

# REPORT TO COUNCIL



**Date:** November 19, 2012  
**File:** 1210-50-00  
**To:** City Manager  
**From:** Danielle Noble, Manager, Urban Land Use  
**Subject:** *Industrial - Limited* Future Land Use Designation  
Report Prepared by: Abigail Riley

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## 1.0 Recommendation:

THAT Council receive for information, the report from the Manager, Urban Land Use dated November 19, 2012, with respect to the *Industrial - Limited* future land use designation contained in the Kelowna 2030 - Official Community Plan;

THAT Council direct staff to report back with proposed amendments to the *I6 - Low-Impact Transitional Industrial Zone* to ensure consistency of intent and purpose with the Kelowna 2030 - Official Community Plan;

AND THAT Council direct staff to accept no further Rezoning applications to the *I6 - Low-Impact Transitional Industrial Zone*, pending completion of the proposed amendments to the I6 Zone.

## 2.0 Purpose:

The purpose of this report is to respond to Council direction provided May 7, 2012, requesting staff to review the *Industrial - Limited* future land use designation contained in the Kelowna 2030 - Official Community Plan (OCP), and to provide certain information regarding the OCP designation and the corresponding *I6 - Low-Impact Transitional Industrial Zone* relative to the Arab/Appaloosa road area, specifically:

- the appropriateness of the I6 Zone permitted uses and development regulations;
- the infrastructure upgrades required in conjunction with rezoning the Arab/Appaloosa road area from A1 - Agriculture 1 to I6 zoning; and
- public consultation and feedback regarding proposed uses for the Arab/Appaloosa road area.

Staff is seeking Council direction to report back with proposed amendments to Zoning Bylaw 8000 including:

- the *General Industrial Use, Limited* definition;
- the permitted uses in the I6 Zone; and
- to certain I6 Zone development regulation

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This is being undertaken in order to ensure consistency of intent and purpose with the OCP. Additionally, staff is seeking Council direction to accept no further Rezoning applications to the I6 zone, beyond those applications presently in-stream, until such time as the proposed zoning amendments are completed.

### 3.0 Background:

#### 3.1 Arab/Appaloosa Road Area Context and Overview

The Arab/Appaloosa road area is located west of Highway 97, and is bound by Sexsmith Road and I2 - General Industrial zoned lands to the south, the Sol Terra Ranch residential development to the north, the future alignment of Hollywood Road North and I2 zoned lands to the east, and rural A1 zoned/Agricultural Land Reserve (ALR) lands to the west. (See Appendix A for a map of the Arab/Appaloosa road area).

At present, the Arab/Appaloosa road area is primarily zoned A1. Prior to the Kelowna 2030 OCP, the future land use designation for the area was Single/Two Unit Residential. Historically, the area has been developed as large lot residential properties with related agricultural uses, such as horses and stables. Over time, and increasingly in recent years, non-permitted industrial uses have been occurring in the area, including RV and commercial vehicle storage and repair, and resulting in ongoing resident complaints and bylaw enforcement. After an extensive public consultation program and in response to resident and developer feedback, the new *Industrial - Limited* future land use designation was endorsed for the Arab/Appaloosa road area in May 2011, upon Council endorsement of the Kelowna 2030 OCP. The Industrial - Limited designation supports rezoning of the area to the I6 Zone.

The *I6 - Low-Impact Transitional Industrial Zone* was added to Zoning Bylaw 8000 in March 2011. The zone is intended to provide for a range of low-impact industrial land uses which are appropriate as a transition between the established general industrial land uses located to the south of the Arab/Appaloosa road area, and the residential, rural and agricultural uses to the west and north. To date, no properties have been rezoned to the I6 Zone; however, applications to rezone four properties on Sexsmith Road (3130, 3150, 3170 and 3190) to the I6 Zone received 2<sup>nd</sup> and 3<sup>rd</sup> reading in November 2010, with final adoption subject to completion of Development Engineering Branch and Glenmore Ellison Improvement District requirements, and consideration of Development Permit applications. (See Appendix B for a chronology of OCP and zoning changes for the Arab/Appaloosa road area).

The following report sections 3.2 - 3.5 provide further information and response to the specific matters outlined in Council's Service Request #225617, dated May 2012, regarding the Arab/Appaloosa road area.

#### 3.2 Public Consultation and Feedback on Proposed Uses for the Arab/Appaloosa Road Area

An extensive public consultation program was undertaken in conjunction with the last OCP review, beginning in early 2009. Through early consultation with residents of the Arab/Appaloosa road area, the possibility of considering the area for home-based business industrial uses emerged, recognizing some of the industrial uses that exist in the area on an illegal basis. The proposal received a high level of interest and support at two subsequent

open houses and through two online surveys in 2009. (See Appendix C summarizing public consultation results).

Over the course of the 2010-2011 development of the Kelowna 2030 OCP, the proposed future land use for the Arab/Appaloosa road area evolved to the present designation of *Industrial - Limited*. This shift responded to increasing local resident concern about the persistence of non-permitted, industrial uses in the area, as well as recognition that significant servicing upgrades would be required for the area. Local residents and prospective developers advanced that more extensive industrial uses (beyond the originally conceived home-based business industrial uses) would be needed for the area to offset the cost contributions towards servicing improvements. The proposed *Industrial - Limited* land use designation for the Arab/Appaloosa road area subsequently received strong support at open houses in early 2011 concluding the OCP review process. In May 2011, Council adopted the Kelowna 2030 OCP, including the new *Industrial - Limited* land use designation for the Arab/Appaloosa road area.

The intent and purpose of the *Industrial - Limited* land use designation is to enable general industrial uses, limited by compatibility with on-site and nearby residential uses, consistent with the *I6 - Low-Impact Transitional Industrial Zone*. In November 2010, the Public Hearing for the proposed *I6 - Low-Impact Transitional Industrial Zone* was held, in addition to rezoning applications for four properties on Sexsmith Road (3130, 3150, 3170 and 3190) to the new *I6 Zone*. Council received no correspondence or petitions in relation to the new *I6 Zone*, and four people (including 3 residents of the Arab/Appaloosa road area) spoke in favour of the proposed rezonings of the Sexsmith Road properties. (See Appendix D for the Public Hearing Minutes).

### 3.3 Permitted Uses and Development Regulations of the I6 Zone

The *I6 Zone* is intended to provide for a range of low-impact industrial land uses which are appropriate as a transition between the established general industrial land uses located to the south of the Arab/Appaloosa road area, and the residential, rural and agricultural uses to the west and north. (See Appendix E for the *I6 Zone* regulations).

Permitted uses in the *I6 Zone* were selected on the basis of minimizing potential impact to the existing and future neighbourhood, including traffic, noise, odour, vibrations and light. Non-accessory parking and outdoor storage are not permitted uses in the zone, and development regulations restrict the extent of ancillary outdoor storage that may be permitted on a site. For example, no ancillary outdoor storage is permitted in the front yard or minimum setback areas; it must be consolidated to a single area, not exceeding the building area on the site; and it must be screened from view of any street or adjoining property.

The zone also incorporates development regulations that respond to the surrounding land use context. For example, greater setbacks are required for industrial buildings adjacent to residential uses and in cases where buildings are higher than one storey. The development regulations also address building design, such as orienting to the public street, and providing a prominent pedestrian entrance and improved building appearance. Additional landscaping requirements seek to address privacy and enhanced interface with residential adjacencies.

### 3.4 Ongoing Enforcement in Arab/Appaloosa Road Area

Illegal and non-conforming land uses have long proliferated in the A1 zoned Arab/Appaloosa road area of the city, and residents have been filing an increasing number of complaints about these uses. Complaints received by the City have chiefly been concerned with heavy truck and equipment traffic, commercial vehicle and RV storage, and commercial vehicle repair and servicing. While some of the businesses undertaking non-permitted activities have approached the City about making application to rezone to the I6 Zone under the area's *Industrial - Limited* future land use designation, these existing activities are generally closer in character to the general industrial uses permitted under the I2 Zone, which is located to the east and south of the Arab/Appaloosa road area, and are not consistent with the intent and purpose of the I6 Zone or *Industrial - Limited* land use designation. These non-permitted general industrial uses "creeping" into the A1 zoned Arab/Appaloosa road area are likely due in large part to the area's availability of undeveloped land and the relatively less expensive land values.

### 3.5 Infrastructure Upgrades for the Arab/Appaloosa Road Area

As the Arab/Appaloosa road area is presently zoned primarily A1, there are significant servicing infrastructure upgrades that would be necessitated by rezoning and redevelopment of the area for industrial uses, notwithstanding the relatively low-impact nature of the intended industrial uses. As noted in the previous section, there are a number of non-permitted industrial businesses operating in this semi-rural/residential area, without having made the necessary contributions to servicing upgrades, and potentially competing unfairly with businesses in established industrial areas.

The detailed Development Engineering requirements associated with servicing the Arab/Appaloosa road area are attached in Appendix F. Generally, the servicing requirements for property owners proposing to rezone to the I6 Zone would involve connections to the sanitary sewer and water systems, a comprehensive geotechnical study, a comprehensive stormwater management plan, underground installation of power and telecommunication services, potential easements and rights of ways, and road/frontage upgrades along Appaloosa Road and Palomino Road (to be constructed).

The estimated sanitary sewer connection charge per property is approximately \$110,000 (based on a 2.0 acre parcel); however should a property at the furthest end of the system develop first, the owner would be responsible for "front-ending" the cost of extending the system (approximately \$360,000) and eligible for Latecomer cost recovery. The estimated cost of road/frontage upgrades along Appaloosa and Palomino roads is approximately \$37,500; however, properties with frontage along both roads (i.e., double-fronting lots) would be required to upgrade both frontages for a total cost of approximately \$75,000.

## 4.0 Land Use Management:

Over the last few years, Staff has been confronted with enforcing increasing land use conflict complaints in the Arab/Appaloosa road area. As a result of enforcement activities, Staff has received a number of inquiries from existing businesses undertaking non-permitted activities in the area to rezone to the I6 Zone. These businesses are generally more in keeping with the

type of general industrial uses permitted in the I2 Zone. Inquiries have included such uses as a trucking/delivery business, commercial/industrial waste disposal business, and commercial truck driving school.

Through recent experience it has been determined that there is a lack of clarity in certain aspects of the I6 Zone, generally, and in the definition of *General Industrial Use, Limited*, specifically. These regulatory deficiencies have created an undesirable circumstance in that Staff has had to take the most permissive interpretation of the use relative to inquiries for industrial uses. Unfortunately, this has resulted in support for industrial use proposals that are not consistent with the low-impact, transitional intent of the *Industrial - Limited* land use designation, as established in the Kelowna 2030 OCP.

Staff therefore proposes to report back to Council with recommended amendments to Zoning Bylaw 8000 to ensure the I6 Zone is consistent with the intent and purpose of the Kelowna 2030 OCP and the *Industrial - Limited* land use designation. Proposed changes to the I6 Zone are anticipated to include:

- clarifying the I6 Zone Purpose statement;
- amending and/or deleting certain permitted uses in the I6 Zone;
- reviewing minimum setback requirements of the I6 Zone; and
- refining certain development requirements for landscaping, buffering, parking, and outdoor storage in the I6 Zone.

It is proposed that this work will proceed on the basis of the already extensive public consultation that was undertaken in relation to the *Industrial - Limited* land use designation and the Kelowna 2030 OCP, as well as the relative support expressed at Public Hearing for the new I6 Zone.

In order to ensure that the Arab/Appaloosa road area evolves as intended under the *Industrial - Limited* future land use designation, staff propose that no further Rezoning applications to the I6 Zone be accepted, beyond those applications presently in-stream, until such time as the proposed amendments to the I6 Zone have been completed, which would be targeted for February, 2013.

## **5.0 Existing Policy:**

### **5.1 Kelowna 2030 Official Community Plan (OCP)**

#### **Future Land Use**

**Industrial - Limited.** General industrial uses, limited by compatibility with on-site and nearby residential uses. Uses consistent with new I6 zone (*I6 - Low Impact Transitional Industrial*).

## **6.0 Financial/Budgetary Considerations:**

To be determined.

Submitted by:



D. Noble, Manager, Land Use Management

Approved for inclusion:



(SG)

cc: G. Stephen, Long Range Planning  
S. Bagh, Policy and Planning  
D. Maja, Bylaw Services  
S. Muenz, Development Engineering Branch

**Attachments:**

APPENDIX A: Map of Arab/Appaloosa road area

APPENDIX B: Chronology of OCP and zoning changes for the Arab/Appaloosa road area

APPENDIX C: Summary of the Kelowna 2030 Official Community Plan public consultation and feedback for the Arab/Appaloosa road area

APPENDIX D: Excerpt of November 16, 2010 Public Hearing minutes for Official Community Plan Amendment OCP09-0012 and Text Amendment TA10-0008, as well as the proposed Official Community Plan Amendment and Rezoning applications for 3130, 3150, 3170 and 3190 Sexsmith Road.

APPENDIX E: I6 - Low-Impact Transitional Industrial Zone regulations

APPENDIX F: Development Engineering requirements associated with servicing the Arab/Appaloosa road area

APPENDIX A: Map of Arab/Appaloosa Road Area (outlined in red)



Source and accuracy not guaranteed.

## APPENDIX B

### Chronology of OCP and zoning changes for the Arab/Appaloosa road area

- Early 2009 - early 2011 – ongoing public consultation for the Kelowna 2030 OCP.
- July 8, 2009 – OCP Amendment application OCP09-0012 to create new future land use designation, Industrial - Limited, submitted, and Rezoning application Z09-0035 to change the zoning from A1 - Agriculture 1 Zone to I2 - General Industrial for properties at 3130, 3150, 3170 and 3190 Sexsmith Road.
- June 14, 2010 – Text Amendment application TA10-0008 submitted to amend Zoning Bylaw 8000 to add proposed new I6 - Low-Impact Transitional Industrial Zone.
- October 19, 2010 – OCP Amendment application OCP09-0012 and Text Amendment application TA-10-0008 receive first reading.
- October 21, 2010 – Individual OCP Amendment and Rezoning applications submitted for each property at 3130, 3150, 3170 and 3190 Sexsmith Road to change OCP designation from Single/Two Unit Residential to proposed new designation Industrial - Limited, and to change zoning from A1 - Agriculture 1 Zone to I6 - Low-Impact Transitional Industrial Zone.
- November 2, 2010 – Council moved that OCP Amendment application OCP09-0012 and Rezoning Application Z09-0035 be amended at first reading to allow the four properties at 3130, 3150, 3170 and 3190 Sexsmith Road to proceed under separate application and considered by Council individually.
- November 16, 2010 – OCP Amendment application OCP09-0012 and Text Amendment application TA-10-0008 receive second and third reading. Individual OCP Amendment and Rezoning applications for 3130, 3150, 3170 and 3190 Sexsmith Road receive second and third reading, with final adoption pending completion of Development Engineering Branch and Glenmore Ellison Improvement District requirements, and consideration of Development Permit applications for the subject properties.
- March 7, 2011 – Bylaw No. 10434 (TA10-0008) adding the I6 - Low Impact Transitional Industrial Zone to Zoning Bylaw 8000 adopted by Council.
- May 30, 2011 – Kelowna 2030 OCP adopted by Council, including the new future land use designation of Industrial - Limited.
- November 14, 2011 – Council rescinded bylaws related to individual OCP Amendment applications for 3130, 3150, 3170 and 3190 Sexsmith Road (since the Kelowna 2030 OCP was previously adopted in May 2011).
- May 7, 2012 – Council moved to extend adoption of bylaws related to individual Rezoning applications for 3130, 3150, 3170 and 3190 Sexsmith Road, until November 16, 2012; Council requested Staff to report back regarding the Industrial - Limited land use designation and the corresponding I6 Zone, under Service Request #225617.



## APPENDIX C

### Summary of the Kelowna 2030 Official Community Plan public consultation and feedback for the Arab/Appaloosa road area

#### June 24, 2009 - Open House - UBC Okanagan (160 people attended)

Summary of Feedback from Dotmocracy Exercise (with green dots indicating a positive response and red dots a negative response):

Overall the proposals for the UBCO area received generally positive or neutral ratings, except with respect to the permanent growth boundary. The most positively rated items were as follows:

- Home Based Industrial use proposed for the Arab/Appaloosa road area (+26 dots)
- University South/UBCO Village Centre (+17 dots)
- Highway 97 North Corridor Employment Area (+12 dots)

It is interesting to note the high number of dots (33 green and 7 red for a total of 40 dots) for the Home Based Industrial in the Arab/Appaloosa road area, which was second only to the number of dots associated with the Downtown area. This appears to indicate a high level of interest in the land uses for this area. The permanent growth boundary for this area received a negative rating of -10, possibly indicating concerns with the location of the boundary.

#### June/July 2009 - Online Survey (311 responses)

##### Summary of Feedback on Home Based Industry in the Arab/Appaloosa/Sexsmith Road Area:

Home based industry includes larger home based businesses that may require a large shop or garage, and screened areas for outdoor storage. When asked about how they feel about allowing home based industry in the Arab/Appaloosa road area, nearly 60% agreed or strongly agreed with the concept. Many were neutral (31.4%) and only a few (8.9%) disagree or strongly disagree.

#### November 7, 2009 - Open House - Arab/Appaloosa road area and UBC Okanagan Area (200 people attended)

Summary of Feedback from Dotmocracy Exercise (with green dots indicated a positive response and red dots a negative response)

The results were generally positive, particularly for the idea to change from Single/Two Unit Residential to Home Based Industrial for the Arab/Appaloosa road area, as follows:

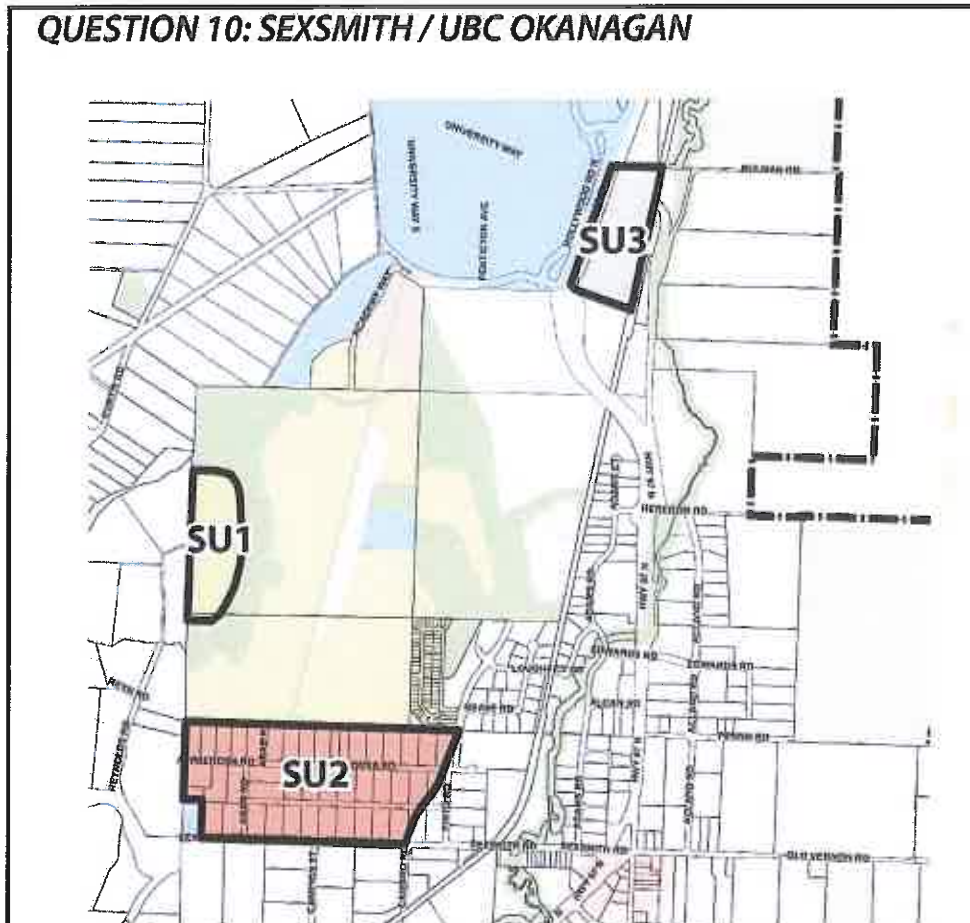
- SU1 (UBC Okanagan Area) - Change from Future Urban Reserve to Rural/Agricultural: preserves this area for rural and agricultural use (+12)
- SU2 (Arab/Appaloosa road area) - Change from Single/Two Unit Residential to Home Based Industrial in the Arab/Appaloosa road area (+29)

**November 2009 - Online Survey - Arab/Appaloosa road area and UBC Okanagan Area (341 responses)**

**Summary of Feedback on the Proposed Land Use Changes in the Arab/Appaloosa/Sexsmith Road Area (SU2) and UBC Okanagan Area (SU1):**

Respondents generally agreed with the changes proposed in the Arab/Appaloosa road area and the UBC Okanagan area. The percentage of respondents who agreed or strongly agreed with the changes are as follows:

- SU1 (UBC Okanagan Area) - Change from Future Urban Reserve to Rural/Agricultural: preserves this area for rural and agricultural use: 67.7% Agree/Strongly Agree
- SU2 (Arab/Appaloosa road area) - Change from Single/Two Unit Residential to Home Based Industrial in the Appaloosa Road area: 65.6% Agree/Strongly Agree
- SU3 - Change from Rural /Agricultural to Industrial: Allows industrial use in an area along Highway 97 that is outside of the Agricultural Land Reserve, to provide additional land supply to meet current demand: 64.4% Agree/Strongly Agree



**February/March 2011 - Open Houses - (628 responses)**

**Summary of Feedback on the Industrial - Limited designation for the Arab/Appaloosa road area:**

**Q21. Industrial Limited designation for Arab/Appaloosa/Sexsmith Road Area**

<u>Total</u>	<u># Responses</u>	<u>% of Responses</u>
<b>Strongly Agree</b>	<b>141</b>	<b>40%</b>
<b>Somewhat Agree</b>	<b>124</b>	<b>35%</b>
No Opinion	75	21%
Somewhat Disagree	11	3%
Strongly Disagree	2	1%
Total Responses	353	100%

**Reasons cited for disagreeing with proposal for Industrial - Limited designation for Arab/Appaloosa/ Sexsmith Road area:**

- As long as high standard of landscape/appearance is required - too many "light industrial sites" are eyesores for which there is no excuse.
- But insist that as in other cities of the world those industrial complexes be neat and tidy in front of the business with tress/shrubs etc. Kelowna industrial areas are very unsightly.
- But must be compatible with existing residential.
- Doesn't Arab road link up into a new subdivision now?
- Housing is a must
- I don't know the area well enough to comment.
- I don't think adding industrial business in this area is a good idea, given how quickly retail businesses have expanded along Harvey/Hwy 97
- I know the area, but I do not know what "Industrial Limited designation" means!
- If only
- Keep in the area.
- Keep it closer to highway - this is rural
- More in favor of mix but I understand reality.
- Need to protect wetland/natural areas here as well
- No storage of any chemicals
- Not enough info - will infrastructure handle industry.
- Open up downtown industrial
- See #5
- See above comment. It's already a dog's breakfast out there.
- This area is essentially industrial already and to acknowledge the use is essential
- Too much. It's ugly.
- What do you propose to do with the residential homes there now?

## APPENDIX D

### Excerpt of November 16, 2010 Public Hearing minutes for Official Community Plan Amendment OCP09-0012 and Text Amendment TA10-0008, as well as the proposed Official Community Plan Amendment and Rezoning applications for 3130, 3150, 3170 and 3190 Sexsmith Road

Mayor Shepherd advised that Agenda Items 3.3 to 3.7 will be dealt with at the same time as they are all related to each other.

- 3.3 Bylaw No. 10435 (OCP09-0012) - City of Kelowna - To create the Industrial - Limited Designation in Chapter 19 - Future Land Uses and Bylaw No. 10434 (TA10-0008) - City of Kelowna - Industrial Zones - I6-Low Impact Transitional Industrial Zone - 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.

- 3.4 Bylaw No. 10441 (OCP10-0017) and Bylaw No. 10436 (Z09-0035) - Matthew James Ewonus (Protech Consultants Ltd.) - 3130 Sexsmith Road - 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.

- 3.5 Bylaw No. 10442 (OCP10-0018) and Bylaw No. 10443 (Z10-0092) - Kimberly and John Berg (Protech Consultants Ltd.) - 3150 Sexsmith Road - 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.

- 3.6 Bylaw No. 10444 (OCP10-0019) and Bylaw No. 10445 (Z10-0093) - Kimberly & John Berg and Shanny & Marlin Toews (Protech Consultants Ltd.) - 3170 Sexsmith Road - 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.

- 3.7 Bylaw No. 10446 (OCP10-0020) and Bylaw No. 10447 (Z10-0094) - 567752 BC Ltd. (Protech Consultants Ltd.) - 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.

Councillor Stack joined the meeting at 6:15 p.m.

The City Clerk advised that no correspondence and/or petitions had been received with respect to Bylaw No. 10435 (OCP09-0012) and Bylaw No. 10434 (TA10-0008).

The City Clerk advised that the following correspondence and/or petitions had been received with respect to Bylaw No. 10441 (OCP10-0017) and Bylaw No. 10436 (Z09-0035):

- o Letter of Support:
  - Lorne & Hanna Lund, 3080 Sexsmith Road

The City Clerk advised that the following correspondence and/or petitions had been received with respect to Bylaw No. 10442 (OCP10-0018) and Bylaw No. 10443 (Z10-0092):

- o Letter of Support:
  - Lorne & Hanna Lund, 3080 Sexsmith Road

The City Clerk advised that no correspondence and/or petitions had been received with respect to Bylaw No. 10444 (OCP10-0019) and Bylaw No. 10445 (Z10-0093).

The City Clerk advised that no correspondence and/or petitions had been received with respect to Bylaw No. 10446 (OCP10-0020) and Bylaw No. 10447 (Z10-0094).

Staff:

- Provided further details with respect to the types of uses being proposed for the new I6 - Low Impact Transitional Industrial Zone.
- Advised that, at this stage in the process, traffic concerns have been identified by staff.
- Advised that there will be a certain level of urbanization required for the area in order to complete the rezoning process.

Mayor Shepherd invited the applicant or anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Andrew Bruce, Site 360 Consulting, Applicants' Representative

- Believes that the requested zoning is self-explanatory.
- Advised that there will be upgrades required to Sexsmith Road as a result of the rezoning process as Sexsmith Road is identified as a DCC Road.
- Advised that the Applicants will be contributing to the construction of Palomino Road. Believes that the proposed rezoning will benefit the general area.
- Advised that there are very limited agricultural operations in the area and that the subject properties are not part of the Agricultural Land Reserve.

Gallery:

Wayne Ongman, 2936 Appaloosa Road (Lot 4)

- In favour of the rezoning as he feels that it will benefit the entire Sexsmith area.

Walter Hopp, 3156 Appaloosa Road (Lot 12)

- Believes that this is a great opportunity for the area and is in support of the rezoning.

Lee Oswald, Realtor, MacDonald Realty Ltd.

- Believes that the City of Kelowna is changing and that this rezoning would be a great benefit to the area.
- In favour of the rezoning.

Jim Harder, 3066 Appaloosa Road (Lot 9)

- In favour of the rezoning.

There were no further comments.

## APPENDIX E

City of Kelowna

Consolidated Zoning Bylaw No. 8000

**15.6 I6 – Low-Impact Transitional Industrial****I6Ip – 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**

The principal uses in this zone are:

- 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**

The secondary uses in this zone are:

- 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 m<sup>2</sup>.



**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(s) that 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.

APPENDIX F

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

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**Date:** November 13, 2012  
**File No.:** I6 Zone  
**To:** Land Use Management Department (AR)  
**From:** Development Engineering Manager  
**Subject:** I6 Zone

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Development Engineering has the following requirements associated with servicing

1. General.

- a) Provide easements and right of ways as may be required. Depending on the ultimate drainage design, a drainage right-of-way may be required.

2. Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Provide specific requirements for footing and foundation construction.
- Ability of the site to dispose of the storm water and its potential effect on the adjacent properties

3. Sanitary Sewer System.

- a) All development will be required to connect to the City's sewer system.
- b) All the properties are located within the Connection Area # 35 and are subject to a connection charge in the amount of \$110,000.00 ( approx. 2.0 Ac. Parcel).
- c) The properties applying to rezone to I6 will have to extend the Municipal Sanitary Sewer main. For example the furthest property would have to install approximately main extension at a cost of \$360,000.00 The amount exceeding the Connection Area Charges would qualify for a Latecomer to recover the offsite costs (over and above the connection charges) from the benefiting properties.

4. Water Servicing Requirements.

The Glenmore Ellison Improvement District is the water purveyor. A flow of 225 litres/second will be required.

5. Stormwater Management Plan.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual.

6. Roads

a) Appaloosa Road and Palomino Road are to be designed and constructed based on a modified Collector – Class 1 (20m)/SS-R5 standard. The modification pertains to the curb to curb area with the travel lanes being 3.5m each, bike lanes being 1.5m each and parking limited to one side. The sidewalks and boulevards will remain the same.

b) The estimated cost of the frontage upgrade per property is in the order of **\$37,500.00**. Properties fronting both roads would be required to upgrade both frontages for a total of **\$75,000.00**.

7. 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.



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Steve Muenz, P. Eng.  
Development Engineering Manager