- a) No uses are permitted which carry out their operations such that there would be a nuisance arising from noise, odour, earthborne vibrations, heat, high brightness light sources, glare, dust created or apparent outside an enclosed building, or other emissions. Autobody repair and paint shops are not permitted in this zone.
- b) Only one single detached dwelling and one residential security/operator unit are permitted.
- c) Drive-in food services are not a permitted form of development.
- d) Machinery and equipment shall be screened from view from any street or adjoining property with landscaping and/or fencing.
- e) In addition to the regulations listed herein, 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.

15.6.7 Building massing and design

- a) Buildings shall be oriented to prominently address the street and shall include street-facing, human-scale elements including windows and identifiable pedestrian entrance doors. Glazing on the principal façade should amount to not less than 30% of the total façade.
- b) Façade design should incorporate elements and style from commercial and/or residential buildings, as opposed to purely industrial/utilitarian design.
- c) Front façade design should promote no more than a two storey presence. Higher portions of the building should be set back and finished with different colour(s) and/or material than the first two storeys.

- d) Where new industrial development is occurring adjacent to residential uses, window openings shall be placed to reduce the opportunity for overlook and should be offset in plan from residential windows.
- e) Unfinished concrete block shall not be used as an exterior building material for principal facades or when the façade faces a residential land use.
- f) Rooftop screening of mechanical and electrical equipment shall be provided using materials consistent with the treatment of principal facades.
- g) When loading doors occur on street facing facades they shall be set back from the main building plane and articulated in a manner that compliments the building façade.
- h) Signage shall be limited to discrete sign band areas on the building and/or low level free standing signage areas incorporated into the front yard landscaping. Large areas of signage shall not dominate the front façade of the building.

15.6.8 Light, noise, dust, odour and emissions

- a) Energy efficient light sources (e.g. LED) and energy sources (e.g. solar) are encouraged.
- b) All lighting shall be oriented such that it faces into the site, is downward directional, and is constructed at the lowest elevation practical for the intended application so as to minimize light trespass onto neighbouring properties.
- c) All activities resulting in dust, odour, noise or other emissions must take place inside a structure designed to contain said emission. Building ventilation must adequately remove/filter the emission (e.g. dust or odour) and not simply expel it from the building.
- d) Tall, broadcast or flood light sources are not permitted.
- e) Outdoor paging or sound broadcast systems are not permitted.

15.6.9 Landscaping, buffering and parking

- a) Parking within the front yard shall be limited to customer and visitor parking only; all other parking should be provided elsewhere on site.
- b) Permeable or alternate paving surface treatments are encouraged for light duty parking areas (e.g. customer or visitor parking). Swales and bio-filtering are encouraged to be incorporated into landscaping adjacent to parking areas in order to aid storm water infiltration.
- c) Landscape materials shall be drought tolerant and appropriate for the Okanagan climate. Rain water capture and re-use for irrigation is encouraged.
- d) Fencing (in addition to landscaping) shall be installed on all property boundaries adjacent to residential use. All installed fencing shall be opaque except for decorative fencing in a front yard.
- e) Where new industrial development is occurring adjacent to residential land uses, the interface shall be site planned, designed, and landscaped to promote privacy for the residential land use.

15.6.10 Outdoor storage and display

- a) Outdoor storage ancillary to a permitted use is not permitted in the front yard, or within the minimum side and rear yard setbacks (but may be accommodated in the side and rear yards when located beyond the minimum setback).

- b) All outdoor storage shall be screened from view of any street or adjoining property utilizing opaque fencing and landscaping materials which are consistent with the overall site development.
- c) Outdoor storage shall be consolidated into a single area per lot.
- d) Outdoor storage ancillary to a permitted use shall not exceed in area the building area used by the business on the property to perform its operations.
- e) There shall be no outdoor storage of toxic, noxious, explosive, odorous or radioactive materials.
- f) Materials in outdoor storage shall be associated with the principal use located on the site, and there shall be no outdoor storage of unrelated materials.
- g) Illumination of outdoor storage areas shall be such that light falling onto abutting properties is minimized.
- h) Outdoor display or sales, or non-accessory parking, shall not encroach into landscaped areas.
- i) Equipment or vehicles in an outdoor display or sales, or non-accessory parking, shall not be in a state of disrepair.
- j) Lighting of outdoor display areas shall not include broadcast light fixtures but rather directional lighting specific to the display items.

Memo



Date: October 20, 2010

To: City Manager

From: Land Use Management, Community Sustainability

Application: TA10-0008, OCP09-0012, OCP10-0017, OCP10-0018, OCP10-0019, OCP10-0020, Z09-0035, Z10-0092, Z10-0093, Z10-0094

Owners: Matthew Ewonus, Kimberly & John Berg, Shanny & Marlin Toews, 567752 BC Ltd.

Address: 3130, 3150, 3170 & 3190 Sexsmith Road

Applicant: Protech Consultants Ltd.

Subject: Supplemental Report - Sexsmith Area Low-Impact Transitional Industrial Zone

Existing OCP Designation: Single/Two Unit Residential

Proposed OCP Designation: Industrial - Limited

Existing Zone: A1 - Agriculture 1

Proposed Zone: I6 - Low-Impact Transitional Industrial

1.0 Recommendation

THAT OCP Bylaw Amendment No. OCP09-0012 and Rezoning Application No. Z09-0035 (Lot 28, Plan 18861) be amended at first reading to allow the four (4) subject properties' to have their proposed land use changes considered by Council individually;

AND THAT OCP Bylaw Amendment No. OCP10-0017 (Lot 28, Plan 18861), OCP Bylaw Amendment No. OCP10-0018 (Lot 27, Plan 18861), Rezoning Application No. Z10-0092 (Lot 27, Plan 18861), OCP Bylaw Amendment No. OCP10-0019 (Lot 26, Plan 18861), Rezoning Application No. Z10-0093 (Lot 26, Plan 18861), OCP Bylaw Amendment No. OCP10-0020 (Lot 25, Plan 18861) and Rezoning Application No. Z10-0094 (Lot 25, Plan 18861) be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP/Zone Amending Bylaws be considered subsequent to the requirements of the Development Engineering Branch and the Glenmore Ellison Improvement District being completed to their satisfaction;

AND FURTHER THAT final adoption of the OCP/Zone Amending Bylaws be considered in conjunction with Council's consideration of Development Permit(s) for the subject properties.

2.0 Purpose

At the request of the applicant and ownership group, staff are separating the implementing bylaws such that each of the four subject properties can have their proposed land use changes adopted individually.

3.0 Background

This project received first reading at the October 18, 2010 regular meeting of Council. Shortly before the project proceeded to Council for first reading, the applicant noted that the owners wished to have each subject property's land use changes able to be adopted individually. To achieve this, it is necessary to:

- Amend three existing bylaws at first reading, and;
- Create seven new bylaws.

The project remains identical in substance and no material changes are proposed. The final bylaw structure is proposed as follows:

- One text amendment to the Zoning Bylaw (TA10-0008);
- One text amendment to the Official Community Plan (OCP09-0012), and;
- Four sets of rezoning/OCP amendment files, one for each subject property, to apply the "Industrial - Limited" OCP future land use designation and the "I6 - Low-Impact Transitional Industrial" zone.

Report prepared by:



Andrew Browne, Land Use Planner

Reviewed by:

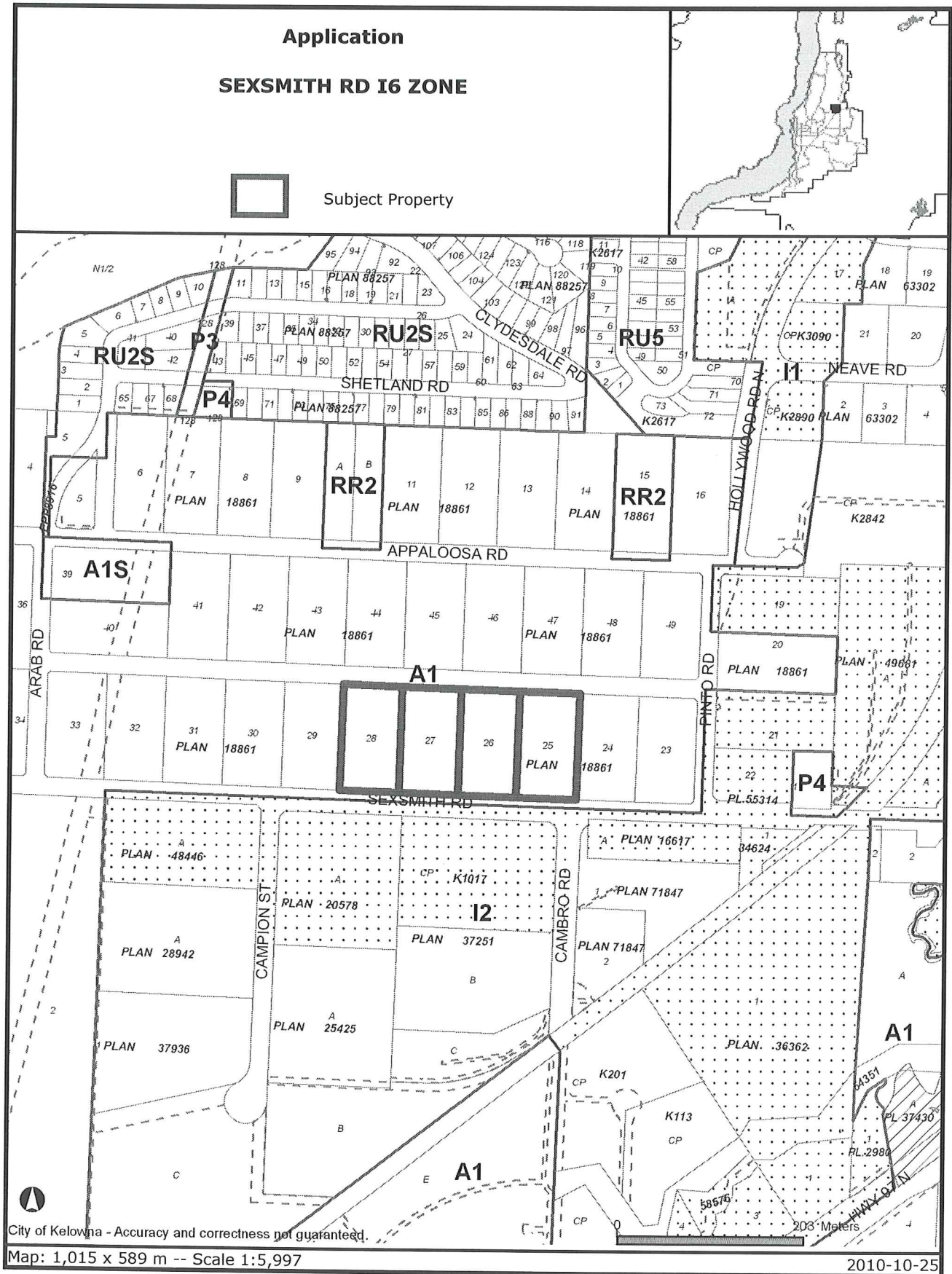


Danielle Noble Manager, Urban Land Use Management

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management



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.