

City of Kelowna Public Hearing AGENDA



Tuesday, April 15, 2014
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after April 4, 2014 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

- | | | |
|------------|--|------------------|
| 3.1 | Bylaw No. 10924 (OCP13-0021) - Thomson Flats, Melcor Development Ltd. | 5 - 19 |
| | To amend the Area Structure Plan in the Official Community Plan Bylaw No. 10500. | |
| 3.2 | Bylaw No. 10933 (Z13-0038) - 721-725 Francis Avenue, Aldo & Wilma Clinaz | 20 - 38 |
| | To consider a proposal to legalize through zoning an existing fourplex that was originally approved as a duplex. | |
| 3.3 | Bylaw No. 10934 (Z13-0037) - 3657 Highway 97 North, Raul Holdings Inc. | 39 - 61 |
| | To consider a proposal to rezone the subject property from the A1 – Agriculture 1 zone to the C10 – Service Commercial zone in order to develop a service commercial building containing four (4) tenant spaces. | |
| 3.4 | Bylaw No. 10937 (Z13-0045) - 469 Glenmore Road, Terry Johnson & Jeffery Pereverzoff | 62 - 97 |
| | To consider a proposal to rezone the subject property from the A1 - Agriculture 1 zone to the C3 - Community Commercial zone in order to accommodate a car wash. | |
| 3.5 | Bylaw No. 10938 (HD14-0001) - 609 Burne Avenue, Craig Abernethy | 98 - 104 |
| | To consider removal of the Municipal Heritage Designation from the subject property as the former heritage building located on the site commonly known as the 'John F. Burne House' was completely destroyed by fire in August 2013. | |
| 3.6 | Bylaw No. 10940 (OCP14-0007) and Bylaw No. | 105 - 121 |

10941 (Z14-0002) - 1924 Henkel Road and (Part of) Henkel Road, Surinder Gosel & City of Kelowna

To amend the Official Community Plan in order to change the future land use designations of part of the subject properties from the REP – Resource Protection Area and EDINST – Educational/Major Institutional designations to the S2RES – Single/Two Unit Residential designation and to rezone part of the subject properties from the RR3 – Rural Residential 3 and P2 – Educational Minor Institutional zone to the RU2 – Medium Lot Housing zone in order to accommodate the development of a six lot single family subdivision.

3.7 Bylaw No. 10944 (TA14-0006) - Medical Marihuana Production Facilities - Industrial Zones

122 - 125

To amend Zoning Bylaw No. 8000 to allow Medical Marihuana Production Facilities as a principle use in the I1 - Business Industrial Zone.

4. Termination

5. Procedure on each Bylaw Submission

(a) Brief description of the application by City Staff (Land Use Management);

(b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional

information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

Report to Council



Date: 3/3/2014

File: ASP13-0001
OCP13-0021
1200-10

To: City Manager

From: Department Manager, Policy & Planning

Subject: Thomson Flats - Request to amend the Official Community Plan and to prepare an Area Structure Plan (two phases)

Existing OCP Designation: FUR - Future Urban Reserve

Existing Zoning: A1 - Agriculture 1

Report Prepared by: Gary Stephen / Lindsey Ganczar

Recommendation:

THAT Council authorize the amendment of the Official Community Plan (OCP) to create an Area Structure Plan boundary, as shown in Attachment 1 of the report.

AND THAT Council authorize the preparation of a two-phase Area Structure Plan for a maximum of 1400 dwelling units (800 units in Phase 1, 600 units in Phase 2) on the following properties:

- **AREA 1** - SE ¼ of Sec 24, Tp 28;
- **AREA 2** - W ½ of SW ¼ Sec 19, Tp 29 & E ½ of SE 1/4 Sec 19, Tp 29; and
- **AREA 3** - Lot 1, Plan 28237 & Lot 2, Plan 28237.

Purpose:

To consider a request for authorization to amend the Official Community Plan (OCP) and prepare an Area Structure Plan (ASP) for the Thomson Flats area, in accordance with the Kelowna 2030 - Official Community Plan and Council Policy No. 247¹. The applicant is seeking authorization to investigate the potential for the development of up to 1400 dwelling units in two phases, consisting predominantly of single dwelling housing.

Policy & Planning Comments:

The Kelowna 2030 - Official Community Plan (OCP) directs the majority of development to urban centres in the form of multi-unit residential development. However, the OCP does

¹ Council Policy No. 247 - Hierarchy of Plans (Sector Plans/Structure Plans/Redevelopment Plans), Approved June 4, 1996

make some provision for low density development in several specific areas of Kelowna identified in the plan.

In order to determine if an OCP amendment for an additional ASP area is reasonable in this location at this time, an analysis of existing ASP growth nodes was conducted to determine potential total build-out vs. units constructed to date in those areas. ASP areas considered within that analysis included:

- Black Mountain / Kirschner Mountain
- South West (SW) Mission (Neighbourhoods 1, 2, 3)
- Tower Ranch
- University South
- Glenmore Highlands
- North Clifton
- Eagle Ridge
- Diamond Mountain

The above ASP areas have a combined projected build-out of approximately 12,000 units (including single and two-unit dwellings, and multi-residential units). As of the end of 2013, approximately 4,000 units have been developed within the existing ASP areas. Therefore, there are approximately 8,000 units remaining, of which 5400 are anticipated as single and two-unit dwellings.

By using annual development statistics, with 17 years remaining in the timeline of the current OCP 2030 growth strategy, it is possible to determine roughly the number of years of supply remaining for single and two-unit dwelling development. 5400 units developed over the 17 years remaining in the OCP equates to approximately 320 units developed per year until the end of the current OCP.

However, when evaluating both short and longer term housing start trends, the average annual number of building permits issued for new single and two-unit dwellings has been:

- 366 units/year over the past 5 years;
- 566 units/year over the past 10 years; and
- 594 units/year over the past 24 years.

Based on 5400 units remaining to be developed, the current approved ASP areas have approximately 9 to 14 years left of development. This falls short of the 17 years remaining in the OCP and the City may require more land for single and two-unit residential development within the planning horizon of the existing OCP. Based on historical averages, there is potential that the Thomson Flats land will be required to meet demand. The timing for the completion and implementation of this project would not realistically bring new lots to the market before five (5) years. Therefore, staff is supportive of pursuing the preliminary planning and servicing analysis as requested.

With respect to multiple unit development the OCP projected the need for 12,000 new units by 2030 and those units would be split approximately 50% / 50% between Urban Core and Suburban locations. The anticipated annual development of multiple units over the OCP 20 year horizon would be on the order of 575 units per year. While the 10 year average split

between single / two unit residential (SU) and multiple unit residential (MU) is 44% / 56%, recent trends have been lower and the expected annual multiple unit allocation has not been achieved, primarily due to economic conditions and the difficulty selling and financing multiple unit projects. Overall the OCP projects that the housing split between SU and MU would be on the order of 43% SU / 57% MU and since the OCP was adopted the recent trend is approximately 61% SU and 39% MU. There is considerable capacity for multiple unit growth remaining within the Urban Centres and the Urban Core Area.

While there may be statistical reasons for supporting the approval of new planning work in Southwest Mission, there are philosophical issues on urban vs. sprawl growth; directing development in North Kelowna vs. South Kelowna, and potential changes in housing market preferences that all should be considered prior to authorizing the applicants to undertake a lengthy and costly exercise.

It needs to be recognized that even though this project is designated as Future Urban Reserve, it is currently outside of the 2030 OCP growth strategy and was not intended for development within the 2030 time horizon. Adding a new growth area without the context of a full OCP Review means there may be significant impacts to the 20 Year Servicing Plan and Financing Strategy in that the allocation of more growth units challenges our growth strategy objectives and could impact servicing requirements and Development Cost Charges (DCCs).

Also, the 2030 OCP growth strategy envisages a split between single / two units and multiple units of 43% to 57%. The housing unit distribution was intended to balance the projected units between growth nodes (on the basis of land availability) and an overall objective of densification in urban centres and urban core areas to meet multiple objectives of the OCP growth strategy.

Despite these challenges, this site (as opposed to other potential ASP locations) is considered a unique situation in that Council supported this site to be designated as Future Urban Reserve within the Permanent Growth Boundary (PGB) and that services to the subject properties are currently available at the west and north property lines. Policy & Planning recommends that the applicant be authorized to engage the appropriate professional resources to work with Staff to examine the viability of development on the subject properties. The completed assessment will be presented to Council in the form of an ASP for further consideration.

Proposal:

Background:

In preparation for the OCP review in 2007/2008, Policy and Planning sent letters to all major property owners in the City, particularly those in suburban locations, to determine if there was interest in having future land uses redesignated for the next OCP. The owners were encouraged to submit letters or other documentation in support of their requests.

Policy & Planning received numerous proposals from various areas in the City, including requests from the owners of the Thomson Flats lands and the North Glenmore/McKinley lands. The submissions were analyzed by the consultant who determined that the development units requested by those submissions outside the PGB had twice as many units proposed as necessary to satisfy the 20 year growth strategy.

As part of the OCP review, the City conducted an analysis of population growth and housing needs and it was determined that based on housing preferences at that time, Kelowna would need an additional 1000 one & two unit dwellings for the 20 year horizon to 2030, over and above what units remained within existing development nodes (University South, Tower Ranch, Black Mountain, Bell Mountain, Kirschner Mountain and the three neighbourhoods in SW Mission) inside the Permanent Growth Boundary (PGB).

In discussion with Council in the fall of 2009, prior to the first OCP land use open house, Policy & Planning outlined how and where those extra 1000 units could be accommodated. Council was informed that either North Glenmore (Eagle Ridge, Diamond Mountain) or SW Mission (Thomson Flats) were suitable. The Council of the day decided that they wanted to see more growth in North Glenmore in support of UBC Okanagan, so those properties were brought inside the PGB as potential Area Structure Plan projects.

At the same time, Council did not support more growth in SW Mission in the current OCP, but did acknowledge the long term potential of the area. Therefore, the Thomson Flats and Crawford Estates areas were allowed to remain within the PGB but designated as Future Urban Reserve (i.e. consideration beyond a 20 year horizon) with no Area Structure Plan designation.

In November, 2013 Melcor Developments made a formal application to the City (on behalf of the Thomson Flats land owners) seeking to redesignate the subject lands from Future Urban Reserve to an ASP area, and authorization to proceed with the ASP.

While the application requesting authorization to prepare an ASP does contain some details regarding servicing, these details should be understood to be preliminary and conceptual in nature. Details regarding all aspects of the proposal will be addressed in the next phases of ASP development. Should the request be authorized, the next phases of the ASP process are as follows, as outlined in Council Policy No. 247:

1. Development of a Terms of Reference (TOR) in cooperation with the Applicant, City staff, and legal representation, as necessary;
2. Preparation of a draft ASP for review by City staff, in accordance with the TOR;
3. Preparation of second draft ASP for review by City staff;
4. Holding of a Public Information Meeting (PIM);
5. Submission of Final draft ASP and associated OCP and Zoning Bylaw amendment applications;
6. The remainder of the process will follow standards practices for OCP / Zoning Bylaw amendments.

Project Description:

The applicant is proposing to prepare an ASP over five parcels located along the City's south boundary east of Chute Lake Road. The ASP is divided into three areas. The majority of the ASP will focus on the three most western parcels (Areas 1 and 2) with only high level planning conducted on the two easterly parcels at this time (Area 3). More detailed ASP work will be required at a future date for the eastern lots when the applicant wishes to move forward. All of the parcels are currently in their natural state and have a variety of slopes. None of the properties are presently serviced by water or sanitary sewer.

The ASP submission proposes the development of up to 800 dwelling units in Areas 1 and 2. The units will consist primarily of single dwelling housing, with the potential for some compact cluster housing. Other uses will include parks, open space and amenities. Area 3 may include approximately 600 additional units at a later time. The suggested development yield is somewhat theoretical at this time until the completion of the more detailed analysis of servicing capacity, road network requirements, as well as environmental and hazardous conditions including steep slopes, as part of the ASP process.

The applicant will explore with City staff issues such as servicing, road access, storm drainage, topography, visual impact assessment, and environmentally sensitive features before bringing the ASP forward for Council consideration.

Site Context:

The subject properties are situated along the southern City boundary between Chute Lake Road to the west and Bellevue Creek to the east. There are mountain bike and hiking trails throughout the property, as well as evidence of roads from unauthorized vehicle use.

The subject properties also contain many challenging constraints to development, including steep slopes, environmentally sensitive features, and wildfire hazard. While these challenges are understood to be common among hillside development, there are additional features with which staff will be concerned, focused primarily on transportation linkages and standards.

Subject Properties Map:

The subject properties map is Attachment 1 of the report.

Internal Circulation:

Infrastructure Planning
Development Engineering Branch
Transportation & Mobility
Subdivision, Environment & Agricultural Branch
Urban Planning

Hierarchy of Plans:

Area Structure Plans provide an important link between an OCP, which is prepared at a broad community scale, and an actual development proposal prepared at a property scale. ASPs provide Council and Staff with the ability to identify impacts, to resolve issues, and to set standards for larger scale developments in advance of a formal rezoning or Development Permit application.

Existing Policy:

Council Policy No. 247 establishes the Hierarchy of Plans and lays out the broad processes by which an ASP is to be prepared (outline above under "Background"). This policy is reinforced by direction in the OCP that describes the role of ASPs.

The request for authorization is consistent with Council Policy No. 247 and guidelines of the OCP.

Financial/Budgetary Considerations:

The application fee required for the preparation of Area Structure Plans reflects the magnitude of these plans and their impact on staff time and associated legal resources. As such, it is not anticipated that there will be significant financial or budgetary consideration. However, it is difficult to anticipate the precise costs for each application.

Personnel Implications:

The development of Area Structure Plans does require significant staff resources from multiple departments. Staff resources will be required from the Policy & Planning Department, where it is anticipated that 20% of the time of one Planner will be required throughout the ASP process. Infrastructure Planning has indicated that due to the potential impact of such a major project on servicing, both within and outside this sector, there could be a workload impact of up to 1 person year or more depending on the outcomes of the technical analysis and subsequent plan changes.

Other departments, such as Urban Planning, Development Engineering, Subdivision, Regional Services, Communications, and Real Estate and Building Services will also be impacted to varying degrees.

External Agency/Public Comments:

This application for authorization was circulated to the Regional District of Central Okanagan (RDCO). Their comments are provided as Attachment 2 of the report.

The coming phases of the ASP process will provide additional opportunities for both external agencies and the general public to submit comments and to make representations. The application will be referred to external agencies as necessary, and the public will be provided with multiple opportunities to provide input including the holding of a Public Information Meeting and a Public Hearing. Further opportunities will be considered where appropriate during the development of the ASP.

Submitted by:

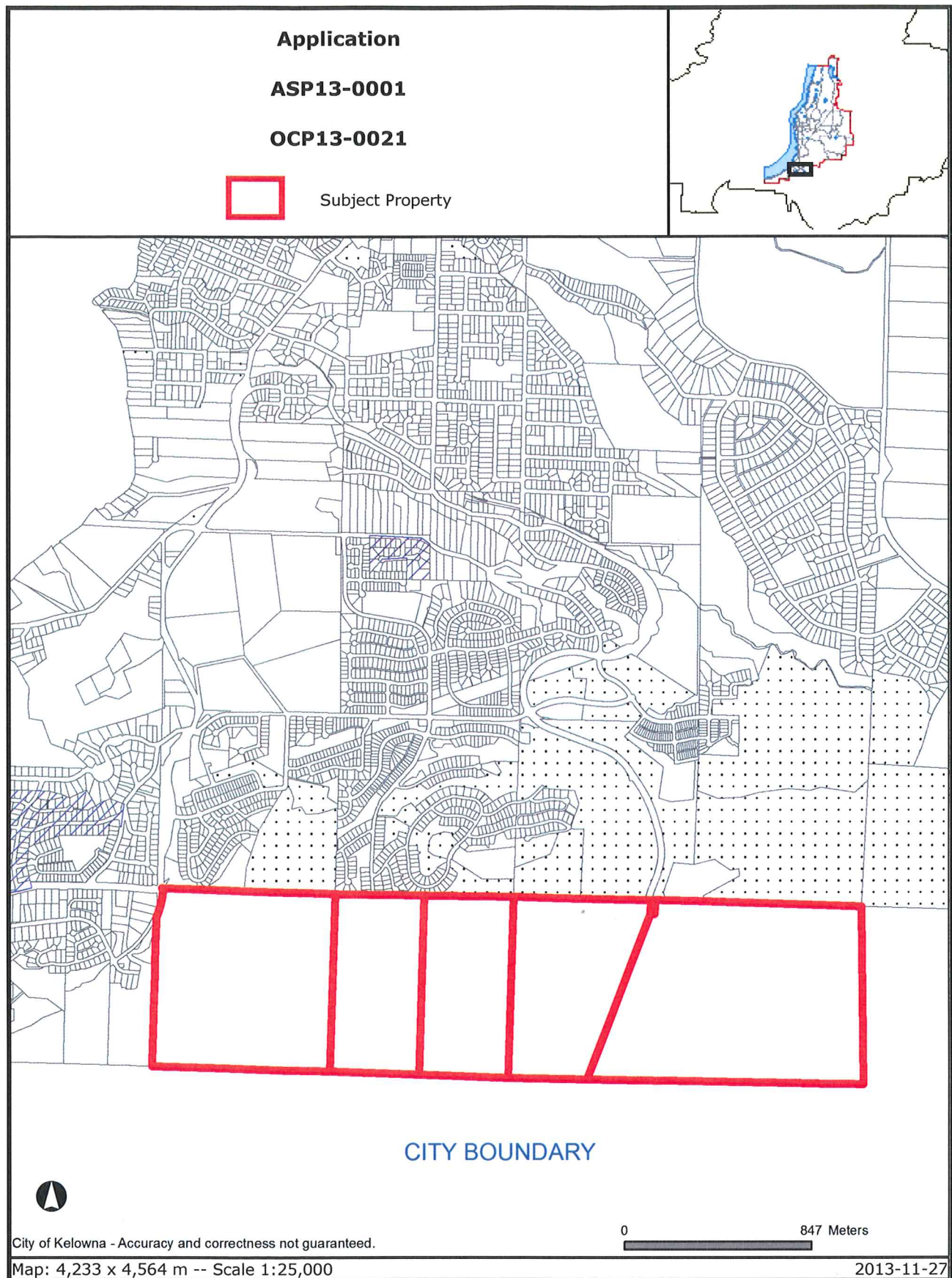
Gary Stephen, Long Range Planning Manager
Policy & Planning

Approved for Inclusion: ☐ Danielle Noble-Brandt, Department Manager,
Policy & Planning

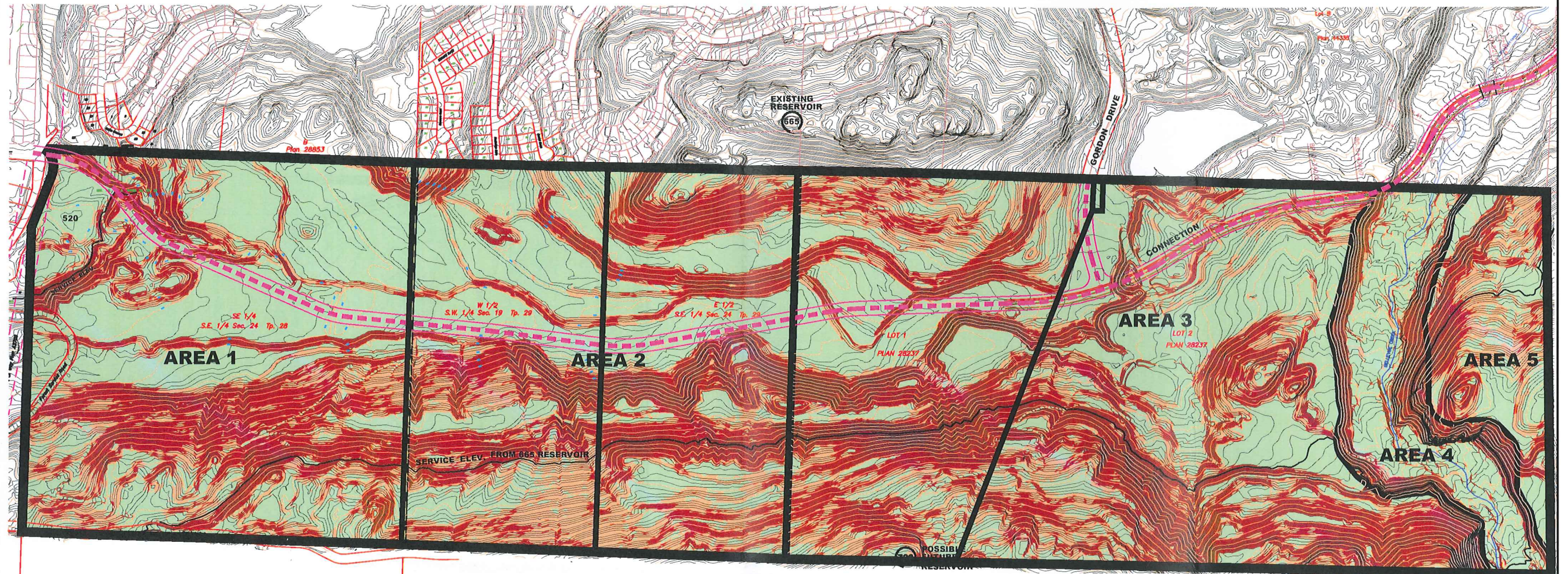
Cc: Utilities Planning Manager, Infrastructure Planning
Manager, Development Engineering
Manager, Transportation & Mobility
Director, Subdivision, Environment & Agricultural Branch
Manager, Urban Planning

Attachments:

1. Subject Property Map
2. Proposed ASP Phasing Map
3. Circulation comments from RDCO
4. Technical Memorandum from Development Engineering



*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.*



SE 1/4 SEC 24 TP 28
63.95 ha

W 1/2
SW 1/4 SEC 19 TP 29
32.44 ha

E 1/2
SE 1/4 SEC 19 TP 29
32.74 ha

LOT 1
PLAN 28237
40.50 ha

LOT 2
PLAN 28237
87.97 ha

AREA 1	
0%-20%	32.95 ha
20%-30%	11.08 ha
30%-PLUS	19.92 ha

AREA 2	
0%-20%	26.63 ha
20%-30%	14.66 ha
35%-PLUS	23.89 ha

AREA 3	
0%-20%	40.66 ha
20%-30%	18.23 ha
35%-PLUS	39.75 ha

AREA 4	
0%-20%	8.75 ha
20%-30%	1.16 ha
35%-PLUS	7.25 ha

AREA 5	
0%-20%	5.01 ha
20%-30%	3.79 ha
35%-PLUS	4.02 ha

PROTECH
CONSULTING 2012

200 - 1481 St. Paul Street Kelowna B.C. Phone 880-1771
FAX 880-1994

SLOPE ANALYSIS
THOMSON FLATS ASP

1:4000

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13043-S1

Lindsey Ganczar

From: Ron Fralick [ron.fralick@cord.bc.ca]
Sent: Wednesday, December 18, 2013 8:29 AM
To: Lindsey Ganczar
Cc: David Widdis; Susan Fraser; Sandra Mah; Margaret Bakelaar; Chris Radford; Michael Noga; Dan Wildeman; Cathy MacKenzie; Jennifer Maximuik
Subject: City of Kelowna OCP Amendment & ASP Authorization (OCP 13 - 0021 & ASP 13 - 0001)

Hi Lindsey,

I wish to thank you and Danielle Noble-Brandt with the opportunity to discuss this matter on December 12, 2013. Based on that discussion and Regional District staff review of the OCP amendment/ASP authorization, we wish to provide the following comments for your consideration.

The subject lands are located immediately to the north of properties that are within the Central Okanagan East Electoral Area of the Regional District of Central Okanagan (RDCO). The adjoining lands to the south within the RDCO are part of the South Slopes Official Community Plan Bylaw No. 1304 (adopted June of 2012) and designated as 'Rural Resource'. A significant block of adjoining lands to the south (640 acres) represents the 'Kelowna Mountain' development that is identified in the South Slopes OCP via a map notation as a "Recreation Resort Study Area". Section 4.3 of the South Slopes OCP stipulates that a secondary planning process must be fulfilled prior to the Regional Board considering whether the development or a subset of the proposed development should be provided for in the OCP. This secondary planning process would be similar to requirements within the City of Kelowna for an ASP (as proposed for the lands identified in the City referral).

It is noted that City of Kelowna staff indicated concern in January of 2010 with regard to a proposed subdivision and future development at 'Kelowna Mountain' which is summarized as follows,

- Subdivision is a likely precursor to potentially significant resort development just outside the City in an area where water availability, sanitary sewer, roads and fire protection will be an issue.
- This location just outside the City would appear to be trying to capitalize on proximity to the City as a tourism destination and the only access is through the City of Kelowna. Significant development in this area will impact City services, particularly traffic on the road network, without the ability to charge DCC's or even receive tax contributions to at least off-set part of the cost.
- In addition to the technical issues, there are a number of policy issues that should be considered such as, development of any nature in this area would not be consistent with the Regional District Growth Management Strategy that seeks to contain growth in existing settlement areas with full urban services.
- The City of Kelowna existing OCP does not address lands outside City boundaries but the OCP does contain growth management policy direction that by and large is intended to limit sprawl (develop a compact urban form), support Transportation Demand Management and protect environmentally sensitive/hazardous condition areas from development.

With respect to growth management noted in bullets #3 & #4 above, the Regional District has coordinated a review and update of the Regional Growth Strategy (2000) over the past two years. A focus of this work is to update the RGS to be consistent with the updated OCP's in the region and to ensure that growth is coordinated and managed efficiently and effectively to minimize impact on future generations. The current RGS (2000) identifies that the region supports growth and redevelopment in existing settlement areas with full services prior to supporting growth elsewhere. In addition, proposals for new growth areas shall assess the impact on existing services and facilities, and the ability of local governments and agencies to provide services in a timely, affordable, and effective manner. Undertaking an ASP should incorporate these policies. The review and update of the RGS continues to support these policies relating to new growth areas stressing the importance to assess impacts on services as well as transportation, air quality, natural environment and climate change. The RGS review recognized the subject ASP area as located in the future urban reserve designation in Kelowna's current OCP. The Kelowna OCP states that these lands are not projected to be developed within the 20

year time horizon of the OCP, however it is becoming evident that there are pressures to develop in this area within the 20 year time horizon. The goal of growth management for the region, as identified throughout the RGS review, is to ensure growth is managed efficiently and effectively to minimize impact on future generations. Undertaking an ASP for the area is important to help assess impacts of growth and this is supported through the RGS.

Regional District staff also wishes to bring to your attention Regional District Fringe Areas Development Policy of 2007 (Policy Resolution No. 301/07), part of which states,

“Approval of a land use application may be subject to a boundary expansion by an adjacent community that is able to service the land and proposed development with full urban services and to manage the forest interface. In this instance, approval of the land use application may be subject to an extension of municipal fire protection and water purveyor boundaries and subject to a reduction in interface hazards (e.g. flooding, wildfire, beetle infestation).”

We wish to note that the City of Kelowna initiated an investigation a couple of years ago for a very significant boundary adjustment that proposed to amalgamate lands within the South Slopes OCP and lands in the Ellison area. As part of that investigation, an agent representing the Roman Catholic Church and their 62 ha (154 acre) adjoining parcel within the RDCO (Part of the NW ¼ Sec. 13, Tp. 28) provided a letter to the City of Kelowna indicating their desire to become part of the City. For reasons unknown, the City abandoned the boundary adjustment initiative several months later.

As you are also aware, activities and development occurring at ‘Kelowna Mountain’ has been very contentious over the past several years, and most recently the ‘Kelowna Mountain’ landowner has filed a legal petition in the Supreme Court of B.C. against the Regional District. The legal issue is on-going and has not been resolved to date therefore the Regional District refrains from commenting further on this matter.

In recognition of the above, the Regional District is very concerned that endorsement of the OCP amendment/ASP authorization by the City of Kelowna will lead to further pressure for development to occur in the South Slopes area (both within the City and outside City boundaries). It is prudent that both the City and RDCO work collaboratively to ensure that the public interest is being served prior to approvals being granted that would allow further development to take place in this area.

Should the City of Kelowna decide to allow the OCP amendment/ASP authorization to proceed, the Regional District recommends that the following be included in any Terms of Reference to identify how development of the subject lands will be serviced and to identify all potential impacts and mitigation strategies resulting from those impacts:

- Transportation (road access/road linkages, impact of regional transportation network and transit, pedestrian and bicycle routes, etc.)
- Provision of community water, sanitary sewer & storm drainage/flooding and erosion issues
- Geotechnical & visual impacts
- Environmental assessment(s)
- Parks/Open Space - RDCO Parks Services staff request future consultation on the area sector plan for the Thomson Flats as it develops (noted below). Parks Services has interests in connectivity opportunities between the RDCO, City of Kelowna and Provincial owned lands and parks. Additional RDCO Parks Services objectives and policies can be found in the South Slopes OCP under Section 10 Community Facility, Parks, Recreation and Heritage.
- Utilities
- Emergency services

* As there would inevitably be multi-jurisdictional impacts, it is recommended that provincial ministries/agencies and the Regional District be included and consulted with during the ASP process.

Should you have any questions or concerns regarding the above comments, please do not hesitate to contact me.

Regards,

CITY OF KELOWNA

MEMORANDUM

Date: February 03, 2014
File No.: ASP13-0001
To: Policy and Planning Department (DN-B)
From: Development Engineering Manager (SM)
Subject: Plan 28237 Lots 1, 2 W & E Half Quarter Sec 19 TP 29 Thomson Flats

The Development Engineering comments regarding this application to receive authorization to commence preparation of an Area Structure Plan are as follows:

The intent of this application is for the developer to receive Council's approval to proceed with an Area Structure Plan.

As to servicing requirements, it is obvious that upgrades would be required. However, this is no different than any other development. The current and future servicing - water, sanitary, drainage and transportation have set limitations based on the 2010-2030 Official Community Plan. Through a series of studies which would be identified as part of an ASP, required upgrades would be identified so as to expand these limitations. In general, there should be no barriers that would prevent this development from being properly serviced and similarly, there should be no barriers of having this development being integrated into the City's infrastructure. The City's current DCC Program and the current Capital Works Program does not include this development. As such, any offsite infrastructure requirements that are necessary to make this a successful development for both the developer and the City would be at the sole cost of the developer. Other upgrades and the associated costs that are directly attributable to this development would be borne by the developer.

Staff met briefly with the developer and his engineer, and in generalities, the capacities of the existing services were identified and what would be required to facilitate this development.

The following are the initial servicing requirements that have been identified. As the ASP progresses, additional servicing requirements will be identified.

1. Transportation

- A Traffic Impact Assessment (TIA) will be required. Prior to commencing the TIA, an acceptable Terms of Reference is to be to the City's satisfaction. The Terms of Reference will require automobile mobility, pedestrian mobility, transit mobility and cyclist mobility.
- The TIA will determine the impact on the three current principle north-south links to this area - Lakeshore Road/Chute Lake Road, Gordon Drive and Stewart Road West
- The TIA will determine the impact on the current principle east-west links to this area - Frost Road and Barnaby Road. The analysis will determine if the future east-west link - South Perimeter Road is required.
- The TIA will identify recommended upgrades to the various transportation facilities and the timing of these upgrades based on subdivision and lot approvals.

2. Water

- Development of these lands will trigger several projects identified within the existing 2030 20 Year Servicing Plan. In two separate meetings with the Protech Consulting the specific projects were identified and the lead utility engineer was invited to review the existing 20 Year Servicing Plan and the affected projects with the City of Kelowna Infrastructure Planning Division. Staff will then revisit the associated capital planning models and in order to discern how timelines and cost share formulas can be revised to feasibly service the Thomson Flats before 2030. Affected projects include transmission watermain construction, pump station improvements and reservoir expansion.

3. Storm

It is noted that considerable disturbance to the terrain of an upslope neighboring property will pose challenges to designers of drainage system and onsite containment of a development proposal for the Thomson Flats area. Utility Planners will look forward to seeing an proposed ASP including changes to existing drainage corridors and ponds. The number of Detention ponds proposed should be kept to a minimum and protected by SROW for utility maintenance including equipment access.

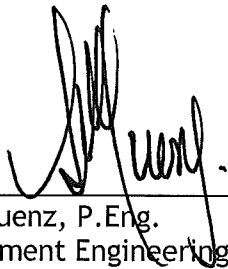
4. Sanitary

A complete analysis of the downstream sanitary sewer system will be required. All upgrades that are required beyond what is indicated as part of the 2030 20Year Servicing Plan will be at the sole cost of the developer.

In granting the authority for this ASP, associated studies would identify solutions to existing and future infrastructure challenges. In particular, an east-west road through the Thompson Flats would ease the traffic concerns on Lakeshore Road and Gordon Drive.

Development Engineering has no further comments at this point in time with regard to this application, however, a comprehensive report will be provided if and when City Council grants authorization to commence the ASP preparation for Thomson Flats.

Based on the above, Development Engineering recommends that the developer receive approval to proceed with an Area Structure Plan.



Steve Muenz, P.Eng.
Development Engineering Manager

JF

REPORT TO COUNCIL



Date: 10 March 2014

RIM No. 1200-10

To: City Manager

From: Department Manager, Policy & Planning

Application:	ASP13-0001, OCP13-0021	Owners:	Melcor Lakeside Inc. Canadian Horizons Land Development Corp.
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Address:	Thomson Flats	Applicant:	Melcor Development Ltd.
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Subject: Supplemental Report

Existing OCP Designation: FUR - Future Urban Reserve

Proposed OCP Designation: ASP - Area Structure Plan

Existing Zoning: A1 - Agriculture 1

Recommendation:

THAT Council receives for information the supplemental report from the Policy & Planning Department dated March 10, 2014 with respect to Area Structure Plan Application No. ASP13-0001 and Official Community Plan Bylaw Amendment Application No. OCP13-0021;

AND THAT Council has considered the public consultation process for the purpose of Section 879 of the *Local Government Act* and agrees that a public consultation process not be required as it will be a component of the Area Structure Plan (ASP) process;

AND FURTHER THAT the Official Community Plan (OCP) Amending Bylaw be forwarded to a Public Hearing for further consideration.

Purpose:

To consider the public consultation process for the Area Structure Plan and Official Community Plan Bylaw Amendment and to forward the OCP Amending Bylaw to a Public Hearing.

Policy & Planning Comments:

On March 3, 2014, Council approved a request by Melcor Developments Ltd. to amend the OCP to allow for a new designated ASP within the plan boundary, and to seek authorization to prepare the related ASP.

The ASP process involves extensive public engagement over a lengthy time period, and therefore staff feel that public consultation prior to initial consideration is not necessary.

Report prepared by:

Gary Stephen, Long Range Planning Manager

Approved for Inclusion:



Danielle Noble-Brandt, Department Manager
Policy & Planning

REPORT TO COUNCIL



Date: March 17, 2014

RIM No. 1250-30

To: City Manager

From: Urban Planning, Community Planning & Real Estate (JM)

Application: Z13-0038

Owner: Aldo & Wilma Clinaz

Address: 721-725 Francis Avenue

Applicant: Lynn Welder Lalonde

Subject: 2014 03 24 Report Z13-0038 721-725 Francis Ave

Existing OCP Designation: MRL - Multiple Unit Residential (Low Density)

Existing Zone: RU6 - Two Dwelling Housing

Proposed Zone: RM1 - Four Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z13-0038 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lots 1 and 2, District Lot 136, ODYD, Strata Plan KAS1005 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown In Form 1, located on 721-725 Francis Avenue, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone be, considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

2.0 Purpose

To consider a proposal to legalize through zoning an existing fourplex that was originally approved as a duplex.

3.0 Urban Planning Department

Urban Planning Department staff are supportive of the land use, as it furthers the long-range policy objectives of the Official Community Plan, which anticipates low density multiple unit residential development fronting Richter Street. Also, the applicant has in this case, been cooperative in working with staff to make improvements to the exterior of the building and to the site's landscaping.

Nevertheless, even where supported by the OCP, the legalization of existing illegal fourplexes - usually constructed as duplexes - presents substantial challenges both for staff and for applicants. For staff, the most significant of these challenges is one of form and character. As it is, the proposal does not meet the necessary Development Permit Guidelines within the OCP, and, were this new construction, staff would not support the proposal on the grounds that it does not meet the overall standards for design quality for multiple unit residential development. As further evidence of this, requests for these legalizations often trigger multiple variances and encounter challenges with Floor Area Ratio regulations because the manner in which the sites were originally subdivided and developed is not suited to accommodating the additional units.

This leaves staff in a very challenging position where they are forced to negotiate for whatever form and character improvements that applicants are prepared to provide. This changes on a case-by-case basis and sets an uneven playing field for applicants and staff. In addition, allowing the legalization of these structures - which were not originally designed as four-plexes and which do not meet many of the OCP's form and character objectives - erodes the valuable cooperative work that staff and applicants undertake in designing *new* fourplexes that meet the OCP's objectives.

From the applicant's standpoint, the conversion of duplexes to fourplexes can be a costly exercise. Building Code requirements between the two housing forms are substantially different, and it can be very expensive to upgrade an older building to bring it into compliance with current standards.

Finally, in a competitive housing market, legalizing fourplexes originally approved as duplexes reduces the incentive to develop new, appropriately designed fourplex housing, particularly from a price competition perspective.

In order to address these concerns, Urban Planning staff will be preparing a Bulletin for members of the public that will establish baseline expectations for the legalization of fourplex development.

4.0 Proposal

4.1 Background

The structure on site that presently contains four dwellings was originally permitted as a duplex in 1991. At some point after its original construction, the building was illegally converted into a fourplex. While staff suspect that the fourplex has been operating illegally for several years, City of Kelowna Bylaw Services staff only became formally involved as of February, 2013. Following action by Bylaw staff, a formal application to legalize the fourplex was made in October, 2013.

4.2 Project Description

The subject property is presently zoned RU6 - Two Dwelling Housing, and contains one two-storey principal structure consisting of four dwelling units. Each unit has separate access at grade, with two units located on the main floor accessing directly off the carports, and two additional units above accessing from each side of the building.

The site's east side flanks a lane, and takes vehicular access from two driveways on Francis Avenue and one driveway on the laneway. Private open space for residents is principally contained in the rear yard.

In concert with the Rezoning, the proponent has also made application for a Development Variance Permit for two items: to increase the maximum site coverage for buildings, driveways and parking areas from 50% permitted to 57% proposed, and to permit vehicular access from the lane as well as the fronting street.

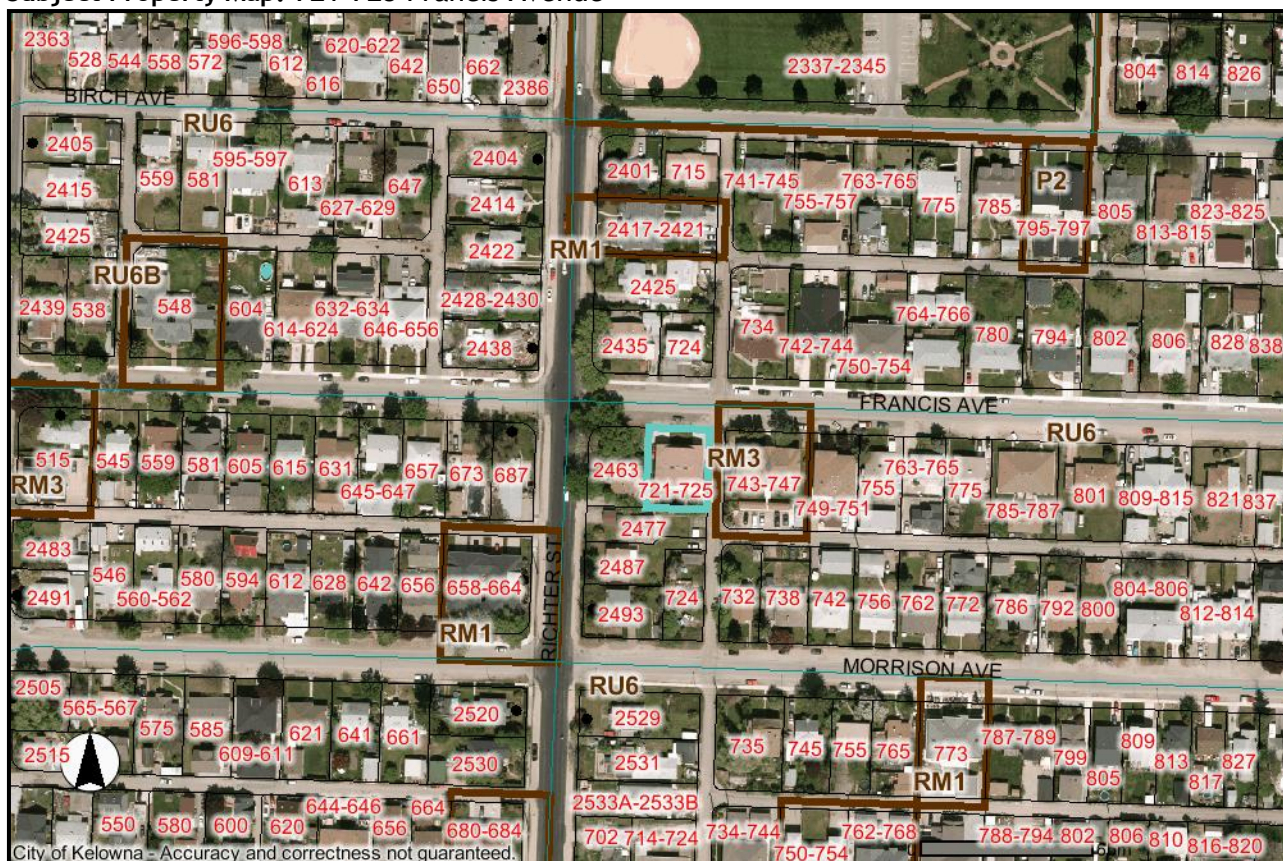
A Development Permit is also required in order to evaluate the form and character of the fourplex.

4.3 Site Context

The subject property is located on the south side of Francis Avenue, approximately 20m east of its intersection with Richter Street. The lot currently contains an illegal fourplex structure, and two accessory buildings in the rear yard. The surrounding area is characterized by a mix of single dwelling housing, duplex housing, and low density multiple dwelling housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single detached dwellings Duplex dwellings
East	RU6 - Two Dwelling Housing	Single detached dwellings Duplex dwellings
South	RU6 - Two Dwelling Housing	Single detached dwellings
West	RU6 - Two Dwelling Housing	Single detached dwellings Fourplex



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	700 m ²	707 m ²
Lot Width	20.0 m	23.20 m
Lot Depth	30.0 m	30.47 m
Development Regulations		
Floor Area Ratio	0.6	0.594
Height	Lesser of 9.5 m or 2 ½ storeys	7.9 m / Two storeys
Front Yard	6.0 m	6.33 m
Side Yard (east)	2.5 m	3.38 m
Side Yard (west)	2.5 m	3.38 m
Rear Yard	7.5 m	8.81 m
Site Coverage (buildings)	40%	36.26%
Site Coverage (buildings, driveways & parking areas)	50%	57%❶
Other Regulations		
Minimum Parking Requirements	7 stalls	8 stalls
Private Open Space	100 m ²	~109 m ²
Access Restrictions	Lane Only	Frontage Street & Lane❷

- Indicates a requested variance to the maximum a site coverage of buildings, driveways, and parking areas from 50% permitted to 57% proposed.
- Indicates a requested variance to allow from the lane and from the fronting street.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

The Future Land Use designation of the subject property in the OCP is MRL - Multiple Unit Residential (low density).

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Complete Suburbs.² Support a mix of uses within Kelowna's suburbs (see Map 5.1 - Urban Core Area), in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 - Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context. Building heights in excess of four storeys will not be supported within the suburban areas, unless provided for by zoning existing prior to adoption of OCP Bylaw 10500.

Ensure adherence to form and character, natural environment, hazardous condition and conservation guidelines.³

Sensitive Infill.⁴ Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- 2) Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- 3) Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 06, so provide size of ducts and fire separation details at time of Building Permit Applications.
- 4) A fire rated exit stairwell is required from the 2nd Floor to the exterior. Please provide these details on the building permit drawing sets at time of application.

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Objective 5.4 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

- 5) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

See attached Memorandum, dated October 17, 2013.

6.3 Bylaw Services

City of Kelowna Bylaw Services has an open Service Request, #248729, for illegal suites at this location. The file was generated on February 1, 2013 and remains open to this day.

6.4 Fire Department

No concerns.

6.5 Interior Health Authority

As the subject property is serviced by community sanitary sewer and community water systems and the proposed development would serve to increase density this office has no concern or objection to the proposed development.

6.6 RCMP

The RCMP have no comments regarding this application.

6.7 Shaw

Shaw Cable approves the proposed new 4 plex development at 721/725 Francis Avenue.

Owner/ developer to supply and install an underground conduit system per Shaw Cable drawings and specifications.

6.8 Telus

No Comment.

6.9 FortisBC

There are primary distribution facilities within the laneway adjacent to the subject's east property line. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

6.10 FortisBC Energy

No comment.

7.0 Application Chronology

Date of Application Received: October 10, 2013

Date Circulation Complete: November 13, 2013

Public Notification & Consultation: July 9-29, 2013

Additional Information Requested: November 29, 2013

Additional Information Received: February 15, 2014

Outstanding Information Received: March 3, 2014

Report prepared by:

James Moore, Land Use Planner

Reviewed by:

☐

Ryan Smith, Urban Land Use Manager

Approved for Inclusion:

☐

D. Gilchrist, Div. Director, Community Planning & Real Estate

Attachments:

Subject Property Map

Site Plan

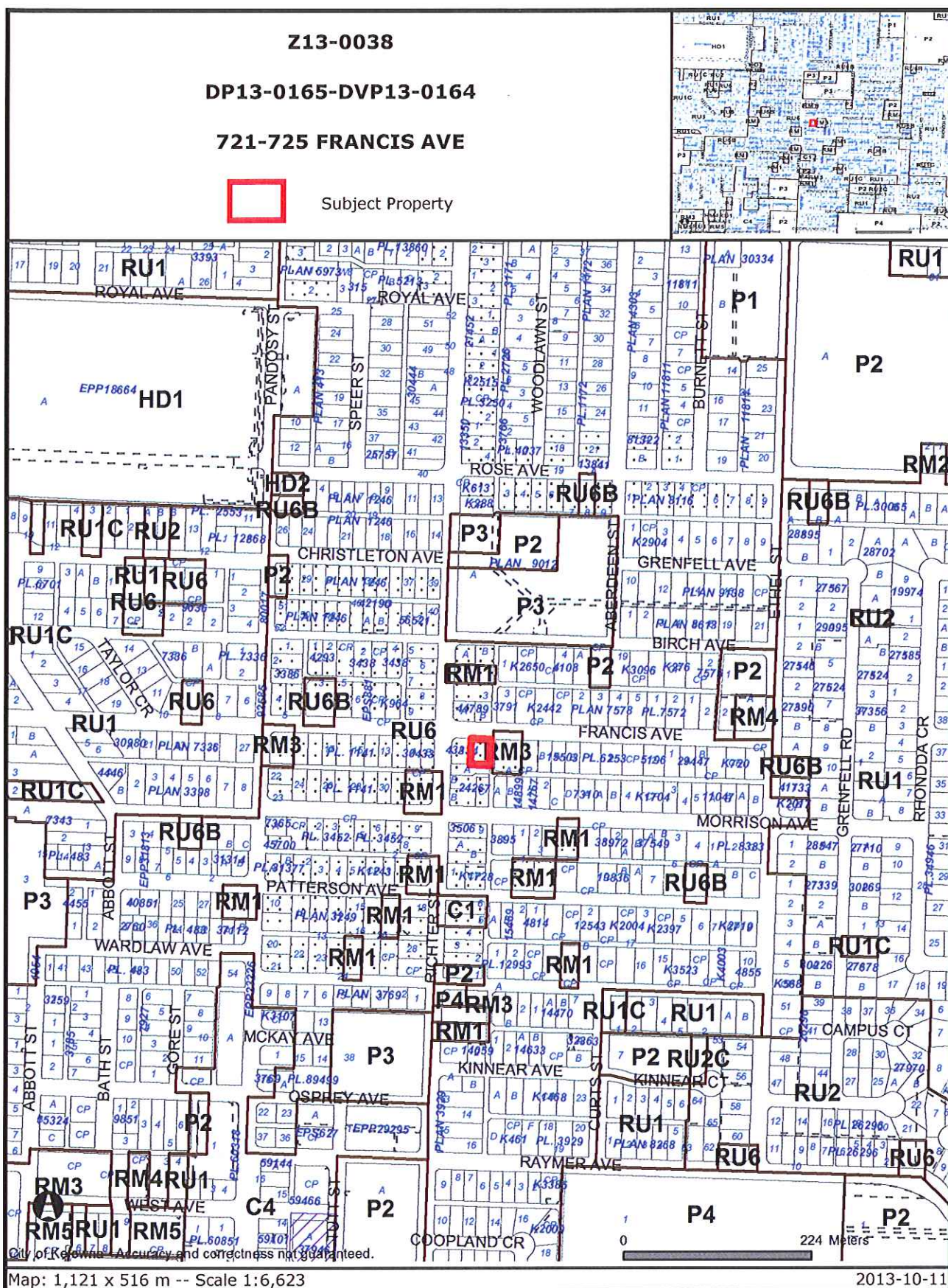
Floor Plans

Conceptual Elevations

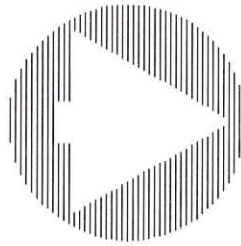
Landscape Plan

Context/Site Photo

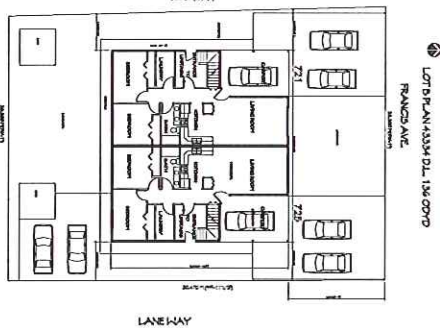
Development Engineering Memorandum, dated October 17, 2013



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.



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AS BUILT DRAWINGS FOR:
MR. AND MRS. WILMA AND ALDO CLINAZ
PROPERTY LOCATED AT:
721 AND 725 FRANCIS AVE.,
KELOWNA, B.C. CANADA
V1Y 5G5
250-493-5095 CELL 250-809-7196

DRAWINGS PREPARED FOR:
ALDO/WILMA CLINAZ

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PROJECT NO.
RSM 13-015

AS BUILT DRWGS.

DATE: 12/20/13
BY: RSM
CHECKED: RSM
DATE: 12/20/13

REVISIONS

NO. DESCRIPTION

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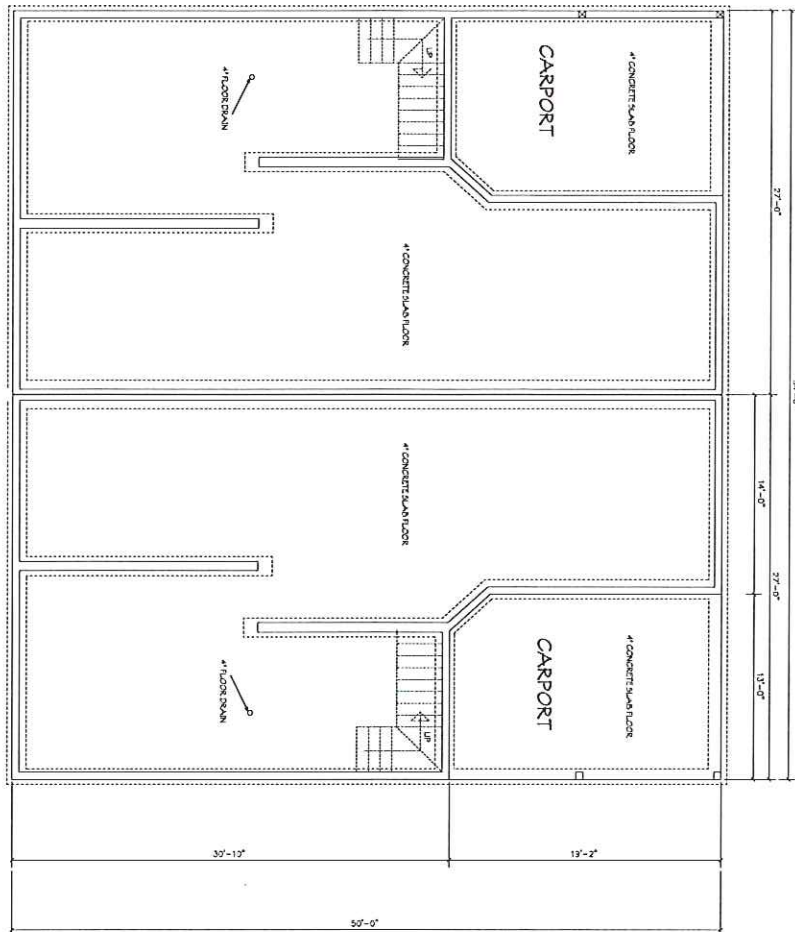
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AS BUILT DRAWINGS FOR

721

725

FRANCIS AVE.



FOOTING AND FOUNDATION PLAN

ALL MEASUREMENTS HAVE BEEN SUPPLIED BY THE OWNER



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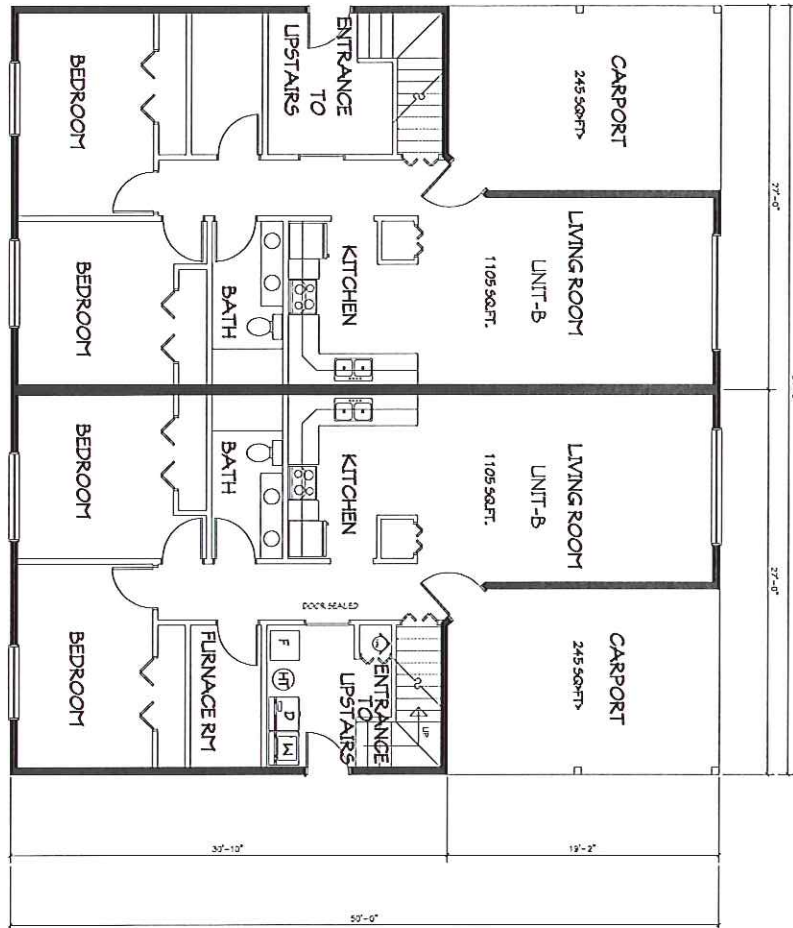
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AS BUILT DRAWINGS FOR

721

725

FRANCIS AVE.



BASEMENT LAYOUT

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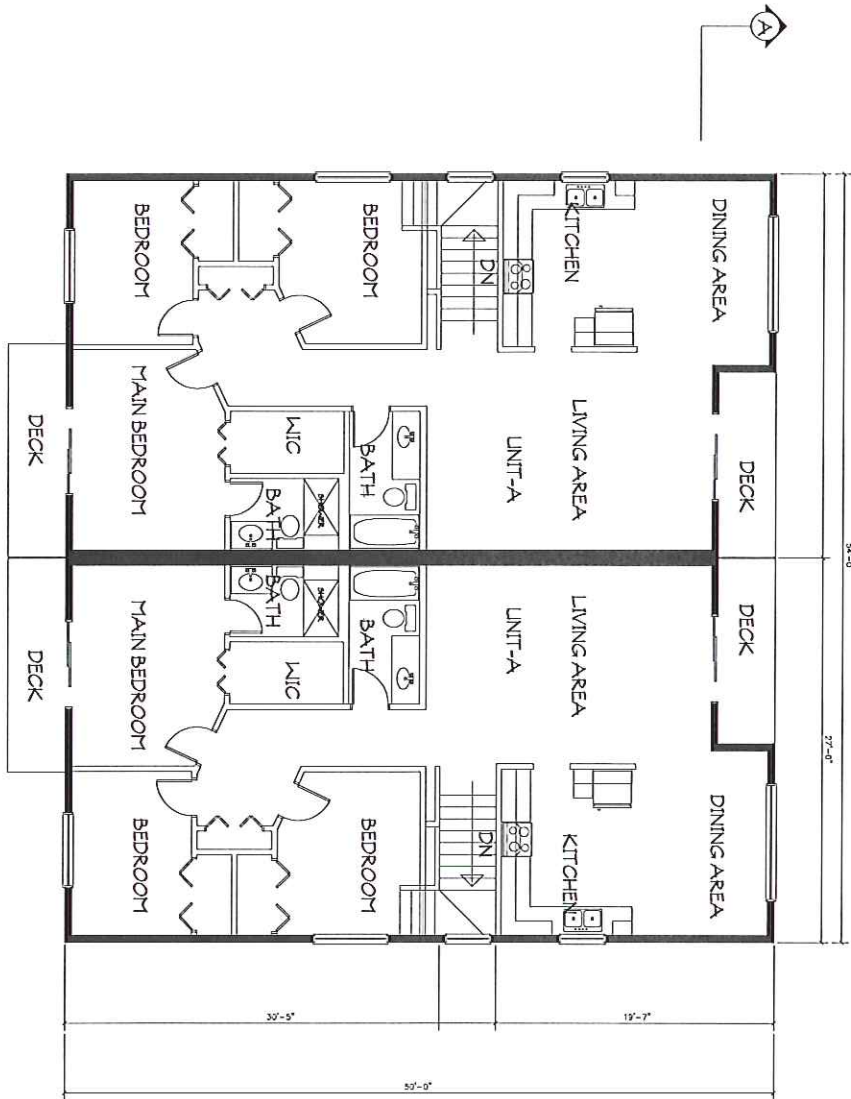
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MAIN FLOOR LAYOUT

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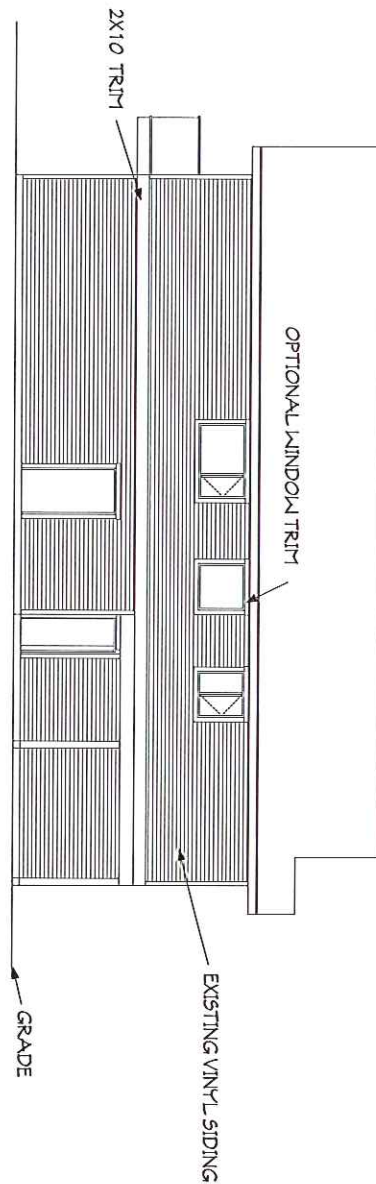
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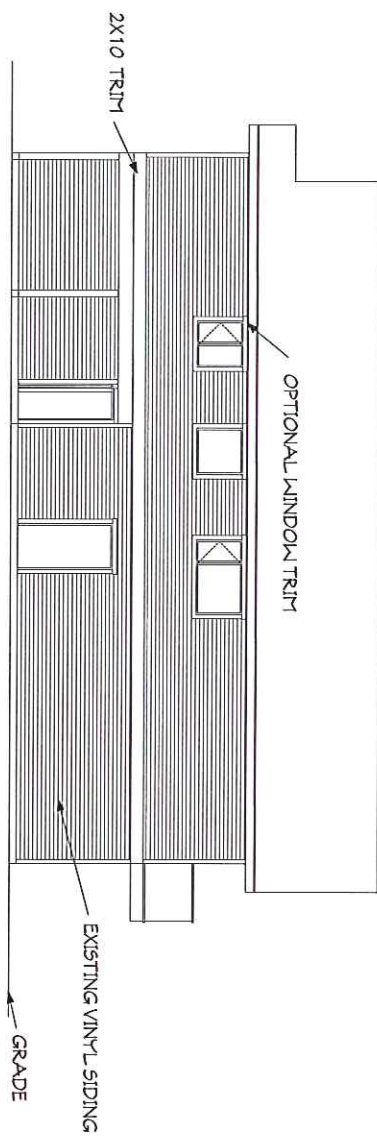
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LEFT ELEVATION



RIGHT ELEVATION
ALTERNATE

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NOTES:

- F9C - INTERIOR FLOOR COVERING
- 5/8" SUB FLOOR
- 2X10 FLOOR JOISTS @ 16" O.C.
- R-12 INSULATION
- RESILIENT METAL CHANNELS SPACED AT 400MM O.C.
- 5/8" TYPE IX FIREGARD

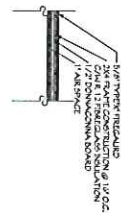
M13A COMMON WALL (60 MIN. RATING STC57)

- 5/8" TYPE IX FIREGARD
- 2X4 STUD WALLS @ 16" O.C.
- C/M R12 INSULATION
- BOTH SIDES AND 1" AIRSPACE
- 5/8" TYPE IX FIREGARD

M4A WALL BETWEEN SUITE AND UPPER FLOOR ENTRANCE

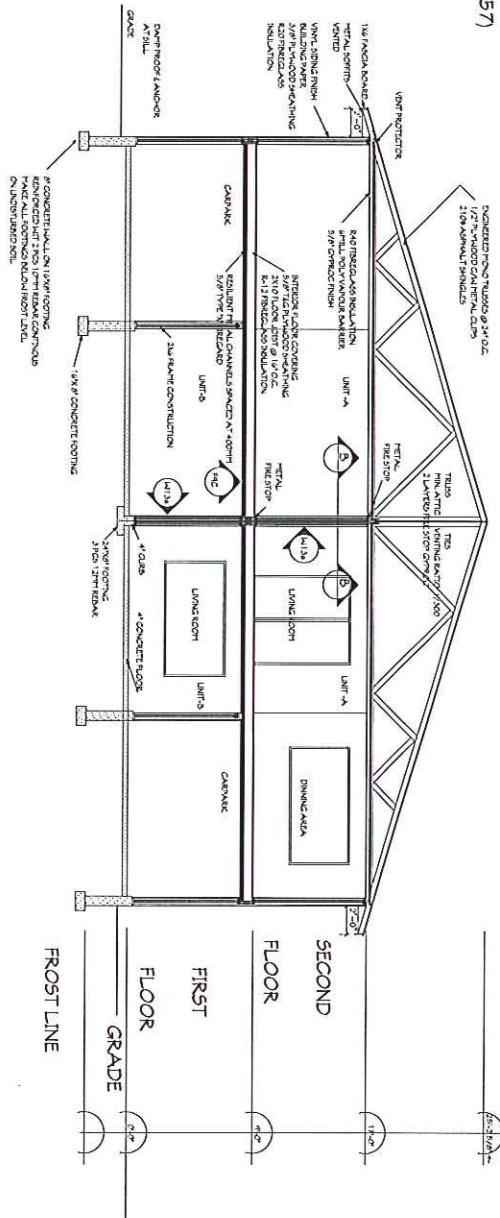
- (60 MIN. RATING STC 51)
- 5/8" TYPE IX FIREGARD
- 2X4 STUD WALL @ 16" O.C.
- C/M R12 INSULATION
- RESILIENT METAL CHANNELS ON ONE SIDE SPACED 400MM OR 600MM O.C.
- 2-LAYERS 5/8" TYPE IX FIREGARD

REFER TO BCBC 9.10.3.1.A
STC - SOUND TRANSMISSION CODE
CO2 DETECTORS TO BE INSTALLED IN ALL SUITES



SECTION B-B

COMMON WALL-M13a



SECTION A-A

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THE FOCUS OF THE FACTS IS SPECIALLY APPLIED
IN THE EVENT A CHARGE IS DISMISSED

0000-0001-9786-000X

- ## 2. SILENCE

2.2. LUTHERANISM

- #### 4. EXCAVATION

4.2 THE FINESTRUCTURE

- ## 6 DAMPER

Year	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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- #### A.4 INSULATION TO E

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- ## II. BOEING

(2) ALL PLAYERS HAVE

- 121 ALL ECON'S ATTEN

19.1 ALL COUNTRIES TO BE PURCHASED,
SOLD AND DELIVERED TO AS IN

- ### 16.1 NEWLICK WITH WIND

17 STAIRS AND HANDRAILS

- 100

19.1 CULTURAL DEVIATION

20.1 MECHANICAL TYPING IN AMERICAN HISTORY

- Product continuity

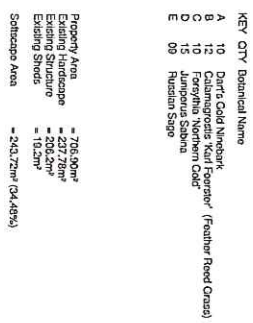
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Microsoft	Project Title:	Landscape Plan
Client: Microsoft Corp., One Microsoft Way, Redmond, WA 98073-0333 www.microsoft.com	Client Residence:	
Project Number:	Squad Location: 721/725 Francis Ave. Melville, DC VYI 505	
NOTES: - RAINCULT TO ENHANCE JOURNALING - ALL MATERIALS TO BE COMPAKED IN PLACE BY CONTRACTOR PRIOR TO THE GRASS PLANTING OF WORK		
Date: 2014/04/26	Scale: 1:175	
Sheet:	(Revision)	

Z13-0038 SITE PHOTOS



View of the subject property from Francis Avenue looking south.



View of the subject property from the adjacent laneway, looking west.

CITY OF KELOWNA
MEMORANDUM

Date: October 17, 2013
File No.: Z13-0038
To: Urban Planning (JM)
From: Development Engineering Manager
Subject: 721 – 725 Francis Ave

RU6 to RM1

Development Engineering has the following comments and requirements associated with this application to rezone from RU6 to RM1.

1. Domestic Water and Fire Protection

Our records indicate that this property is serviced with two 19mm diameter copper water services. The current by-law requires that only one service be permitted for this application. **The disconnection of the existing services and the tie-in of a larger new service can be provided by City forces at the applicant's expense.** For estimate inquiry's please contact Sergio Sartori, by email ssartori@kelowna.ca or phone, 250-469-8589.

2. Sanitary Sewer

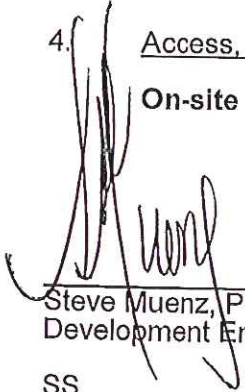
Our records indicate that this property is currently serviced with two 100mm-diameter sanitary sewer services. The current by-law requires that only one service be permitted for this application. An inspection chamber (IC) complete with brooks box must be installed on the remaining service at the owner's cost. Service upgrades can be provided by the City at the applicant's cost. **The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade.** For estimate inquiry's please contact Sergio Sartori, by email ssartori@kelowna.ca or phone, 250-469-8589.

3. Road Improvements

Francis Ave must be upgraded to an urban standard along the full frontage of this property, including curb and gutter, piped storm drainage facilities, and pavement widening. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$8,397.00 not including utility service costs**

4. Access, Manoeuvrability and Parking Requirements

On-site parking modules must meet bylaw requirements.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

REPORT TO COUNCIL



Date: March 17, 2014

RIM No. 1250-30

To: City Manager

From: Urban Planning, Community Planning & Real Estate (JM)

Application: Z13-0037

Owner: Raul Holdings Inc.

Address: 3657 Highway 97N

Applicant: Novation Design Studio (Paul Schuster)

Subject: Rezoning Application

Existing OCP Designation: SC - Service Commercial

Existing Zone: A1 - Agriculture 1

Proposed Zone: C10 - Service Commercial

1.0 Recommendation

THAT Rezoning Application No. Z13-0037 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 35, Township 26, ODYD, Plan 19674, Except Plan 23587, located on 3657 Highway 97N, Kelowna, BC from the A1 - Agriculture 1 zone to the C10 - Service Commercial zone be, considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch and Black Mountain Irrigation District being completed to their satisfaction.

2.0 Purpose

To consider a proposal to rezone the subject property from the A1 - Agriculture 1 zone to the C10 - Service Commercial zone in order to develop a service commercial building containing four (4) tenant spaces.

3.0 Urban Planning Department

Urban Planning staff are supportive of the overall development concept, as it is consistent with the vision of the Official Community Plan (OCP) for the site. The building and supporting

landscaping place considerable design effort on the site's Highway 97 frontage, which contributes to the development of an improved highway corridor.

The proposal contemplates a significant reduction in the required landscape buffer directly abutting lands in the ALR. Following OCP direction, staff seek to ensure the compatibility of adjacent development with agricultural lands. However, given the location of the building on the site, the nature of the proposed development, and the proposed buffer treatment, staff feel that the proposal adequately mitigates any potential negative impacts. Should the land use be supported by Council, the variance request will be explored more fully by staff at a later date.

4.0 Proposal

4.1 Background

The applicant has conducted Neighbour Consultation in accordance with the requirements of Council Policy No. 367. Of the 6 properties contacted with regards to the development proposal, none were opposed, and one was in support.

4.2 Project Description

The applicant is proposing to develop a service commercial building on the subject property. The building will be a single storey with a mezzanine, having a total building footprint of 590m² and a total floor area of 826m² (including mezzanine). The building will contain space for up to four tenants, each having their own loading bay access at the rear of the building.

The building is oriented so that it fronts Highway 97N, and it is from that frontage that the main entrances for all the tenant spaces are taken. It is also the highway frontage of the proposed building that benefits from the highest level of design detail and visual interest.

While the building fronts Highway 97, its access is located at the opposite side of the site at Lansdowne Place. Garbage and recycling for the development is located on the south side of the building, and is appropriately screened from view.

The southern property line directly abuts agricultural land situated within the Agricultural Land Reserve (ALR). Accordingly, increased buffer requirements are triggered on the subject property in accordance with both City and ALC policy. Beyond the policy direction for a larger landscape buffer adjacent to ALR lands, there is a minimum Zoning Bylaw standard of a 3.0m buffer. The proponent has made application for a Development Variance Permit to reduce the landscape buffer requirement from 3.0m required to 1.0m proposed.

Alongside the Development Variance Permit, Development permits are also required to evaluate the form and character of the proposed development as well as its impact on adjacent farmland. Should Council give favourable consideration to the proposal, both application will be brought forward in concert with final adoption of the rezoning.

4.3 Site Context

The subject property fronts the south side of Highway 97N, approximately 150m southwest of its intersection with Commercial Drive in the Rutland sector of the city. The 0.36ha lot is generally triangular in shape, and takes its principal access from the east at Lansdowne Place.

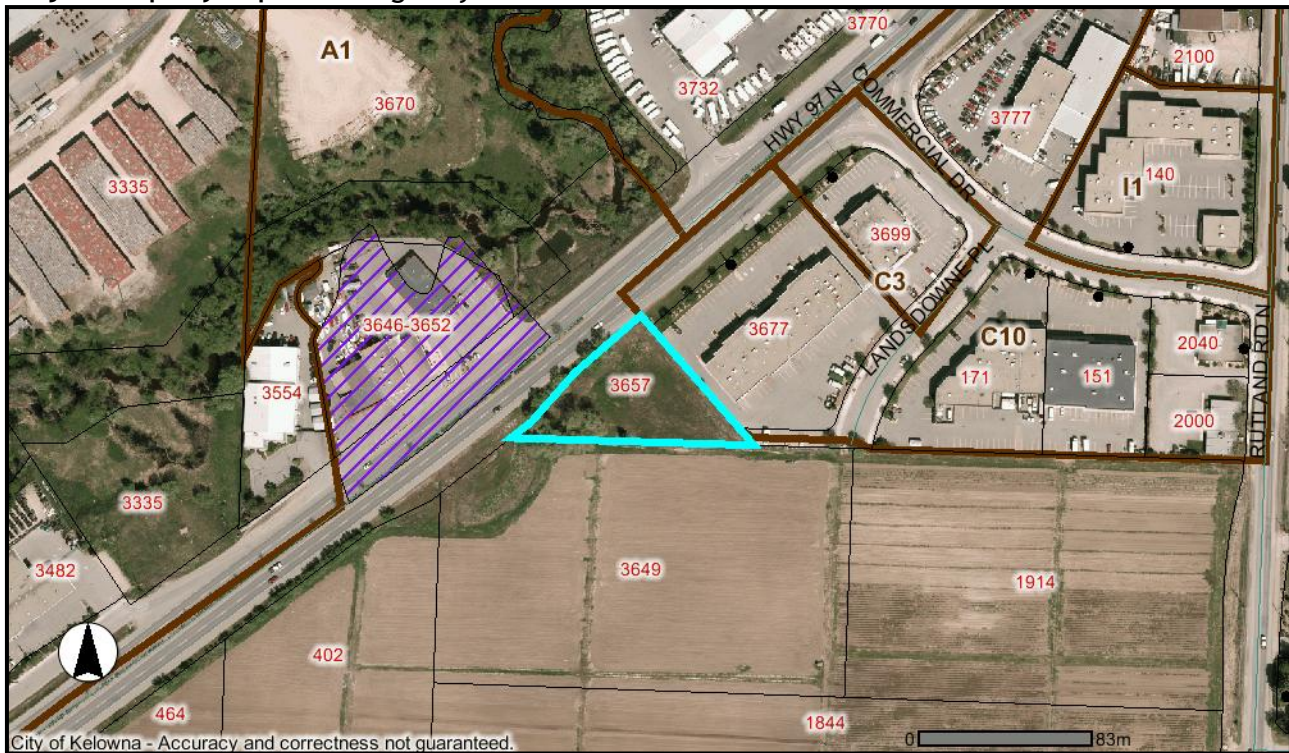
The lot is situated in an area characterized by land uses which are sharply divided between a mix of service commercial and industrial set against agricultural lands in the Agricultural Land Reserve (ALR). The lot is zoned A1 - Agriculture 1 zone, but is designated as SC - Service

Commercial in the OCP and is within the Permanent Growth Boundary. The parcel is not within the ALR, but it does share its southern lot line with lands that are in the ALR.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 - Service Commercial	Service commercial development
East	C10 - Service Commercial	Service commercial development
South	A1 - Agriculture 1	Agriculture
West	A1 - Agriculture 1/Land Use Contract 77-1040	General industrial uses

Subject Property Map: 3657 Highway 97N



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C10 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1,000 m ²	3,583 m ²
Lot Width	30.0 m	Approx 75.0 m
Lot Depth	30.0 m	Approx 90.0 m
Development Regulations		
Floor Area Ratio	0.65	0.23
Height	12.0 m / 3 storeys	11.5 m / 1 storey + mezzanine
Front Yard (hwy 97)	4.5 m	exceeds
Side Yard (south)	4.5 m	6.0 m
Side Yard (northeast)	0.0 m	10.0 m
Rear Yard (east corner)	0.0 m	exceeds

Other Regulations		
Minimum Parking Requirements	2 stalls / 100m ² = 17 stalls	20 stalls
Bicycle Parking	Class I: 2 Class II: 5	Class I: TBD Class II: TBD
Loading Space	1 per 1,900m ²	4 stalls
Landscape Buffer Requirements		
Front	Level 4 (3.0m planting)	Level 4 (3.0m planting)
Side (northeast)	Level 3 (3.0m or fence)	Level 3 (3.0m or fence)
Side (south)	Level 5 (3.0m planting & fence)	Level 1 (1.0m planting & fence) ①
Rear (east corner)	Level 3 (3.0m or fence)	Level 3 (3.0m or fence)
① Indicates a requested variance to the minimum landscape buffer abutting lands within the ALR from Level 5 required to Level 1 proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Protect Agricultural Land.¹ Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Retention of Commercial Land.² In order to ensure that the City's commercial land supply is not eroded, where the OCP Bylaw 10500 indicated a commercial land use designation for the property, the expectation would be that there be no net loss of commercial space on the site as a result of the redevelopment to include other uses.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 2) Full Plan check for Building Code related issues will be done at time of Building Permit applications. The submitted drawings do not show floor plans to make building comments on.
- 3) The fire department may have access issues to get to the front of the building as required by code. Please have the fire department comment on access and required turn radius requirements.

6.2 Development Engineering Department

See attached Memorandum, dated October 31, 2013.

6.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw #7900 requires a minimum of 150ltr/sec fire flows. KFD has concerns that if the building is addressed off of Highway 97N then access shall be

¹ City of Kelowna Official Community Plan. Chapter 5 (Development Process), Policy 5.33.1.

² City of Kelowna Official Community Plan. Chapter 5 (Development Process), Policy 5.24.2.

off of the same. The plan indicates access off of Lansdowne Place - should this be the case, please ensure address is the same as access. Additional comments will be required at the building permit application.

6.4 FortisBC (electric)

There are primary distribution facilities along Highway 97N as well as Lansdowne Place. However, an extension will be required in order to service the proposed development. The design process required to plan such an extension does not yet appear to have been initiated. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

6.5 Black Mountain Irrigation District

See attached email, dated November 1, 2013.

6.6 Ministry of Transportation

Approved.

6.7 Shaw Cable

Shaw Communications' interests are unaffected. The applicant should contact Shaw regarding future cable services.

6.8 Telus Communications

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

6.9 Agricultural Advisory Committee

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on November 28, 2013 and the following referral comments were provided:

The Committee did not have any concerns with respect to the proposed variance and ALR landscape buffering provided that there is a 'solid' fence constructed.

7.0 Application Chronology

Date of Application Received: October 4, 2013

Date Circulation Complete: November 1, 2013

Advisory Design Team: November 7, 2013

Public Notification & Consultation: February 17 & 18, 2014

Report prepared by:

James Moore, Land Use Planner

Reviewed by:

☐

Ryan Smith, Urban Planning Manager

Approved for Inclusion:

☐

D. Gilchrist, Div. Director, Community Planning & Real Estate

Attachments:

Subject Property Map

ALR Map

Site Plan

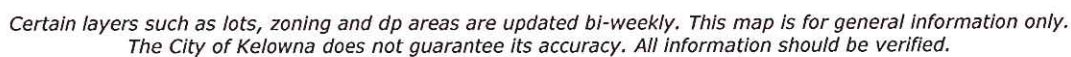
Conceptual Elevations

Landscape Plan

Record of Public Notification and Consultation

Email from the Black Mountain Irrigation District

Development Engineering Memorandum, dated October 31, 2013





Raul Holdings Inc.

Address: 0000 Landsdowne Place, Kelowna, B.C.
 Legal: Lot A, PLAN 19674 ODYD, TWP 26

Zoning (Current): A1 Non-ALR

Permitted Use: Refer to Zoning bylaw #8000

Zoning: (Proposed) C10 Service Commercial

Permitted Use: Refer to Zoning bylaw #8000 section 14.10

3.712.5	sq.m.
39,963	sq.ft.
0.3713	Ha

Site Area:

ALLOWED	PROPOSED
40.0	m
30.0	m
1000.0	2
	7270 m2

Min Lot Width
 Min Lot Depth
 Min Parcel Size

Setbacks

ALLOWED	PROPOSED
Front yard	15.0m
Front yard parking	6.0m
Side yard (East)	0.0 m
Side yard (West)	0.0 m
	7 m

Front

Side

Adjacent ALR

LANDSCAPE BUFFER	
Level 4	4.5 m
Level 3	14.72 ft
Level 5	3.0 m
	9.84 ft
	3.0 m
	9.84 ft

1.0 m provided for portion of property

Parcel Coverage Maximum 60%
 (Building Footprint)
 Maximum # of dwelling units

Floor Area Ratio Maximum .65

Height Principal buildings
 or 3 storeys

Parking 2.0 stalls/100 m2 (main floor)
 2.0 stalls/100 m2 (40% mezzanine)

Regular Size (9m x 2.5m) Max 50%
 Medium Size (4.8m x 2.3) Max 40%
 Compact Size (3.4m x 2.0m) Max 10%

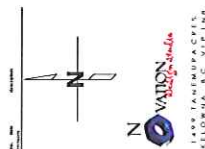
ALLOWED/REQUIRED	PROPOSED
2,228	sq.m.
23,978	sq.ft.
1 unit	N/A

2,413	sq.m.	826	sq.m.
25,976	sq.ft.	0	sq.ft.
12.0	m	11.5	m
39.4	ft	37.0	ft

Required	11.8	spaces
	4.7	spaces
	0	spaces
Total Required	17	spaces

Covered	0	spaces
On Grade	20	spaces
Total Provided	20	spaces
Visitor	0	spaces
Loading	4	spaces

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<input type="checkbox"/>	A CONTROLLED document. Evidence will be withheld.
<input checked="" type="checkbox"/>	The first issue of the document.
<input type="checkbox"/>	A complete revision. No other previous issues exist.
<input type="checkbox"/>	A partial revision. Evidence consists of corresponding issues / pages from use.
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RAUL HOLDINGS INC.
COMMERCIAL

2017 RELEASE UNDER E.O. 14176

Subject no. 1301

276 *Journal of Health Politics, Policy and Law*

SITE PLAN

Project	Cost	Revenue	Profit
Project A	100	150	50
Project B	120	180	60
Project C	150	200	50
Project D	180	220	40
Project E	200	250	50
Project F	220	280	60
Project G	250	300	50
Project H	280	320	40
Project I	300	350	50
Project J	320	380	60
Project K	350	400	50
Project L	380	420	40
Project M	400	450	50
Project N	420	480	60
Project O	450	500	50
Project P	480	520	40
Project Q	500	550	50
Project R	520	580	60
Project S	550	600	50
Project T	580	620	40
Project U	600	650	50
Project V	620	680	60
Project W	650	700	50
Project X	680	720	40
Project Y	700	750	50
Project Z	720	780	60
Project AA	750	800	50
Project AB	780	820	40
Project AC	800	850	50
Project AD	820	880	60
Project AE	850	900	50
Project AF	880	920	40
Project AG	900	950	50
Project AH	920	980	60
Project AI	950	1000	50
Project AJ	980	1020	40
Project AK	1000	1050	50
Project AL	1020	1080	60
Project AM	1050	1100	50
Project AN	1080	1120	40
Project AO	1100	1150	50
Project AP	1120	1180	60
Project AQ	1150	1200	50
Project AR	1180	1220	40
Project AS	1200	1250	50
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Project BI	1600	1650	50
Project BJ	1620	1680	60
Project BK	1650	1700	50
Project BL	1680	1720	40
Project BM	1700	1750	50
Project BN	1720	1780	60
Project BO	1750	1800	50
Project BP	1780	1820	40
Project BQ	1800	1850	50
Project BR	1820	1880	60
Project BS	1850	1900	50
Project BT	1880	1920	40
Project BU	1900	1950	50
Project BV	1920	1980	60
Project BW	1950	2000	50
Project BX	1980	2020	40
Project BY	2000	2050	50
Project BZ	2020	2080	60
Project CA	2050	2100	50
Project CB	2080	2120	40
Project CC	2100	2150	50
Project CD	2120	2180	60
Project CE	2150	2200	50
Project CF	2180	2220	40
Project CG	2200	2250	50
Project CH	2220	2280	60
Project CI	2250	2300	50
Project CJ	2280	2320	40
Project CK	2300	2350	50
Project CL	2320	2380	60
Project CM	2350	2400	50
Project CN	2380	2420	40
Project CO	2400	2450	50
Project CP	2420	2480	60
Project CQ	2450	2500	50
Project CR	2480	2520	

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CONCLUSIONS

SEEKING FOR NEW COMPANY OPPORTUNITIES

Notes:
 1. All dimensions are in feet and inches.
 2. The owner is responsible for obtaining all necessary permits from the appropriate local, state, and federal agencies.
 3. The owner is responsible for obtaining all necessary easements and rights of way from the appropriate local, state, and federal agencies.
 4. The owner is responsible for obtaining all necessary approvals from the appropriate local, state, and federal agencies.
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- Legend:
- 1. All dimensions are in feet and inches.
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 - 10. The owner is responsible for obtaining all necessary approvals from the appropriate local, state, and federal agencies.



1 Level 01
 3/16" = 1'-0"

North Arrow

WYON
Engineering & Architecture

PROJECT: 3000 S. 10TH AVE. #100
 CLIENT: RAIL HOLDINGS INC. COMMERCIAL
 DRAWING: 3000 S. 10TH AVE. #100
 DATE: 10/1/2011

MAIN FLOOR PLAN

DATE	10/1/2011
BY	PC
CHECKED	PC
DATE	10/1/2011

DP102

ISSUED FOR DEVELOPMENT PERMIT

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<input type="checkbox"/>	A complete revision. Revisions previous to this first issue.
<input type="checkbox"/>	A partial revision. Revisions previous to corresponding sheets / pages shown.
<input type="checkbox"/>	Not for Construction.



NOVATION
Studio
1499 JANAMUNAKAPES
SELOWIA & C VINE

RAUL HOLDINGS INC.
COMMERCIAL

3157 HIGHWAY 97 N.
project no. 1301

MEZZANINE FLOOR

Issued by	PS	Date	3/16/2012
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DP103

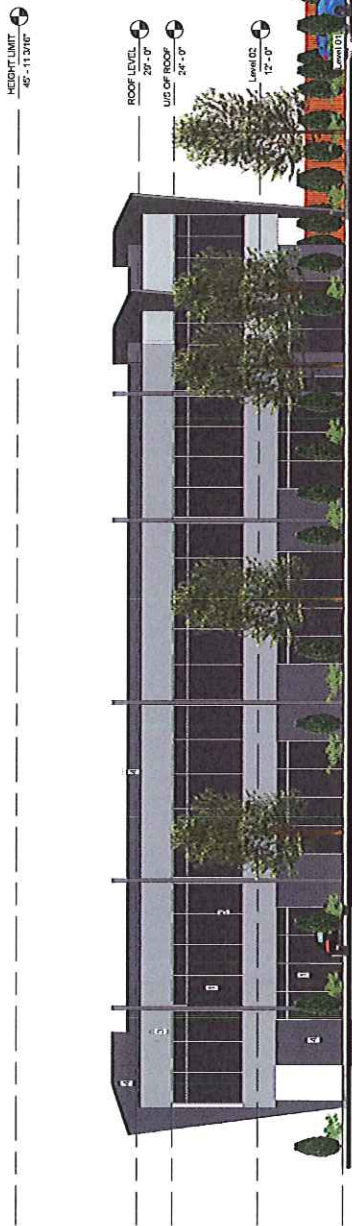
Author	Year	Journal
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Johnson, M. K.	1998	Journal of Management Studies
Williams, L. P.	2001	Journal of Management Studies
Chen, H. Y. D.	2003	Journal of Management Studies
Wang, Y. J.	2005	Journal of Management Studies
Li, X. M.	2007	Journal of Management Studies
Wang, Y. J.	2009	Journal of Management Studies
Li, X. M.	2011	Journal of Management Studies
Wang, Y. J.	2013	Journal of Management Studies
Li, X. M.	2015	Journal of Management Studies
Wang, Y. J.	2017	Journal of Management Studies
Li, X. M.	2019	Journal of Management Studies
Wang, Y. J.	2021	Journal of Management Studies
Li, X. M.	2023	Journal of Management Studies

ISSUED FOR DEVELOPMENT PERMIT

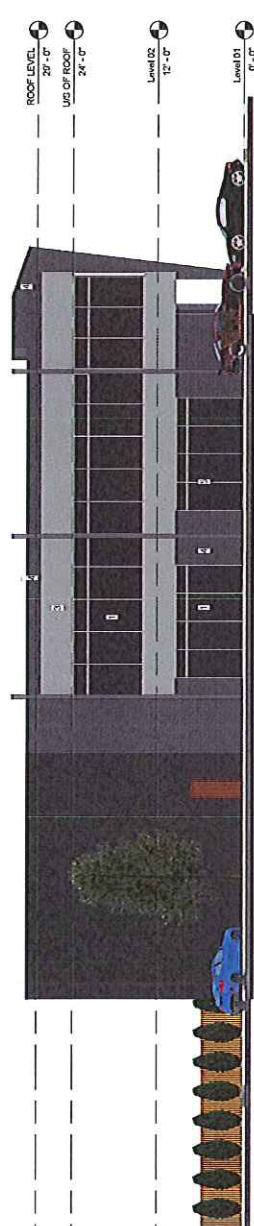
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THE FOLLOWING IS A SUMMARY OF THE MATERIALS AND FINISHES TO BE USED IN THE CONSTRUCTION OF THE BUILDING. THE MATERIALS AND FINISHES TO BE USED IN THE CONSTRUCTION OF THE BUILDING SHALL BE AS SHOWN ON THE DRAWINGS AND IN THE MATERIALS AND FINISHES SCHEDULE. THE MATERIALS AND FINISHES TO BE USED IN THE CONSTRUCTION OF THE BUILDING SHALL BE AS SHOWN ON THE DRAWINGS AND IN THE MATERIALS AND FINISHES SCHEDULE. THE MATERIALS AND FINISHES TO BE USED IN THE CONSTRUCTION OF THE BUILDING SHALL BE AS SHOWN ON THE DRAWINGS AND IN THE MATERIALS AND FINISHES SCHEDULE.

- 1- TINTED GLASS
- 2- CLEAR GLASS
- 3- PHENOLIC PANEL SIDING (REFER TO MATERIAL BOARD)
- 4- SMOOTH ACRYLIC STUCCO (REFER TO MATERIAL BOARD)
- 5- BLACK ALUMINUM STOREFRONT SYSTEM



1 N. West Elevation
 1/8" = 1'-0"
 HEIGHT LIMIT
 45'-11 3/16"



3 N. East Elevation
 1/8" = 1'-0"
 HEIGHT LIMIT
 45'-11 3/16"



2 East Elevation
 1/8" = 1'-0"
 HEIGHT LIMIT
 45'-11 3/16"

NAVION
 ARCHITECTS
 1100 N. 1ST AVE.
 SUITE 100
 DENVER, CO 80202

PROJECT NO. 1301
 3811 HIGHWAY 70 N.
 DENVER, CO 80202

DESIGNED BY
 PAUL LUCAS INC.
 COMMERCIAL

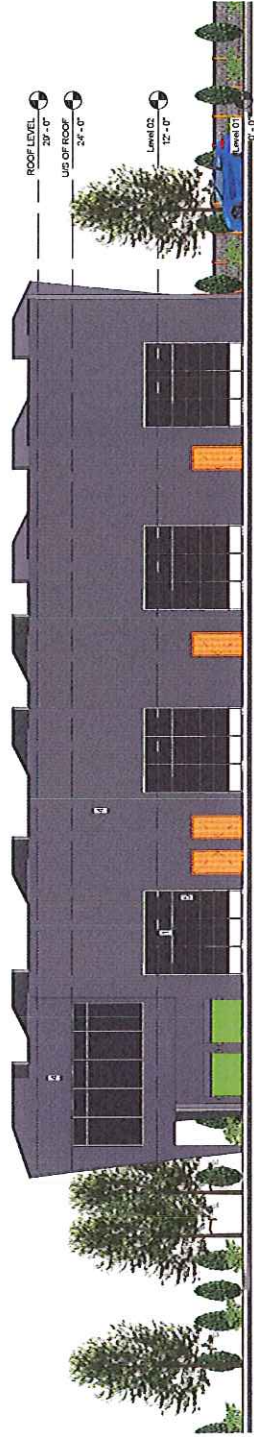
DATE
 1/18/2020

CHECKED BY
 PAUL LUCAS

PROJECT NO. 1301
 3811 HIGHWAY 70 N.
 DENVER, CO 80202

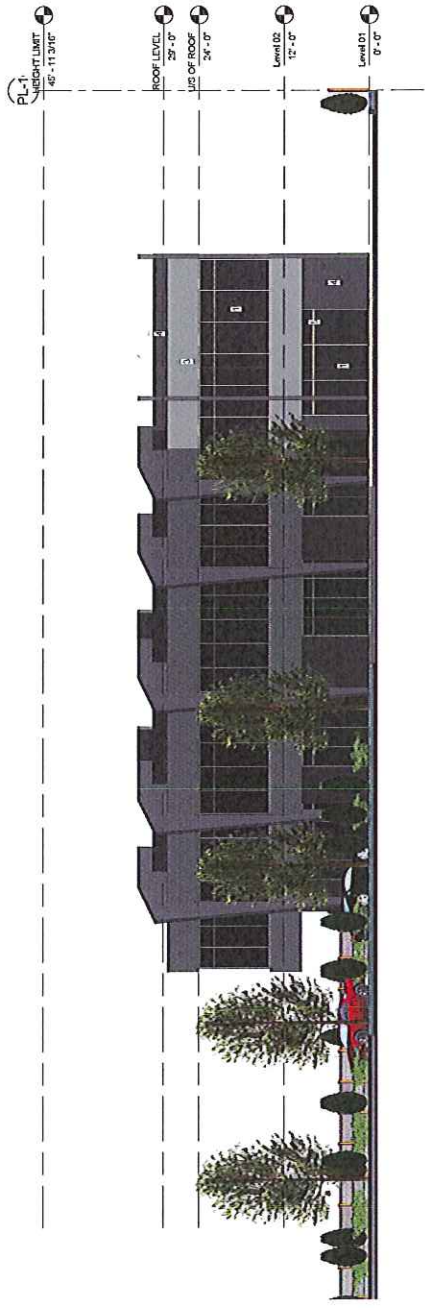
NOTES:
 1. The owner shall be responsible for obtaining all necessary permits from the appropriate local, state and federal agencies.
 2. The owner shall be responsible for obtaining all necessary permits from the appropriate local, state and federal agencies.
 3. The owner shall be responsible for obtaining all necessary permits from the appropriate local, state and federal agencies.
 4. The owner shall be responsible for obtaining all necessary permits from the appropriate local, state and federal agencies.
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 8. The owner shall be responsible for obtaining all necessary permits from the appropriate local, state and federal agencies.
 9. The owner shall be responsible for obtaining all necessary permits from the appropriate local, state and federal agencies.
 10. The owner shall be responsible for obtaining all necessary permits from the appropriate local, state and federal agencies.

- The following is a list of the materials and finishes to be used in the construction of the building. The materials and finishes shall be of the highest quality and shall be in accordance with the specifications of the American Institute of Architects (AIA) and the National Institute of Standards and Technology (NIST).
- ☐ 100% Recycled Steel Decking (Refer to Material Board)
 - ☐ 100% Recycled Steel Decking (Refer to Material Board)
 - ☐ 100% Recycled Steel Decking (Refer to Material Board)
 - ☐ 100% Recycled Steel Decking (Refer to Material Board)
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 - ☐ 100% Recycled Steel Decking (Refer to Material Board)
 - ☐ 100% Recycled Steel Decking (Refer to Material Board)



1 South Elevation
 1/8" = 1'-0"

- 1 - TINTED GLASS
- 2 - CLEAR GLASS
- 3 - PHENOLIC PANEL SIDING (REFER TO MATERIAL BOARD)
- 4 - SMOOTH ACRYLIC STUCCO (REFER TO MATERIAL BOARD)
- 5 - BLACK ALUMINUM STOREFRONT SYSTEM



2 West Elevation
 1/8" = 1'-0"

NOVATION
 1100 S. HARRIS AVE.
 KIDWORTH, NC 27613

PAUL HOLDING INC.
 COMMERCIAL

3817 HIGHWAY 47 N.
 PROJECT NO. 1301

DATE: 08/11/16

ELEVATIONS

DP302

ISSUED FOR BUILDING PERMIT

EVALUATION POINT	
1	14.01.2
2	
3	
4	

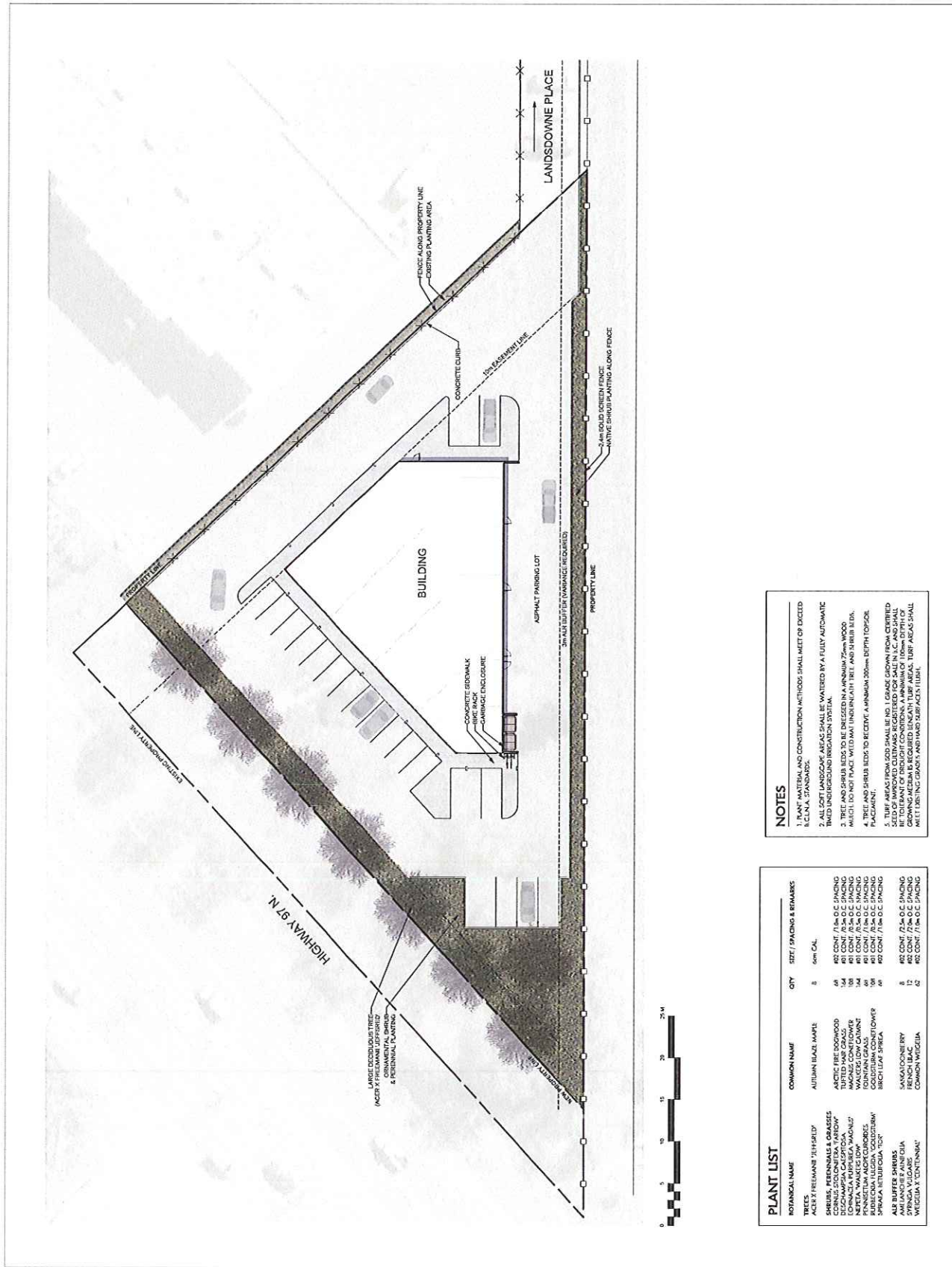
ANALYST: JAL	LABOR
DESIGNER: JAL	FILE
DRAWN BY:	PCS
CHECKED BY:	FW
DATE:	JAN 21 2014
SCALE:	1/8" = 1'-0"



POLYMER LETTERS

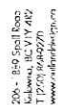
L1/2

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PLANT LIST			
BOTANICAL NAME	COMMON NAME	QTY	SIZE / SPACING & REMARKS
TREES		8	6m CAL
ACACIA F. FERNANDEZII 'HYBRID'	AUTUMN LEAFD MAPLE		
SHRUBS, PERENNIALS & GRASSES			
ARCTIC FIRE DOGWOOD	ARCTIC FIRE DOGWOOD	48	#0 CONT / 11" x 6" C SPACING
TURNED HAZE GRASS	TURNED HAZE GRASS	154	#0 CONT / 6" x 6" C SPACING
DECAPODIA CALIFORNICA	DECAPODIA CALIFORNICA	164	#0 CONT / 11" x 6" C SPACING
WAXMYRTLE	WAXMYRTLE	164	#0 CONT / 11" x 6" C SPACING
NETTLE, WAXES LOW	WAXES LOW LAVAND	164	#0 CONT / 11" x 6" C SPACING
FOUNTAIN GRASS	FOUNTAIN GRASS	164	#0 CONT / 11" x 6" C SPACING
PERENNIALS ACQUICORDES	PERENNIALS ACQUICORDES	164	#0 CONT / 11" x 6" C SPACING
SPRUEA NITROFIDA 'TIGER'	SPRUEA NITROFIDA 'TIGER'	164	#0 CONT / 11" x 6" C SPACING
ALUE BUTTERFLY	ALUE BUTTERFLY		
SANOA COONERY	SANOA COONERY	8	#0 CONT / 12" x 6" C SPACING
AMR ANDIE B. RENE DIA	AMR ANDIE B. RENE DIA	8	#0 CONT / 12" x 6" C SPACING
WEGUEA X. CONTINUA	WEGUEA X. CONTINUA	42	#0 CONT / 12" x 6" C SPACING

[illegible]



EURO NCN PYLON		Development Name
1	14.0.2	
2		
3		
4		

PROJECT NO.	1000
DESCRIPTION	SP
LOCATION	PG
CREATED BY	W
DATE	JUN 21 2014
SHEET	1000

22



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1. IRRIGATION PRODUCTS AND INSTALLATION METHODS SHALL MEET OR EXCEED THE REQUIREMENTS OF THE WATER USE REGULATION BYLAW NO. 10480 AND THE SUPPLEMENTARY SPECIFICATIONS IN THE CITY OF TOLSONA BYLAW 2902 (PART 6, SCHEDULE 2).

- THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS, REGULATIONS, AND STANDARDS OF THE SUPERVISOR.
- THE IRRIGATION SYSTEM SHALL BE EQUIPPED WITH AN APPROVED AUTOMATIC PROTECTION DEVICE, WATER METER, AND SHUT OFF VALVE LOCATED OUTSIDE THE BUILDING ACCORDING TO THE CITY.
- AN APPROVED SUMP CONTROLLER SHALL BE INSTALLED. THE IRRIGATION CHANGING TIMES SHALL BE SET TO RUN ONCE PER WEEK. THE SUMP CONTROLLER SHALL BE MAINTAINED AND RECALIBRATED EVERY 7 MONTHS (NO LATER THAN JULY 1ST). AVOIDING OVERSATURATION OF THE SOIL TYPE, PLANT, AND WEEDS.
- THE SHIP LINE AND GUTTERS SHALL INCORPORATE TECHNOLOGY TO LIMIT FOOT INTRUSION.
- THE IRRIGATION SLEEVES SHALL BE INSTALLED TO ROUTE IRRIGATION LINES UNDER HARD SURFACES AND UNDER DRIVEWAYS.
- IRRIGATION PIPES SHALL BE USED TO ALLOW FOR A MAXIMUM TYPICAL OF 1" - 1 1/2" P/C.
- ALL REWORKS AND MATERIAL SHALL BE CONDUCTED BY THE CONTRACTOR AND PROGRAMMED TO FOLLOW THE SYSTEM IN CASE OF AN IRRIGATION WATER LEAK.

[illegible]

ANDSCAPE MAXIMUM WATER BUDGET (WB) = 556 cu m./year
 ESTIMATED LANDSCAPE WATER USE (WU) = 201 cu m./year
 WATER BALANCE = 275 cu m./year

PREFER ATTACHED IRRIGATION APPLICATION FOR DETAILED CALCULATIONS.

To: James Moore, MCIP,RPP

From: Paul Schuster NOVATION DESIGN STUDIO

Date: March 04, 2014

**NOTIFICATION and CONSULTATION SPECIFICATIONS
FOR 3657 HWY 97 NORTH, KELOWNA**

Property Owner	Address	Method of Delivery	FEEDBACK
Ernie Falk	3649-1914	Emailed Feb 17	Verbal Support
Selka Drywall selkadrywall@kelos.net	3677-3699	Emailed Feb 17 bounce back mailed to Coldwell Banker to give to Strata Att: Shirley Mehus	No Response
Roy Lazic- Esso Station and Cutting Edge	3646-3652	Delivery to Mail slot office.	No Response
John Spareboom and Ken Munkhlm	171	Hand Deliver Feb 17	No Response
Garth Leigh -Timely Motors and Western Rim Industries	3554	Hand Deliver Feb 17	No Response
BC Packers Rutland Division	3670	Hand Deliver Feb 18 BC Tree Fruits Water St.	No Response



James Moore

From: Bob Hrasko [rhrasko@shaw.ca]
Sent: Friday, November 01, 2013 2:38 PM
To: Deb Champion
Cc: James Moore; 'Trena Phillips'; paul@novationdesignstudio.com; 'Kevin Burtch'
Subject: Rezoning Application - Z13-0037 - 3657 Highway 97N Commercial Development - BMID Comments

Attention: City Planning Department

RE: 3657 HIGHWAY 97N WATER SERVICING REQUIREMENTS - BMID FILE 2013-50

Please find enclosed comments from BMID in regards to water servicing for the proposed development. We have reviewed the rezoning submission and have the following comments related to water supply.

1. **Service Provider:** The location is within the service area of the Black Mountain Irrigation District (BMID) and new development is subject to the bylaws and requirements of BMID with respect to obtaining water for fire protection, irrigation and potable water;
2. **Land Use:** BMID understands the rezoning request and have no opposition in regards to the proposed change in land use;
3. **Water Rights:** The land parcel has water rights, sufficient to irrigate the property, however, building charges will apply for new construction as per BMID Capital Expenditure Charge Bylaw No. 678
4. **Service Connection:** The lot has no water service presently and the owner will require a new service of sufficient size to provide water for the proposed development. BMID will await recommendation by developer's consultant in this regard, but at this time, with the information we have received, BMID would recommend installation of a 50mm diameter service and have provided a cost estimate using this information;
5. **New BMID Service:** A new service connection will be required to be live-tapped onto the 200mm main that is on the highway frontage of the property. The work for the new service is estimated to cost **\$2,000** and would be done by BMID upon request through "Work Order Application" at the BMID office and deposit of sufficient funds to cover the work. The work would be done by BMID at cost and would include all water works installation including excavation, installation and backfilling;
6. **New Private Service:** On private property, the developers contractor is to install a new service line from the Building the BMID point of connection. The line must be verified to be water tight prior to connection to BMID main. A budget number for on-site service work is **\$3000**, however, the owner should consult with a Civil engineer who would be required to carry out the on-site Civil works;
7. **Notification of connection.** The property owner or their representative is to contact BMID office 48 hours prior to the time intended to connect to the BMID water system. BMID staff will either make the connection at cost, or will allow the developers contractor to make the connection under the review of BMID Operator present.
8. **Fire Protection:** Land developer's consultant is to provide BMID with fire demand of the building in the form of and Engineer Sealed Fire Underwriters Survey calculation. Consultant is to advise as to whether or not the building will be sprinkler protected. The building fire demand must be below 180 L/s, otherwise off-site improvements may be required to secure additional flow capacity to fight a fire;
9. **Hydrant Coverage:** It appears that a hydrant will be required along the highway frontage of the building with hydrant lead off of the 200mm main. Developer's consultant is to review and determine optimum location and to make a recommendation in this regard to BMID. BMID will review and approve prior to any of this work being completed. Est. budget cost for installation of a hydrant is **\$6,000**

10. **Capital Charge Fee:** The new building is subject to a Capital Expenditure Charge in the amount of \$4,500 for the first 100m² of office space and at a rate of \$8.00/m² thereafter. The CEC goes to a fund to replace eroded system capacity due to densification and the need for additional water. The building floor area from Drawing DP101 is 599.4m². This works out to a Capital Charge payable of **\$8,095.20**. This cost may be adjusted, based on final building floor area, including mezzanines.
11. **Meter Fee:** A 50mm diameter flow meter is expected for the raw water. The cost to supply, install, and integrate the meter into the BMID metered system is **\$899.55**.
12. **Engineering Review costs:** BMID retains a professional engineer to review new development and the impact on the BMID water system. The engineering costs for review is \$100.

TOTAL ESTIMATED COST -	New Public Service Line	\$ 2,000 (est.)	
	Private Service Line	\$ 0,000	\$ 3,000
	New Hydrant install	\$ 6,000 (est.)	
	CEC fee	\$ 8,095.20 (fixed)	
	Meter Fee (2")	\$ 899.55 (fixed)	
	<u>BMID Engineering fee</u>	<u>\$ 100.00 (fixed)</u>	
	TOTAL CHARGES	\$ 17,094.75	\$ 3,000

For the developer to begin the process with BMID, they should come into the BMID office to fill out an "Application for Building" form and pay the applicable charges. Once completed, BMID will issue a "Water Service Certificate" that will be required by the City of Kelowna. Please contact the BMID office if you have questions

Thanks

Bob

Bob Hrasko, P.Eng.
Administrator

BLACK MOUNTAIN IRRIGATION DISTRICT
285 Gray Road
Kelowna, BC
V1X 1W8

CITY OF KELOWNA

MEMORANDUM

File No.: Z13-0037
Date: October 31, 2013
To: Land Use Planner (JM)
From: Development Engineering Manager (SM)
Subject: 3657 Hwy 97 N. - Lot A, Plan 19674, Sec. 35, Twp. 26 ODYD

Development Engineering comments and requirements regarding this application to rezone the subject property from A1 to C10 are as follows:

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

1. General

- a) Dedicate a road dedication along the highway frontage necessary to accommodate the impending widening of Hwy 97. The amount of dedication is to be determined.
- b) Provide easements as may be required.

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. This study can be deferred to the building permit.

3. Domestic water and fire protection.

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

4. Sanitary Sewer.

- a) The property is located within Specified Area #1 and therefore is not subject to any Specified Area charges. The Municipal wastewater collection system is available in the vicinity of the subject property but there are no services to the property line. The manhole located at the Southerly end of Landsdowne Place appears to be too shallow to service the proposed building by gravity. The most likely connection would be to the existing wastewater trunk main located along the East shoulder of Hwy 97.

- b) A new wastewater service service can be provided for the proposed development at the applicant's cost. The service installation estimate must be paid prior to the adoption of the zone amending Bylaw. **Prior to the adoption of the zone amending Bylaw, the applicant is required to sign a Third Party Work Order and pay the estimated cost of the new service installation.** For estimate inquiry's please contact Bernard Burgat at bburgat@kelowna.ca or phone 250-469-8590.

5. Drainage.

- a) A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual is a requirement of the development of the subject property but can be deferred until the application for a building permit is made.
- b) The property does not have a storm sewer service. Should a service be required to accommodate an overflow system to the Municipal Storm drainage system, the owner will be required to sign a Third Party Work Order and pay the estimated cost of the new storm drain service. The installation of the storm drain service can be deferred to the application for a plumbing permit at the time of the building permit application.

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. Road improvements.

Hwy 97

- a) The proposed development, being so far removed from any Town or Village Centre, does not trigger any frontage upgrades under the Municipal Bylaws or Policies.
- b) It should be pointed that the Ministry of Transportation and Infrastructure (MOTI) may require some contribution towards some Highway frontage upgrades. Development Engineering comments may be amended, in that regard, upon receiving feedback from the MOTI.

8. 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.

.../3


- 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.

9. Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings 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.

10. Bonding and Levies Summary.

Hwy frontage (if required by the MOTI)	To be determined
Wastewater Service (Third Party Work Order)	To be determined
Storm Drain overflow (Third Party Work Order)	To be determined or Deferred to Building permit
Engineering and Admin. Fee (3% of construction costs)	To be determined



Steve Muenz, P. Eng.
Development Engineering Manager

B²

REPORT TO COUNCIL



Date: 3/31/2014

RIM No. 1250-30

To: City Manager

From: Urban Planning, Community Planning & Real Estate (JM)

Application: Z13-0045 **Owner:** Terry Johnston & Jeffery Pereverzoff

Address: 469 Glenmore Road **Applicant:** D.E. Pilling & Associates

Subject: Rezoning Application

Existing OCP Designation: COMM - Commercial

Existing Zone: A1 - Agriculture 1 Zone

Proposed Zone: C3 - Community Commercial

1.0 Recommendation

THAT Rezoning Application No. Z13-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 32, Township 26, ODYD, Plan 9951, located on 469 Glenmore Road, Kelowna, BC from the A1 - Agriculture 1 zone to the C3 - Community Commercial zone be, considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the land exchange between the applicant and the City be completed and registered, as described in the report from the Urban Planning Department, dated March 31, 2014;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the registration of a Statutory Right of Way granting the City access to the lands to the east of the subject property for maintenance purposes;

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit for the subject property;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch, and the Glenmore-Ellison Improvement District being completed to their satisfaction.

2.0 Purpose

To consider a proposal to rezone the subject property to the C3 - Community Commercial zone to accommodate a car wash.

3.0 Urban Planning Department

Urban Planning Department staff are generally supportive of the proposed land use change to the C3 - Community Commercial zone. The proposal is consistent with the Official Community Plan (OCP) future land use designation. Adding to this, the lot is situated within the Glenmore Valley village centre, which is the area in which the OCP seeks to direct commercial development in the Glenmore area.

Within the list of permitted uses in the C3 zone, 'Service Stations, Minor' is a principal permitted use, allowing up to 6 car wash bays. While permitted in the zone, car washes as a use are both land consumptive and sometimes nuisance generating. In recognition of this, the Zoning Bylaw provides specific regulations addressing car washes and other vehicle oriented uses. One of these regulations addresses the proportion of the site occupied by buildings by requiring a minimum amount of land area per car wash bay that is to remain free of buildings. This number is set at 370m² per car wash bay, where the applicant's proposal includes a request to reduce this standard to 193.8m² per car wash bay. Examining the proposed land use with the above in mind reveals a site that appears to struggle somewhat to accommodate adequately the demands it generates, from parking to access and vehicle circulation.

This challenge is made all the more difficult when paired with the constraints generated by the site's context, including its interface with the park, the need to maintain access for the City to the adjacent park, and the interface with the residential community to the south. As a result of this struggle, the proposal is unable to accommodate any landscape buffer along the south property line.

While staff and the applicant have worked together productively to attempt to address the challenges encountered, the applicant's own consultation efforts have revealed that there remain major concerns among neighbouring residents about the potential for negative impacts from the project, and in particular, from noise and vehicle emissions.

The above discussion leads to the focal point of the challenges that this development faces: the southern property line. It is in this location that the demands of the proposed use (access, parking, circulation) and the demands of its context (sightlines to park, noise and emissions mitigation) meet. The applicant has requested a variance to reduce the landscape buffer requirement in this location, and has suggested several measures aimed at mitigating the impacts of the development on adjacent lands.

Despite this, Urban Planning staff are prepared to support this land use change to the C3 zone. Strictly speaking, it is not the *use* that is of concern to staff, but the expression of that use on the site in built form and site planning. To this end, the efforts of staff will be directed towards working with the applicant on the Development Permit and Development Variance Permit applications to ensure that the use proposed is expressed in a built form that respects its surroundings and adequately mitigates any negative impacts it may generate.

4.0 Proposal

4.1 Background

When staff were initially approached about the potential development of the site for a commercial use, several key items were identified:

- Access to Glenmore Road (4-lane arterial) would be limited, as there is already a significant number of driveway accesses in a short span;
- The lane abutting the south side of the property is used as a park access, so maintaining visibility and clear lines of sight in and out is critical for public safety;
- An existing mature tree on the east side of the property should be protected, as it contributes to the park to the east.

The proposed development requires two driveway accesses for effective circulation. But, with driveways off Glenmore Road in such close proximity, the subject property would only be permitted a single access. One of the adjacent accesses is the lane abutting the south side of the property, which is used occasionally by the City for maintenance access to the detention pond in the park to the east and the underground utilities leading to it. In order to address this issue, staff from affected departments met on several occasions and determined that the City would be prepared to give up its maintenance driveway access in exchange for maintenance access to the detention pond through the subject property secured by way of Statutory Right-of-Way. This solution allows the applicant the two driveway accesses needed, and secures the required maintenance access for the City.

Under typical circumstances, a car wash would construct sound barrier fencing and landscaping between it and all adjacent land uses. However, in this instance, that option is not supported by staff. The lane abutting the south side of the lot under application presently contains a gravel trail providing pedestrian access to the park and detention pond to the east. The detention pond and park area is well used by nearby residents, and there is no significant visual obstruction of the park from Glenmore Road. This allows for clear surveillance and increases the level of safety. There is a concrete wall on the south side of the lane, which is the north wall of the adjacent Sandalwood development. Developing opaque walls on the south, east, and north sides of the proposed development may result in significant safety issues for park users and may impact the success of the park in the long term. Staff have suggested that the applicant utilize fencing and landscaping that does not unduly obscure sightlines into the park. Unfortunately, this requires the applicant team to identify mechanisms to mitigate the negative noise impacts of the development without the use of solid walls.

In order to address the protection of the mature tree on the east side of the lot, staff and the applicant have proposed a land-for-land swap. Under this swap, the applicant will dedicate to the City 147m² of land on the east side property in exchange for the equivalent land area of excess road right-of-way on the west side of the lot. This land exchange will be considered by Council in a separate but parallel process.

A Development Permit and Development Variance Permit are required, and will be considered by Council alongside final adoption of the rezoning, should the land use be supported. The applicant is seeking two variances to eliminate landscape buffers on the west and south sides of the property in order to accommodate the circulation necessary for the development. This is of particular concern along the southern property line, which is nearest adjacent residential development. The City has offered the opportunity to purchase a small portion of the lane to the south that is not needed by the City in order to provide sufficient room for the proposal and associated standards. However, after some discussion, the applicant team elected not to move ahead with this option. Staff have asked the applicant to provide rationale supporting their variance request that discusses the noise impact of the proposal and possible mitigation measures. These will be discussed in more detail at Council's consideration of the Development Variance Permit.

The applicant has conducted Neighbour Consultation in accordance with Council Policy No. 367 (see attachments). As a result, considerable concerns have been identified by residents of the adjacent (south) Sandalwood development, particularly those homes closest to the development. Concerns raised include the potential negative impacts of noise (car wash operation, vacuum operation, vehicle activity), and potential air quality concerns due to exhaust from idling cars. In response to this, the applicant has proposed several measures aimed at reducing any negative impacts (see attached rationale), including:

- Installing vacuums designed to reduce noise;
- Installing signage to reduce vehicle idling;
- Installing sound barrier fencing around the vacuums; and,
- Programming of car wash doors to reduce noise during wash process.

4.2 Project Description

The applicant is proposing to rezone the subject property in order to permit the development of a six bay car wash facility. The six car wash bays are divided between two buildings. The easternmost building contains two fully automated bays, and the westernmost building contains four self-serve bays, and two dog wash stations. Car vacuums are located both to the west of the buildings, and on the south side of the property.

Vehicular traffic will enter through a one-way movement driveway that leads into the queuing areas for the car washes. Vehicles then proceed from the car wash out an exit only driveway onto Glenmore Road. Vehicle parking is provided on the west and south sides of the proposed development.

Both buildings feature very dominant shed roof forms - each equipped with solar panels - that face directly south. Both buildings contain also two levels, but the second level of each building is limited, as the steep pitch of the shed roof constrains available floor area. The second level of the westernmost building has no windows, while the easternmost building has windows facing only to the north, east, and west elevations.

Some landscaping is provided on site on the east and west property lines. There will be a fence buffering the properties to the north, which are presently occupied by the Glenmore-Ellison Improvement District. No landscaping is proposed on the south side of the property, where applicant has provided a black chain link fence in accordance with City requirements.

4.3 Site Context

The subject property is situated on the east side of Glenmore Road approximately 300m south of its intersection with Kane Road. The lot is 1,541m² in area and is presently undeveloped. It is zoned A1 - Agriculture 1, but is designated COMM - Commercial in the Official Community Plan. The lot is within the Permanent Growth Boundary, and is situated in the Glenmore Valley village centre. Development in the surrounding area is varied, including commercial, residential and institutional uses.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P4 - Utilities C3 LR - Community Commercial P3 - Parks and Open Space RM5 - Medium Density Multiple Housing	GEID yards and office Various commercial uses Brandt's Creek Linear Park Low rise apartment housing

East	A1 - Agriculture 1 P3 - Parks and Open Space	Sutton Glen Park (detention pond) Brandt's Creek Linear Park
South	RU5 - Bareland Strata Housing	Sandalwood Adult Community (bareland strata)
West	RU5 - Bareland Strata Housing P2 - Education and Minor Institutional	The Orchard Watson Road Elementary

Subject Property Map: 469 Glenmore Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1,541 m ²	1,541 m ²
Lot Width	40.0 m	25.86 m - 30.48 m
Lot Depth	30.0 m	52.43 m
Development Regulations		
Floor Area Ratio	1.0	0.30
Site Coverage	50%	24.5%
Height	Lesser of 15.0 m or 4 storeys	7.8 m / 2 storeys
Front Yard	3.0 m	11.15 m
Side Yard (south)	0.0 m	10.82 m
Side Yard (north)	0.0 m	6.86 m
Rear Yard	0.0 m	0.02 m
Other Regulations		
Minimum Parking Requirements	2 per service bay (1 stall within bay) = 6 stalls	5 stalls●

Land Area Not Occupied By Buildings	370 m ² /wash bay = 2,220 m ²	193.8 m ² /wash bay ^②
Loading Space	1 per 1,900 m ² GFA = 1 space	1 space
Landscape Buffers: Front Rear Side (north) Side (south)	Level 2 Level 3 Level 3 Level 3	Level 1 ^③ Level 3 Level 3 Level 1 ^③
Car Wash Vehicle Stacking	5 stalls per automated pay 2 stalls per self-wash bay	5 stalls 2 stalls
<p>① Indicates a requested variance to the minimum number of off-street parking stalls from 6 permitted to 5 proposed.</p> <p>② Indicates a requested variance to the minimum amount of land area not occupied by buildings from 370m² per car wash bay to 193.8m² per car wash bay.</p> <p>③ Indicates a requested variance to the minimum landscape buffer treatment level for both front and side lot lines from Level 3 permitted to Level 1 proposed.</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Goals for a Sustainable Future

Foster Sustainable Prosperity.¹ Foster a healthy, dynamic and sustainable economy by retaining and attracting youth and talent, supporting business, encouraging appropriate new investment, providing for environmentally sound growth and improving the quality of life for Kelowna residents.

Provide Spectacular Parks.² Provide spectacular parks where people pursue active, creative and healthy lifestyles close to where they live and work.

Development Process

Compact Urban Form.³ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Permanent Growth Boundary.⁴ Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of property outside the Permanent Growth Boundary for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)

¹ City of Kelowna Official Community Plan, Chapter 1 (Introduction), Goal 5.

² City of Kelowna Official Community Plan, Chapter 1 (Introduction), Goal 7.

³ City of Kelowna Official Community Plan, Chapter 5 (Development Process) Policy 5.3.2.

⁴ City of Kelowna Official Community Plan, Chapter 5 (Development Process) Policy 5.3.1.

- 2) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- 3) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - a. Hard surface paths are to be provided from the exit stairwells to the street(s)
 - b. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - c. Fire department to comment of driveway access and turn radius requirements for their vehicles.
- 4) A Geotechnical report is required to address the sub soil conditions and site drainage.
- 5) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit are to clearly identify how this rating will be achieved and where these area(s) are located.
- 6) The upper floor plan may have a dead end corridor(s). An exiting analysis is required as part of the code analysis at time of building permit application. No cross sections were provided at time of DP review.
- 7) Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- 8) The solar panels may be reflective, which may affect the neighboring properties.
- 9) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

See Development Engineering Memorandum, dated February 27, 2014.

6.3 Bylaw Services

No concerns.

6.4 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw #7900 requires a minimum of 150ltr/sec fire flows.

6.5 Glenmore-Ellison Improvement District

See letter from GEID, dated February 19, 2014.

6.6 Telus Communications

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

6.7 Fortis BC (electric)

There are primary electrical distribution facilities along Glenmore Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

7.0 Application Chronology

Date of Application Received: December 16, 2013

Neighbour Consultation Date: March 6-14, 2014

Report prepared by:

James Moore, Planner II

Reviewed by:

☐

Ryan Smith, Urban Planning Manager

Approved for Inclusion

☐

D. Gilchrist, Div. Dir. of Community Planning & Real Estate

Attachments:

Subject Property Map

Site Plan/Landscape Plan

Conceptual Elevations

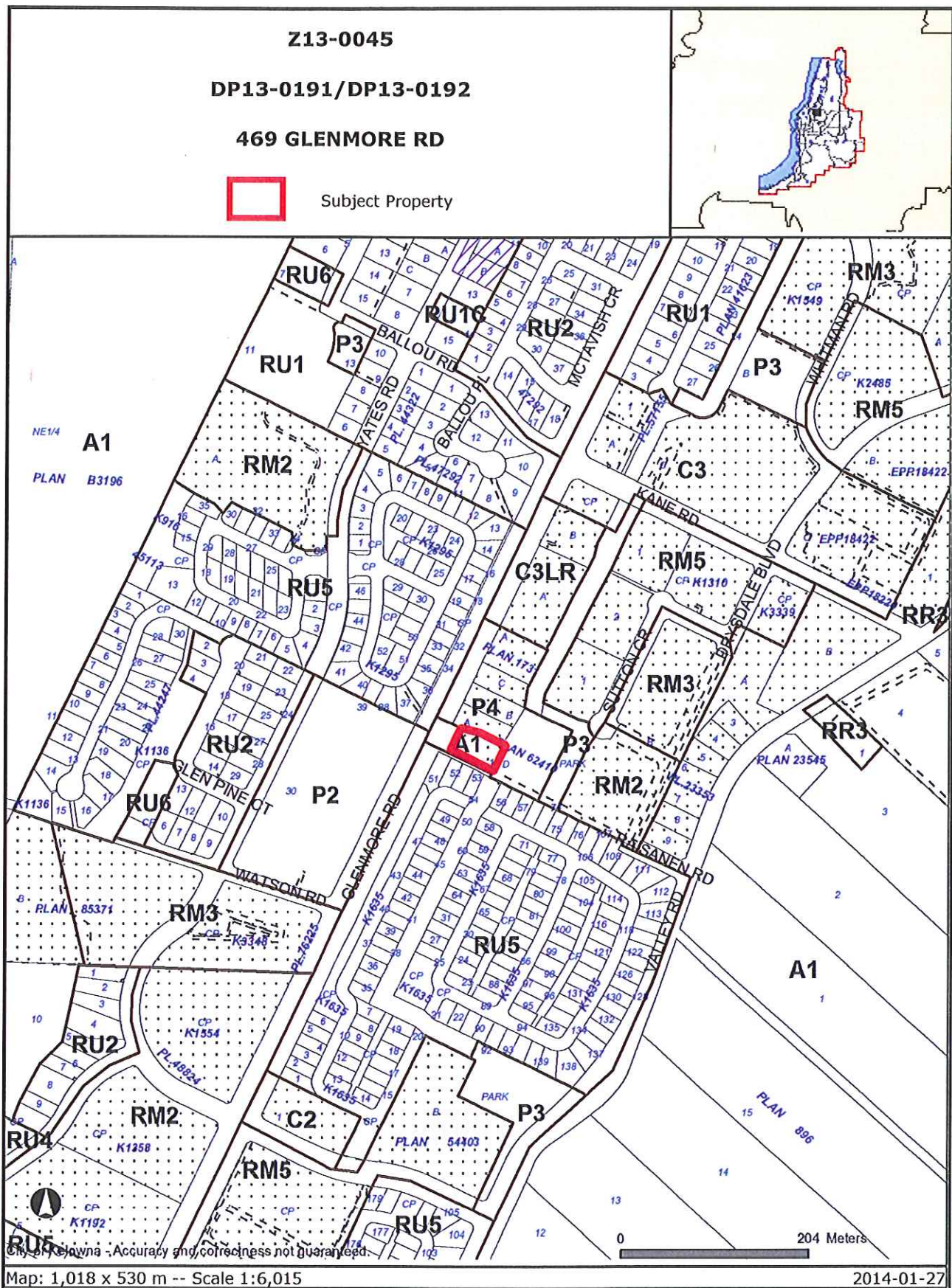
Context/Site Photos

Applicant's Letter of Rationale, dated March 13, 2014

Neighbour Consultation Summary, dated March 14, 2014

Letter from GEID, dated February 19, 2014

Development Engineering Memorandum, dated February 27, 2014



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.



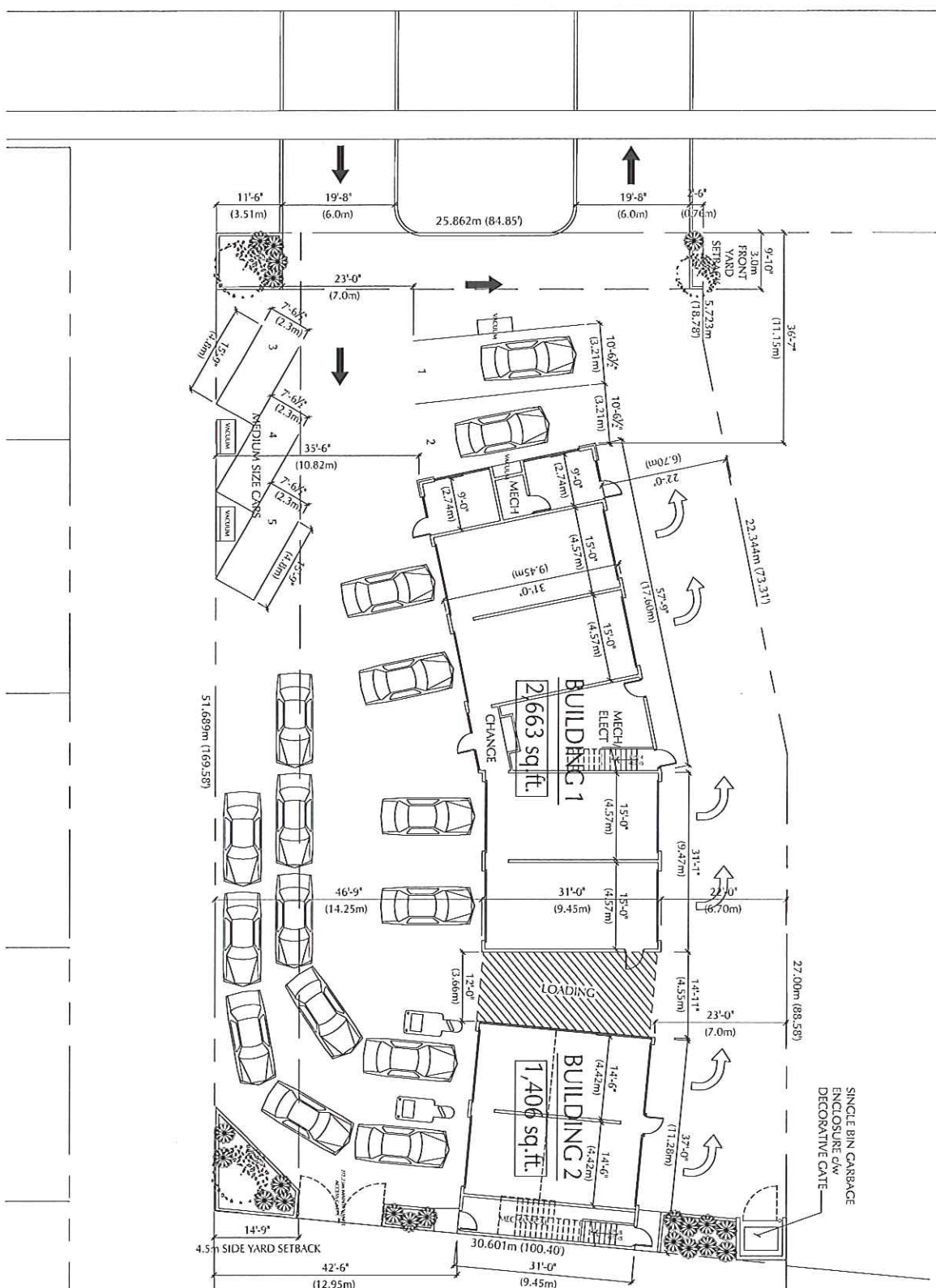
HANS P. NEUMANN ARCHITECT INC.
1120 HIGHLAND DRIVE NORTH, KILGORE, IL. 60145
PHONE (630) 644-0471 FAX (630) 646-0172

☐ 15,20 HIGHLAND DRIVE NORTH, KELOWNA, B.C. V1Y 4K3

PHONE (250) 868-9171 FAX (250) 868-0833

SITE/ROOF PLAN & ZONING BYLAW ANALYSIS

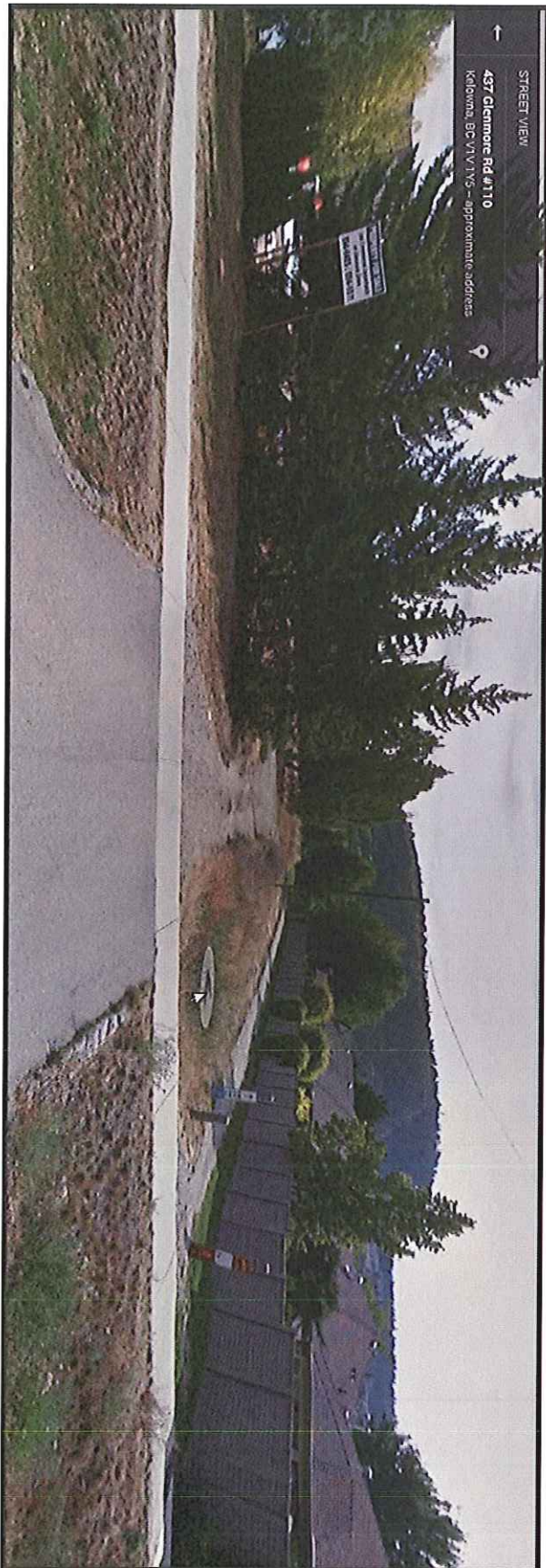
DATE	DISCRIPTION	SCALE TYPE
DEC 04 2013	ISSUED FOR DEVELOPMENT PROJECT	DATE: AUGUST 31, 2013
PAR 2724	ISSUED WITH	DRAWN: 10/26
FEB 19/14	RECEIVED FOR DEVELOPMENT PROJECT	
		Drawn by:
		DP1
		REVISION NO.: 1



PROJECT DATA	
OWNER/OWNER	4401 ELLINGTON ROAD, ELLENHURST, IL
LOCAL DISAPPOINTMENTS	PLANNING DEPT., CHICAGO
CURRENT ZONING	RT-1 (COMMERCIAL TRUCK)
PROPOSED ZONING	RT-1 (COMMERCIAL TRUCK)
ZONING BYLAW REQUIREMENTS	
MIN. AREA = 10,000 SQ. FT.	MIN. AREA = 10,000 SQ. FT.
MIN. LOT AREA	MIN. LOT AREA = 10,000 SQ. FT.

[illegible]

Z13-0045 – Site Photo



Hi Dawn,

13 March 2014

Before we address the neighboring properties concerns I would like to give you some of my background on car washes.

I have been in the car wash industry for 14 years and have been involved in the construction of 5 car washes. These washes are located in Kamloops, Comox, Langley and Surrey. My involvement has been from planning to operations in all 5 locations. We have always tried to use the latest technology as far as, water conservation and reclaim, Eco friendly soaps, carbon footprint reduction and general environmental impact reduction strategies. This wash will be our most advanced yet. We also hope to create Canada's first "zero" carbon footprint car wash. This will be done by the installation of solar panels, LED lighting throughout the site and a "NO IDLING" policy just to name a few.

This car wash when completed should be one of the most eco friendly in B.C. if not Canada.

We reviewed all the feedback from the neighboring properties and we are very confident that we can address their concerns.

The main concern seems to be the loudness of the vacuums. The vacuums that will be used on this site are John Coleman 93000 series for which we have supplied the specification sheet. We have used these vacuums for the past 14 years with very good results as far as noise reduction is concerned. These vacuums, at 45 feet which is the closest home, should produce less noise than road traffic at the same distance. Also the vacuums are only used by approximately 25% of our customers. This is going by existing car counts at our other locations.

I would recommend that the city allow us to install an "architectural sound barrier wall" behind the vacuums, between the vacuums and the closest home, of approximately 25 – 30 feet in length and about 6 feet high. This sound barrier wall would be constructed out of concrete fencing material similar to that have been used to decrease noise of some highways. Installing this sound barrier wall would substantially decrease the sound of the vacuums. In our experience this works far better than a landscape buffer.

Also to address possible graffiti problems we have had great support from other municipalities in recruiting some of the local schools art class students to paint murals on any panels or fencing we feel might be a problem.

All the wash bays including the touchless automatic will have programmable doors that can automatically open and close when each vehicle enters and exits the wash. The sound of the wash bays even when the doors open for vehicles to enter will be far less than the current road noise from Glenmore rd.

Yours Truly
Phil Declerck

Shhhhhh!

The Quiet 93000 Series Vacuum

- Oval vacuum style
- Graphic vacuum body decaling with your choice of background color
- Stainless steel construction
- Count-down timer
- Built-in count-down timer and vacuum cycle counter
- Electronic coin acceptor
- Four filter bag design
- Your choice of dome color
- Twin 1.6 HP vacuum motors
- Quiet Kit Installation
- Shipping weight of 325 lbs.

Distance in Feet	Decibel with Acoustical Foam
1	82
5	76
10	72
15	69
20	67
25	64



Jim Coleman Company
5842 W. 34th Street
Houston, TX 77092
713-683-9878
1-800-999-9878
FX: 713-683-9624

March 14, 2014
File: 2229
CoK: Z13-0045

Attention: James Moore, MCIP, RPP

**Re: 469 Glenmore Road – Proposed Suds City Car Wash
Public Notification and Consultation Summary Responses**

In regards to the proposed development application for 469 Glenmore Road, information was circulated by hand, to all properties within 50m of the subject property.

As a result of the hand out, I have been back to visit with neighbors at their homes on two occasions, as well as had several phone discussions and email correspondence with other residents all within the Sandlewood Community.

These meetings were very useful to field questions and identify concerns the neighboring property owners had. The feedback gathered has been brought back to our design team and we are collaboratively working towards solutions that may elevate some of the residents' concerns.

For your information I have enclosed the following documentation:

- Information handout for neighboring properties, prepared by D.E.Pilling & Assoc., dated March 6, 2014.
- Various email correspondence between myself and Sandlewood Residents
- Response letter from the developer, dated March 14, 2014, providing suggestions for design revisions and additional information to help address concerns brought forward from neighbors.

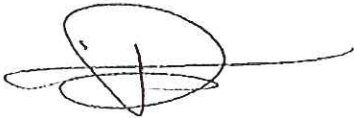
To summarize the concerns brought up from my discussions with the neighbors, I can comment as follows:

- Greatest concerns is the noise level from the vacuums. *The developer has now upgraded the model, and provided the vacuum specs, to a high end noise reduction model, unlike other washes have in our area. He has also proposed a partial soundproof wall behind the vacuums only to help block the noise from the residents.*
- There is a general understanding that a landscape buffer will not alleviate any of the noise from the development and residents do not express an issue with granting this variance.

- Approx. 50% of the Sandlewood residents expressed a desire for a soundproof fence along the entire south perimeter of the property, despite the City's concern for graffiti, and "corridor type" feel along the walkway. Most comment that they already have graffiti issues now and will not see the fence from there already enclosed yards. *The developer has suggested installing a wall only behind the vacuums for soundproofing as a solution. Student lead art work/murals could also be incorporated onto the fencing to avoid the temptation for graffiti on a blank canvas as an option.*
- Concerns with exhaust from idles cars was expressed. *The developer will install "no idling" signage for cars in cue.*
- Concerns about the noise at later hours was expressed. *The doors are all fully programmable and can be set to close behind the vehicles automatically after certain hours.*

We welcome any more comments to be forwarded on to us as you receive them so that we have opportunity to research options that may improve the design details of the development.

Sincerely,



Dawn Williams,
Project Manager

March 6, 2014
File: 2229
CoK: Z13-0045

Dear Sir or Madam,

**Re: 469 Glenmore Road – Proposed Suds City Car Wash
Public Notification and Consultation**

In regards to the proposed development for 469 Glenmore Road, please find enclosed the preliminary plans prepared by Hans P. Neumann Architect Inc. for the Suds City Car Wash:

- DP1 (rev. 1) – Site Plan
- DP2 (rev. 0) – Building 1 Elevations
- DP3 (rev. 0) – Building 2 Elevations

The layout and use of the property as proposed is in accordance with City Staff recommendations, and the City of Kelowna's Official Community Plan.

The proposed development is for a fully automated car wash including two fully automatic service bays, four self-serve wash bays and two pet wash stations.

Rezoning amendment and development permit applications have been submitted to City of Kelowna as required to accommodate the proposed car wash facility.

The following variances have been proposed collaboratively with City of Kelowna staff to accommodate the development:

- Reduce the 3.0 landscape buffer requirement along the south property line to zero, including any solid screen fencing as a permitted buffer option. This is to prevent potential impacts from creating a "solid walled corridor" along the existing walkway to Brandt's Creek Park and to improve maneuverability on the site, which is already narrow.
- Reduce the minimum landscape buffer requirement between the right-in entrance and right-out exit along Glenmore Road to zero. This is to improve visual sightlines for vehicular movements onto Glenmore Road. Boulevard landscaping requirements will still apply.

Prior to the application progressing through the City rezoning process, we are interested any comments or input you may have. If you have any questions, concerns or comments regarding the Suds City Car Wash development, please contact us in writing by Friday March 14th 2014 so your comments can be considered.

Sincerely,



Dawn Williams,
D.E. Pilling & Assoc. Ltd.
#200-540 Groves Avenue
Kelowna, BC V1Y 4Y7

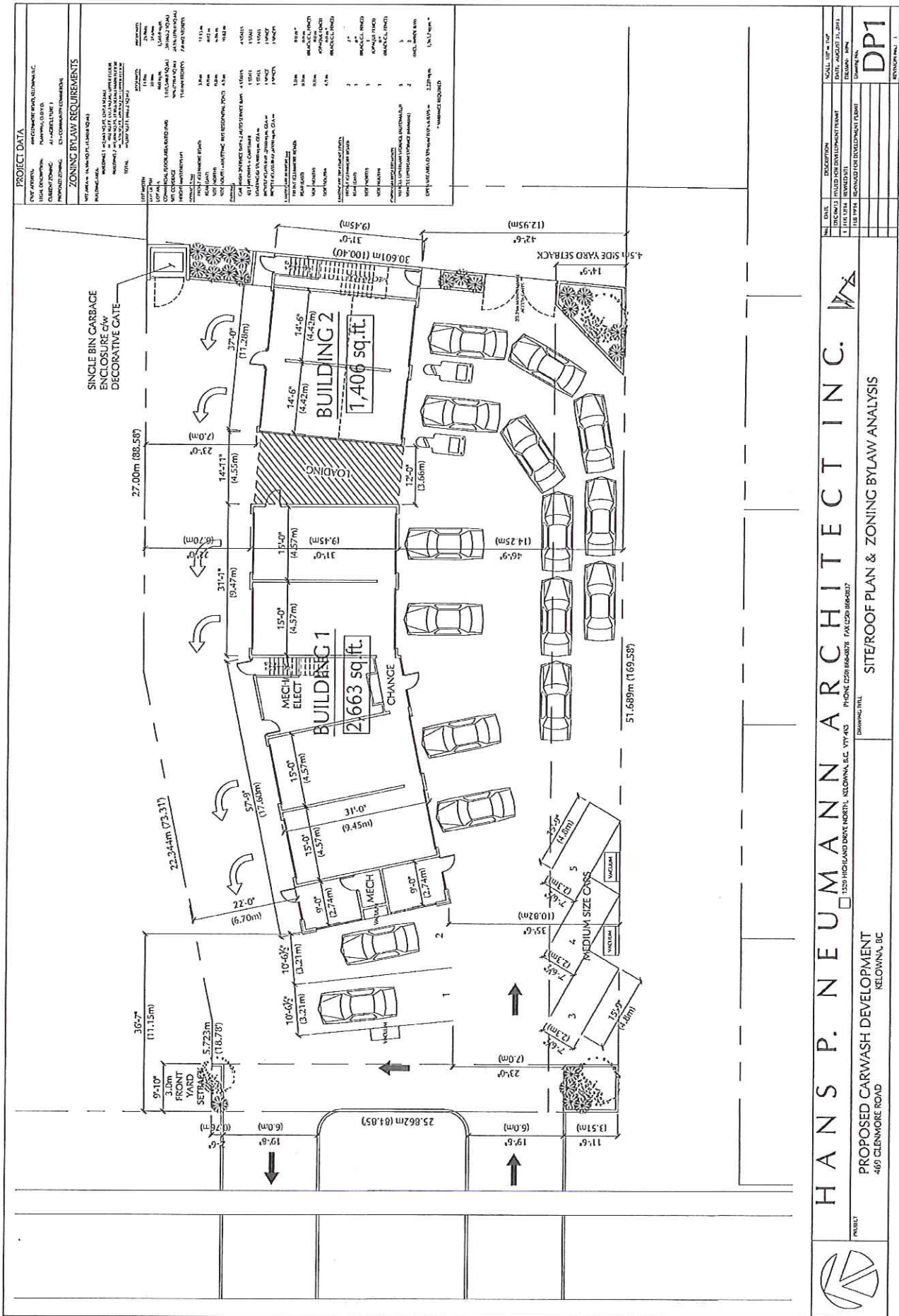
Dawn Williams,
Project Manager
dawnw@pillling.ca

City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

James Moore,
Planner II
jmoore@kelowna.ca

#200-540 GROVES AVE., KELOWNA BC V1Y 4Y7
PH: 250.763.2315 FX: 250.763.6559 E: reception@pillling.ca

"PROVIDING TECHNICALLY SOUND SOLUTIONS AT THE LEAST COST TO THE CLIENT."



HANS P. NEUMANN ARCHITECT INC.

PROPOSED CARWASH DEVELOPMENT
465 GLENMORE ROAD
RELOWNA, BC

SITE/ROOF PLAN & ZONING BYLAW ANALYSIS

1120 HIGHLAND DRIVE NORTH, RELOWNA, B.C. V1V 4G3 PHONE (250) 886-8827 FAX (250) 886-8827

DATE: 11/11/2011

REVISION: 1

DATE: 11/11/2011

REVISION: 1

DATE: 11/11/2011

REVISION: 1

DATE: 11/11/2011

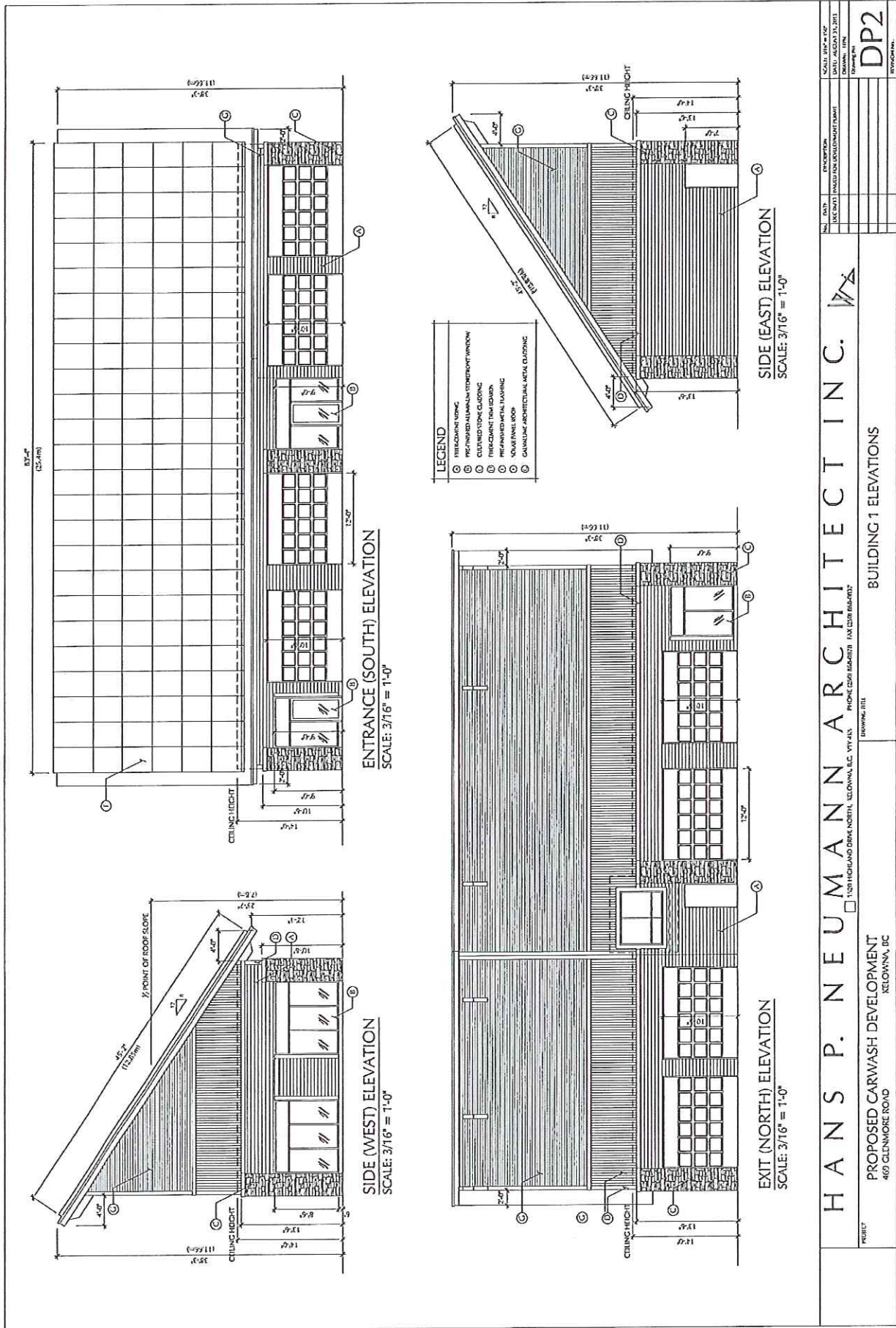
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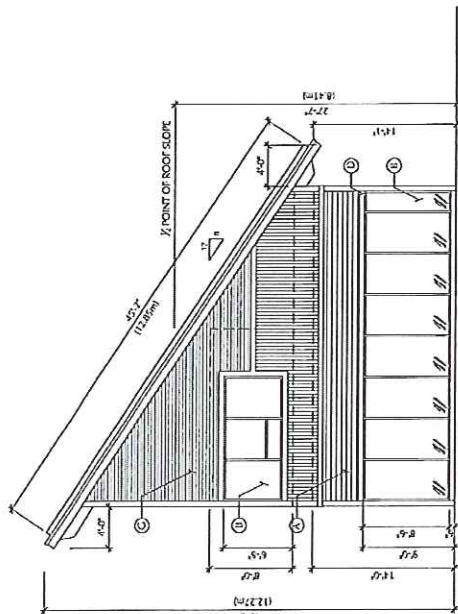
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REVISION: 1

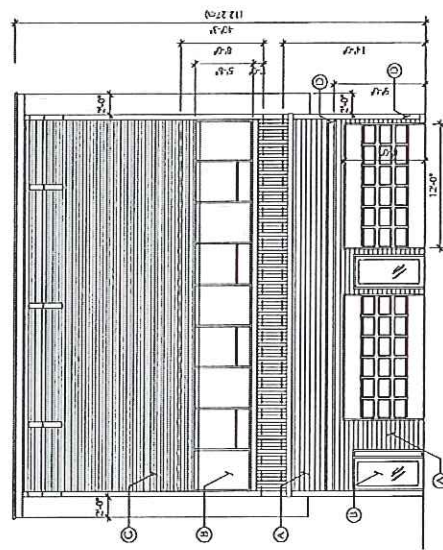
DATE: 11/11/2011

REVISION: 1

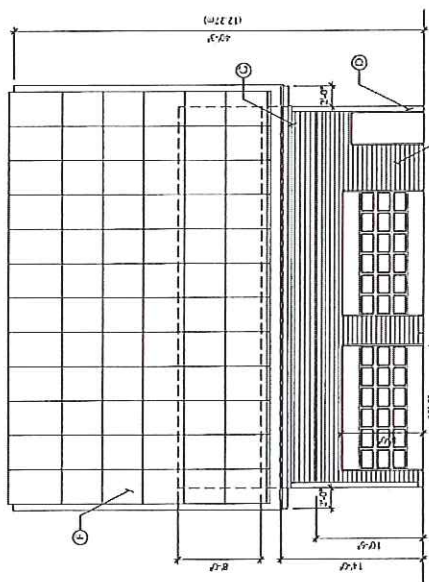




SIDE (WEST) ELEVATION
SCALE: 3/16" = 1'-0"

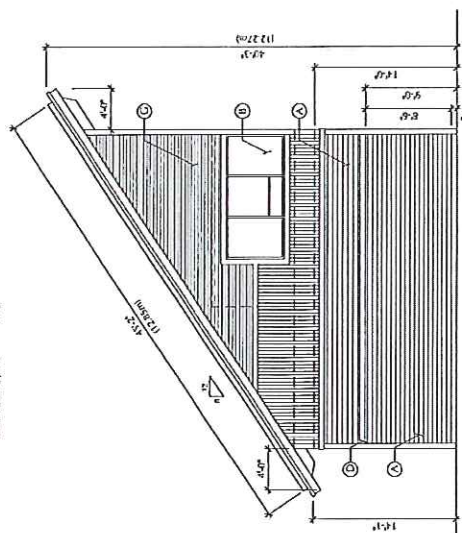


EXIT (NORTH) ELEVATION
SCALE: 3/16" = 1'-0"




ENTRANCE (SOUTH) ELEVATION
SCALE: 3/16" = 1'-0"

- LEGEND
- ① FREEBOARDING SIGN
 - ② PRE-FINISHED ALUMINUM KNOCKOUT WINDOW
 - ③ CLUTTERED SIGN CLADDING
 - ④ PRE-FINISHED TBM BOARD
 - ⑤ PRE-FINISHED METAL PLANKING
 - ⑥ SOLAR PANEL ROOF
 - ⑦ CANTILEVER ARCHITECTURAL WITH CLADDING



SIDE (EAST) ELEVATION
SCALE: 3/16" = 1'-0"



HANS P. NEUMANN ARCHITECT INC.
100 HIGHLAND DRIVE NORTH, KILGORE, B.C. V7Y 4X5
PHONE: 250-864-0071 FAX: 250-864-0072
DRAWING TITLE: BUILDING 2 ELEVATIONS

PROJECT: PROPOSED CARWASH DEVELOPMENT
469 CLINMORE ROAD
KILGORE, B.C.

REV.	DATE	DESCRIPTION	BY	CHKD.
1	2011.07.21	ISSUED FOR DEVELOPMENT	HPN	HPN
2	2011.08.11	SCALE: 3/16" = 1'-0"	HPN	HPN

DP3

Dawn Williams

From:
Sent: Wednesday, March 12, 2014 10:57 AM
To: Dawn Williams
Subject: Re: File 2229 CoK Z13-0045 - Public

The following are my concerns for the proposed Carwash off Glenmore Rd.

1. At first glance, it appears that this is too large a development for the size of the lot.
2. Cars lining up to enter the wash bays, will be idling along the south fence line, creating noise, and exhaust pollution.
3. As I have COPD, the exhaust is of particular concern to me. I do spend a great deal of time on my deck (which is on the north side of my house) and in my gardens during the summer months.
4. There is no buffer shown in the drawings, and the suggested seven foot high insulated fence placed near our existing wall, on city property, would certainly be an eyesore, and could be very dangerous if there were any room between the two fences for pedestrian transit.
5. Any such development will surely devalue our property, and create a problem should we wish to sell.

Acceptable development of this property would be a business type building, with offices or smaller boutique types of shops.

A concerned resident of Sandalwood,
Edna Hatch

Dawn Williams

From:
Sent: Wednesday, March 12, 2014 8:15 AM
To: Dawn Williams
Subject: Re: File 2229 CoK Z13-0045 - Public

Thank you for this information. I shall be forwarding my concerns in a separate email.
Regards,
Edna Hatch

Dawn Williams

From: Dawn Williams
Sent: Tuesday, March 11, 2014 9:42 PM
To: t5411340
Subject: Fw: File 2229 CoK Z13-0045 - Public
Attachments: 20140310151458678.pdf

Sent from my BlackBerry 10 smartphone on the Rogers network.

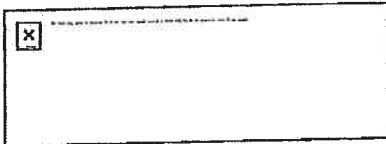
From: Dawn Williams <dawnw@pilling.ca>
Sent: Tuesday, March 11, 2014 9:39 PM
To:
Subject: Fw: File 2229 CoK Z13-0045 - Public

Good Evening Edna,

I met with your neighbors tonight and they asked if I could email you a copy of the information I had tried to hand deliver to you regarding the development proposal on the property next door to you. I've attached a copy of the letter and drawing of the application for you to review. Once you've had a chance to look it over please don't hesitate to call me with any questions or concerns.

Have a good night,

Dawn Williams,
Project Manager



#200-540 Groves Avenue, Kelowna, B.C. V1Y 4Y7

PH: 1-250-763-2315 FX: 1-250-763-6559 C:1-250-215-4568 E: dawnw@pilling.ca

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Sent from my BlackBerry 10 smartphone on the Rogers network.

Dawn Williams

From: Dawn Williams
Sent: Tuesday, March 11, 2014 9:42 PM
To: t5411340
Subject: Fw: File 2229 CoK Z13-0045

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Karen Fairfield
Sent: Tuesday, March 11, 2014 7:28 PM
To: James Moore
Cc: Dawn Williams
Subject: RE: File 2229 CoK Z13-0045

Some additional comments on the proposed car wash on 469 Glenmore Rd:

I took the time to drive around and visit some of the car washes here in Kelowna to get a better idea of the noise level to be expected and it really is significant. The proposed plan has vacuums right on the south perimeter of the property. The vehicular traffic would also be right on the south perimeter. The houses in Sandlewood backing this perimeter all have the master bedroom just a few feet from all of this. Our Sandlewood perimeter wall would do little to block this level of noise. As unsightly as a second wall on the other side of the access path to Brandt's Creek park might be, I think aesthetics must take a back seat to practicality. A chain link fence or small landscape barrier would do little to mitigate the noise issue. A substantial second fence is really the only step toward a solution here.

Karen Fairfield #166 550 Yates

From: James Moore [jmoore@kelowna.ca]
Sent: Monday, March 10, 2014 3:07 PM
To: Karen Fairfield
Cc: dawnw@pilling.ca
Subject: RE: File 2229 CoK Z13-0045

Hi Karen,

Thank you very much for taking the time to write to the City articulating your concerns regarding the proposed car wash development at 469 Glenmore Road. Your comments will be kept on file. Please note that staff have asked the applicant to provide rationale/evidence in support of their requested variance demonstrating that the car wash will not cause significant negative noise impact to adjoining lands.

Staff would encourage you to remain involved in this public process, through the following methods:

- Written comments to Mayor & Council;
- Representation at the formal Public Hearing;
- Representation at the formal variance hearing.

If you have any questions about the proposal, please feel free to contact me directly at (250) 808-4961.

Sincerely,

James Moore, MCIP, RPP
Urban Planning | Community Planning & Real Estate Division

City of Kelowna 1435 Water Street, Kelowna, BC V1Y 1J4 kelowna.ca/landuse

From: Karen Fairfield
Sent: Monday, March 10, 2014 12:38 PM
To: James Moore
Cc: dawnw@plilling.ca
Subject: File 2229 CoK Z13-0045

March 10, 2013

Dawn Williams/James Moore,

As one of the Sandlewood residents whose property would back the proposed Suds City Car Wash development on 469 Glenmore Road (File: 2229 CoK: Z13-0045) I am obviously concerned about the impact this development would have on both my property value and on my quality of life. My greatest concern is with a potential dramatic increase in noise level in a previously very quiet, environmentally sensitive neighbourhood. The development proposal flyer states that the City of Kelowna staff has worked collaboratively with the developer and approves of the proposal to reduce the 3.0 landscape buffer requirement along the south property line to zero to prevent potential impacts from creating a "solid walled corridor" along the existing walkway to Brandt's Creek Park and to improve manoeuvrability on the site which is already narrow. I agree that a solid walled corridor isn't ideal but to wave the landscape buffer entirely shows a complete lack of consideration for an already established, peaceful residential neighbourhood. If the proposed business now, or at some time in the future, becomes a 24/7 operation, then that 3.0 buffer becomes even more critical. In keeping with the current feel of the neighbourhood and wetland area, a green boulevard (it could be planted with native specimens like Oregon Grape or wild rose bushes like those that line the Brandt's creek park area and would provide a buffer without a lot of maintenance) would in my opinion be much more appropriate than a solid graffiti covered wall and potentially convenient location for dubious activity. If Suds City can't fit their business within the allotted space, then maybe this isn't the space for them.

Karen Fairfield #166 550 Yates Road
RVE Teacher

Dawn Williams

From: Dawn Williams
Sent: Thursday, March 13, 2014 11:36 AM
To:
Subject: suds city photos
Attachments: kelowna car wash 010.jpg; SudsCityAwning500x375.jpg

Hi Jackie,

I've attached a picture of the existing Suds City, built by the same developer in Surrey. I've also attached a picture of a wash that's similar "style" of the building proposed.

I hope this helps you!

Dawn Williams,
Project Manager



#200-540 Groves Avenue, Kelowna, B.C. V1Y 4Y7
PH: 1-250-763-2315 FX: 1-250-763-6559 C:1-250-215-4568 E: dawnw@pilling.ca

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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

February 19, 2014

City of Kelowna
Development Services Dept.
1435 Water St.
Kelowna, BC V1Y 1J4

Attention: Deb Champion (via email: dchampion@kelowna.ca)

Re: City of Kelowna File Z13-0045, DP13-0191, DP13-0192
469 Glenmore Rd. - Lot 1, Plan 9951
Johnston/Pereverzoff/D.E. Pilling & Assoc. Ltd.

GEID is in receipt of a referral concerning the rezoning and development for Lot 1, Plan 9951, at 469 Glenmore Rd. to accommodate a car wash facility.

GEID has also received a separate referral dated February 13, 2014 (City File 1125-51-001) for the road closure of approximately 147 square meters (0.036 acres) fronting 469 Glenmore Rd., and consolidation with the property. Our comments for that referral are separate from this application and have been forwarded to Ryan W. Smith, Real Estate Services Department.

The subject property is within the District's servicing area and is currently classified with 0.37 acres "R" grade (residential). Upon development, the resulting property will be classified as "C" grade (commercial) and the size of the property adjusted to include the road closure area.

Capital Expenditure Charges (CECs)

Payment of Capital Expenditure Charges (CECs) is required for each new parcel or new development connecting to GEID. For the proposed development, CECs are payable for each sprinklered building at a rate of \$4,800 minimum charge for the first 250 m² of each building floor area, and a rate of \$8/ m² for additional floor area over 250 m², and a rate of \$10/m² for buildings without fire sprinkler systems. A credit for the single family residence that was demolished will also be applied. CECs are payable according to the bylaw in force at time of payment.

Fireflow Availability and Hydrants

Hydrant spacing and flow rates must conform to City of Kelowna Bylaw # 7900. GEID requires that the developers have hydrant locations and spacing reviewed by the City of Kelowna Fire Department, and that a written response be provided to GEID prior to constructing the proposed water works. In the event that additional hydrants are required

File Z13-0045, DP13-0191, DP13-0192
469 Glenmore Rd. – Lot 1, Plan 9951
February 19, 2014

by the Kelowna Fire Department, the hydrant purchase, connection, and installation shall be at the applicant's cost.

The developer must submit a New Fire Hydrant Data form, as required by both GEID and the City of Kelowna, for any new hydrant installed as part of this development.

Water Works

No information has been provided regarding expected flows, demands, or the size of the service required for the car wash. We note, however, that the existing ¾" domestic service connection is inside the road closure area and will need to be abandoned and relocated, with all costs borne by the owner. Upon receipt of servicing details for the carwash, GEID will be in a position to comment further on the costs for a larger diameter service connection.

Meters

All water within the property must be metered. As specified in GEID Bylaws #147 and #148, a water meter must be installed on all new water services and supplied and installed by the applicant according to manufacturer's directions and GEID standards. At this time, all meters installed within the GEID service area are required to be compatible with the Sensus RadioRead system. The meter shall be installed with adequate clearances to permit repair or replacement, and will be inspected by GEID to meet GEID requirements. A mechanical drawing should be provided showing clearances for the meter.

A three conductor, 22 gauge, solid conductor cable with red, green, and black wire colours is required, and must be installed between the meter and MXU location on the building exterior.

GEID's contractor, CORIX Utilities, will supply and install a remote meter reading device (MXU) compatible with the Sensus RadioRead™ system. The remote MXU will be located outside the building near the entrance door, and shall be in line-of-sight from a publicly accessible roadway servicing at the site. A fee of \$300.00 is charged for the supply and installation of the MXU.

If an irrigation system is proposed, it must be connected to the water system after the main water meter, and be designed to 10 USgpm maximum flow. GEID requires that irrigation system mechanical plans be submitted to review the irrigation flow allotment and cross connection control.

New Account Fees

GEID Bylaw # states that all new accounts or transfers of ownership shall pay a fee of \$20.00/parcel. For the proposed development, a \$20.00 fee will be applicable.

Development Application Fee

A Development Application Fee of \$150.00 is required for staff review of each Subdivision, Rezoning or Development Permit application.

Tolls and Taxes (2014)

Under Tolls Bylaw #155, the facility will be invoiced monthly as a metered commercial property at a monthly minimum rate of \$48.25 for the first 30 m³, with excess water charged at \$0.40/m³.

File Z13-0045, DP13-0191, DP13-0192
469 Glenmore Rd. - Lot 1, Plan 9951
February 19, 2014

Under Tax Bylaw #154, the property will be charged at a rate of \$156.00/acre for all Grade "C" lands where a business, institution or commercial enterprise exists. This tax is invoiced annually and will be based on the actual acreage of the property.

The above-noted rates are current to 2014 and according to the bylaw in force.

Summary

GEID is not in a position to issue a water letter for this development until further details are provided to GEID.

If you have any questions please do not hesitate to contact me at 250-763-6506.

Yours truly,
GLENMORE-ELLISON
IMPROVEMENT DISTRICT



Darren Schlamp, B.Sc.
Operations Manager

c.c. Ryan W. Smith, Real Estate Services (via email: rwsmlth@kelowna.ca)

CITY OF KELOWNA
MEMORANDUM

Date: February 27 2014
File No.: Z13-0045
To: Land Use Management Department (JM)
From: Development Engineering Manager
Subject: 469 Glenmore Road Lot 1 Plan 9951 Car Wash

Development Engineering has the following comments and requirements associated with this application to rezone the A1 to C3. The road and utility upgrading requirements outlined in this report will be a requirement of this application.

The Development Engineering Technologist for this project is John Filipenko. ASCT

1. Water

- a) The property is located within the Glenmore Ellison Improvement District service area.
- b) Ensure an adequately sized domestic water and fire protection system is in place. 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.

2. Sanitary Sewer

- a) Our records indicate the property is serviced with a 100mm diameter service. The applicant, at his cost, will arrange for the installation of an inspection manhole at the new property line. The estimated cost of construction for bonding purposes is \$6,000.00
- b) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Should service upgrades be required, additional bonding will be required..

3. Drainage

- a) A requirement of this rezoning application will be to prepare a storm water management plan complete with a detailed Site Grading Plan including erosion and sedimentation controls required onsite and on the frontage road.
- b) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.

- c) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.
- d) Our records indicate that the property is currently not serviced with an overflow storm connection. The estimated cost of a new service for bonding purposes is \$4,000.00

4. Road Improvements.

Glenmore Drive

- a) Glenmore Road Access will be restricted to right- in and right out only movements.
- b) Glenmore Road frontage will require fully urbanization. Construct a barrier curb and gutter, two commercial driveway letdowns including sidewalk crossings, landscaped boulevard including underground irrigation and trees, fillet pavement, piped drainage system including a modified catch-basin and the re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

The construction of the full urban upgrade of Glenmore Road will be deferred. A one-time cash payment shall be collected from the developer to pay for the future urban upgrade.

- c) In the Interim, the Glenmore Road frontage will require the construction of an additional driveway access complete with culvert, headwall construction. Including landscaped boulevard modifications and re-location or adjustment of utility appurtenances if required to accommodate this construction. The estimated cost of this construction for bonding purposes is \$5,500.00 (not including the cost of relocating or adjusting of utility poles and other appurtenances)
- d) As a condition of rezoning a lockable vehicle gate with a width of 4.5m or greater must be provided to access the park and storm detention facilities. The estimated cost of this construction for bonding purposes is \$2,500.00

5. Road Dedication and Subdivision Requirements

- a) Excess road right-of-way is available to the developer. The Land exchange will necessitate adjustments to the frontage and rear property lines
- b) Transferring of various ownerships is to be dealt with by the City Real Estate Manager.
- c) A blanket SRW will be registered in favor of the City granting maintenance access 24/7 for City crews and equipment needing to access the park and storm detention pond behind (east of) the subject property.

The SRW will contain language indicating that should damage occur to the property because of maintenance vehicles accessing the park and storm detention pond the City will cover the costs of repair.

- d) If any road dedication or closer affects lands encumbered by a Utility right-of-way (such as Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of

the road dedication or closer must be incorporated in the construction drawings submitted to the City's Development Manager.

- e) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this development site must be installed in an underground duct system. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

The Removal of aerial trespasses over City Lands will be at the developer's expense.

7. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

8. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

9. Security and Levy Summary

a) Bonding

Sanitary service modifications	\$ 6,000.00
Storm Service construction	\$ 4,000.00
Access modifications to Glenmore Rd and Park	\$ 8,000.00

Total Bonding	\$ 18,000.00
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NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided and may be in the form of cash or an irrevocable letter of credit, in an approved format. The owner must also enter into a servicing agreement in a form provided by the City.

a) Levies

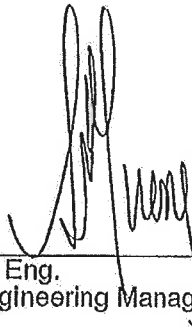
Glenmore Road Frontage Improvements
One-time cash payment for future urban upgrading. **\$21,305.00**

10. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3% of Total Off-Site Construction Cost plus GST) **\$1,020.78** (\$ 963.0 + 57.78 GST)

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.



Steve Muenz, P. Eng.
Development Engineering Manager

JF

REPORT TO COUNCIL



Date: March 31, 2014

RIM No. 1240-04

To: City Manager

From: Urban Planning Department, Community Planning & Real Estate (AR)

Application: HD14-0001 **Owner:** Craig Abernethy

Address: 609 Burne Avenue **Applicant:** Craig Abernethy

Subject: Removal of Municipal Heritage Designation

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council consider the removal of the Municipal Heritage Designation from Lot 1, District Lot 14, ODYD, District Plan KAP54306, located at 609 Burne Avenue, Kelowna, BC, pursuant to Section 967 of the Local Government Act;

AND FURTHER THAT the Rescinding Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To remove the Municipal Heritage Designation from the property at 609 Burne Avenue, as the former heritage building located on this site, commonly known as the "John F. Burne House", was completely destroyed by fire in August 2013.

3.0 Urban Planning Department

Municipal Heritage Designation is a tool available to BC municipalities under the *Local Government Act* to ensure the protection of valuable heritage buildings. Given that the original heritage building on the subject property was completely destroyed by fire, beyond reconstruction, and that the remains have since been demolished for safety reasons, Staff recommends removal of the Heritage Designation, so that the property owner may proceed with redevelopment of the property. On February 6, 2014, the Community Heritage Committee moved to support the proposed removal of the Heritage Designation.

The subject site is presently zoned RU6 - Two Dwelling Housing. Prior to any new development occurring on the subject site, a Development Permit to review the form and character of proposed development would be required, as the site is located within an established Character Neighbourhood area, as defined by the Official Community Plan.

4.0 Proposal

4.1 Background

Until the fire that fully destroyed the structure on the subject property in August 2013, it was listed on the City's Heritage Register. Commonly known as the "John F. Burne House", it was a 2½ storey, wood frame house constructed in 1905. According to the Statement of Significance, the house was valued for its association with an early prominent citizen in the legal profession - John F. Burne (1867-1938) - and as an early example of residential construction. Burne moved to Kelowna in 1903, and is valued for being Kelowna's first lawyer, as well as the City's first police magistrate. (See attached Statement of Significance).

In the 1950s the house had been converted to a boarding house, and then operated for quite some time (until the present) as an existing, non-conforming triplex dwelling. In 1995, the house was designated as a Municipal Heritage Building, pursuant with Section 967 of the *Local Government Act*, when the larger property was subdivided to create a new, west adjacent lot at 601 Burne Avenue.

4.2 Project Description

The property owner is seeking to remove the Municipal Heritage Designation on the subject property, as the protected heritage building on the site was completely destroyed by fire in August 2013, beyond the point of reconstruction. In October 2013, the City issued a Demolition Permit for the removal of the building remains and to address health and safety issues (asbestos and mould).

4.3 Site Context

The subject property is located mid-block on the south side of the 600 Block of Burne Avenue, between Pandosy and Richter Streets, in the South Central neighbourhood. The subject site and surrounding area is largely zoned RU6 - Two Dwelling Housing and designated as S2RES - Single / Two Unit Residential.

Subject Property Map: 609 Burne Avenue



Application Chronology

Date of Application Received: February 3, 2014

Community Heritage Committee: February 6, 2014

The above noted application was reviewed by the Community Heritage Commission at the meeting on February 6, 2014 and the following recommendation was passed:

THAT the Community Heritage Committee supports the removal of the Heritage Designation for the now demolished property previously located at 609 Burne Avenue.

Report prepared by:

Abigail Riley, Urban Planner

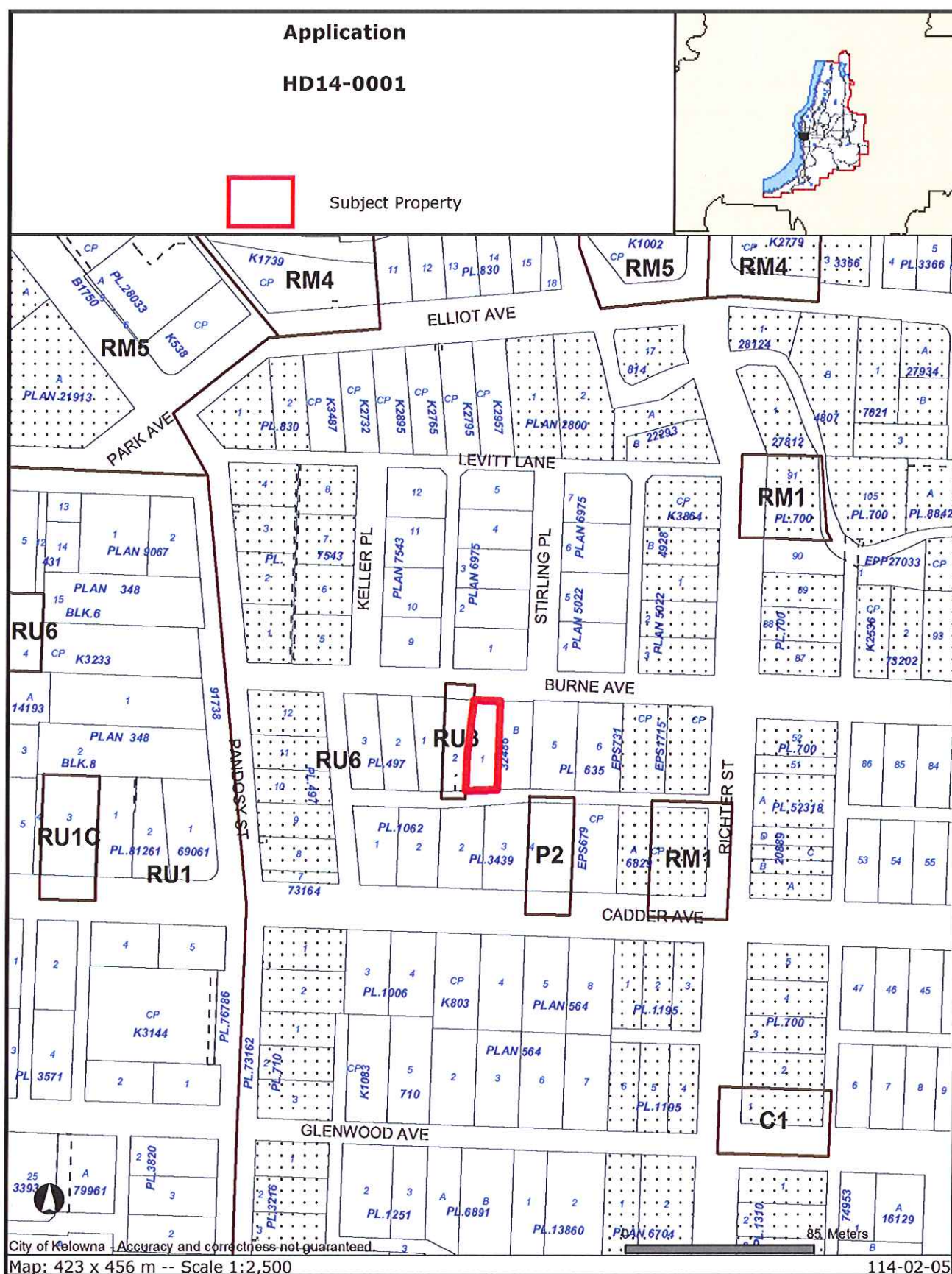
Reviewed by:



Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map
Building/Context Photos
Statement of Significance - 609 Burne Avenue



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.

[List](#) [Readme](#)

Heritage Building - CRHP

609 Burne Ave - John F. Burne House

[Identification](#) [Formal Recognition](#) [Location](#) [Desc I](#) [Desc II](#) [Desc III](#) [Images](#) [Doc](#) [Admin](#) [Previous](#)

E20 Place Description: The historic place is the two-and-one-half-storey, wood frame and brick John F. Burne House, built in 1905 and located at 609 Burne Avenue in Kelowna's South Central neighbourhood.

E21 Heritage Value: The John F. Burne House is valued for its association with an early prominent citizen in the legal profession, and as an example of early residential construction occurring at the time the City of Kelowna incorporated in 1905.

John Ford Burne (1867-1938), known to his friends by the nickname "John Fat" because of his girth, was "a happy jolly fellow with a wonderful sense of humour which endeared him to his many friends." Born in England, he came to Canada and practiced law at Pincher Creek, Alberta, and at Ymir, BC, before coming to Kelowna in 1903 to set up as a solicitor. Burne is valued as Kelowna's first lawyer. The firm of Burne and Weddell, of which he was a co-founder in 1917, was still operating until recently as Weddell Horne and Company.

John and Adelaide Burne first resided in what was then called "the Overwaitea block," at the northwest corner of Lawrence Avenue and Pandosy Street. By late 1904 their growing family needed more room. So in 1905 they had this wood-frame house built at a cost of \$2,500. Painted red, it was then 'away in the country' - at a distance from the newly incorporated City of Kelowna - along a muddy road. The Kelowna Land and Orchard Company had just subdivided the area south of Mill Creek. Burne Avenue, constructed later, is named for him. South Central is now considered an inner-city neighbourhood, and so this property has value for demonstrating the growth of Kelowna. Many of the architectural features of the house have been obscured by subsequent alterations.

John Burne was also the first police magistrate of the City of Kelowna, from 1905 to 1910 and again from 1929 to 1938. He was very active in the Kelowna Aquatic Association and, despite his bulk, was an expert diver.

The family lived here until Burne's death in December 1938. The owner was still listed as J.F. Burne in 1942, but after that the house had several different owners. In the 1950s it was converted to a boarding house, as were many of the larger early houses of Kelowna. It is now again a single-family residence. These changes in use are representative of the development of the South Central neighbourhood.

E22 Character Defining Elements:

- Location on Burne Avenue, forming part of Kelowna's South Central Neighbourhood
- Residential form, scale and massing as expressed by two-storey height and rectangular plan
- Street-facing gable, articulated by the eaves
- Long-time residential use



609 BURNE AVENUE
(WITH FOLK HERITAGE
BUILDING).

EXCERPT



609 BURN E AVE.
(WITH FORMER HERITAGE BUILDING)

Exif: 6347@rxj6

REPORT TO COUNCIL



Date: April 1, 2014

RIM No. 1250-30

To: City Manager

From: Subdivision, Agriculture & Environment Services, Community Planning and Real Estate (DB)

Application: OCP14-0007 / Z14-0002 **Owner:** Surinder Gosal
City of Kelowna

Address: 1908 & 1924 Henkel Rd and (Part of) Henkel Road **Applicant:** Surinder Gosal

Subject: Official Community Plan and Zoning Amendment

Existing OCP Designation: REP - Resource Protection Area and EDINST - Educational/Major Institutional

Proposed OCP Designation: S2RES - Single Two Units Residential

Existing Zone: RR3 - Rural Residential 3 and P2 - Educational and Minor Institutional

Proposed Zone: RU2 - Medium Lot Housing

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP14-0007 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of part of Lot A Section 4 Township 23 ODYD Plan 34105 Except Plan KAP61643, located at 1924 Henkel Rd from the Resource Protection Area (REP) designation to the Single/Two Unit Residential (S2RES) designation as shown Map "A" attached to the report of Subdivision, Agriculture & Environment Services, dated April 1, 2014 be considered by Council;

AND THAT Official Community Plan Bylaw Amendment No. OCP14-0007 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of a part of the Henkel Road closure area from Educational/Major Institutional (EDINST) designation to the Single/Two Unit Residential (S2RES) designation as shown Map "A" attached to the report of Subdivision, Agriculture & Environment Services, dated April 1, 2014 be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Subdivision, Agriculture & Environment Services, dated April 1, 2014;

AND THAT Rezoning Application No. Z14-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A Section 4 Township 23 ODYD Plan

34105 Except Plan KAP61643, located at 1924 Henkel Rd and Lot 2 Section 4 Township 23 ODYD Plan 17274, located at 1908 Henkel Rd from the RR3 - Rural Residential 3 zone to the RU2 - Medium lot housing zone as shown on Map "B" attached to the report of Subdivision, Agriculture & Environment Services, dated April 1, 2014, be considered by Council;

And THAT Rezoning Application No. Z14-0002 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of the Henkel Road closure area from the P2 - Educational and Minor Institutional zone to the RU2 - Medium lot housing zone as shown on Map "B" attached to the report of Subdivision, Agriculture & Environment Services, dated April 1, 2014, be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review by the City of Kelowna's Subdivision Approving Officer.

2.0 Purpose

To amend the Official Community Plan Future Land Use designation and to rezone the subject properties in order to accommodate the development of a 6 lot single family subdivision.

3.0 Subdivision, Agriculture and Environment Services comments

The applicant and owner of 1908 Henkel Road is proposing a six lot residential subdivision that would urbanize and improve the existing Henkel Road. In order to achieve the objective, the applicant approached the City of Kelowna in late 2013 to purchase a vacant portion of City of Kelowna land as well as some excess road right of way. The applicant and the City of Kelowna have reached a sales agreement and the applicant is now ready to move forward with the proposed development.

As the development site is located directly north of North Glenmore Elementary School, School District 23 expressed some concerns about the exiting pick up/drop off area located on the south side of Henkel Road. The school district would like to ensure that a pick up/drop off area, as well as a sidewalk, be built as part of the proposed development. As Developers are typically responsible to urbanize their side of the street, staff have agreed to request the sidewalk to be constructed on the south side of the street to reduce vehicular/pedestrian conflicts. This location would also provide safe pedestrian access to the school, as well as provide a logical connection to the Glenmore Active Transportation Corridor. Staff have also been working with the development engineer to ensure that there is appropriate parking for pick ups and drop offs.

Subdivision, Agriculture, and Environment Staff support this application, as it would improve the existing condition of Henkel Road and provide reasonably priced infill housing in the area.

4.0 Proposal

4.1 Background

In late 2013, the owner of 1908 Henkel Road approached the City to inquire about the potential development of his property. The owner expressed interest in acquiring some of the adjacent

un-used City-owned land at 1924 Henkel Road, as well as an excess portion of Henkel Road right of way, in order to facilitate the development of a 6 lot subdivision. Upon review, it was determined that the subject un-used City land was no longer required for City and that the proposed subdivision would contribute to the urbanization of Henkel Road. The applicant entered into purchase agreement with City of Kelowna subject to various conditions.

4.2 Project Description

The applicant is proposing the development of a 6 lot subdivision that would require an OCP Future Land Use designation amendment, as well as a rezoning amendment. It must also be noted that the proposed subdivision layout will require a lot depth variance on proposed lot 2 in order to accommodate the proposed cul-de-sac.

OCP Amendment

The applicant is proposing to amend the OCP future Land Use designation for parts of 1924 Henkel Road from the Resource Protection Area (REP) to the proposed Single Two Unit Residential (S2RES) designation. The applicant is also proposing to amend the OCP Future Land Use for part of the proposed Henkel Road Closure area from the existing Educational/Major Institutional (EDINST) to the proposed Single/Two Unit Residential (S2RES), to accommodate the proposed subdivision (See attached proposed subdivision layout).

Rezoning

The applicant is proposing to rezone 1908 Henkel Road and parts of 1924 Henkel Road from the existing Rural Residential 3 (RR3) zone to the proposed Medium Lot Housing (RU2) zone. In addition, the applicant is also proposing to rezone a section of the Henkel Road closure area from the Education and Minor Institutional (P2) to Medium Lot Housing (RU2) zone to accommodate the proposed subdivision layout, as shown on the attached subdivision layout.

4.3 Site Context

The subject properties are located in the Glenmore-Clifton-Dilworth Sector of the City in a predominantly single family neighbourhood. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 - Rural Residential 3	Single Family Housing
East	A1 - Agricultural 1	Agriculture
South	P2 - Education and Minor Institutional	School
West	A1 -Agricultural 1	Single Family Housing

Subject Property Map:**4.4 Current Development Policies****4.5 Kelowna Official Community Plan (OCP)****Future Land Use**

Single/Two Unit Residential (S2RES)¹: Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, convenience facility and neighbourhood parks), which are integral components of urban neighbourhoods. Suitability of non-residential developments within the neighbourhood environment will be determined on a site-specific basis. Non-residential developments causing increases in traffic, parking demands or noise in excess of what would typically be experienced in a low density neighbourhood would not be considered suitable.

Development Process

Compact Urban Form.² Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

¹ City of Kelowna Official Community Plan - Future Land Use Chapter.

² City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

Sensitive Infill.³ Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

Housing Mix.⁴ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

5.0 Technical Comments

5.1 Development Engineering Department

Please see attached.

5.2 Fortis BC

There are primary distribution facilities along Snowsell Street. In order to service the proposed subdivision, a primary distribution extension will be required from the existing power line on Snowsell St, the cost of which will be significant. To date, arrangements have not been made to bring electrical service to the proposed lots. The applicant is responsible for costs associated with any change to the proposed lots' existing service, if any, as well as the provision of appropriate land rights where required.

5.3 Irrigation District

Attached.

5.4 School District No. 23

The subject property is located to the north of North Glenmore Elementary School which has a current enrolment of around 460 students.

Historically there have been some transportation challenges on and surrounding the North Glenmore Elementary site (traffic/congestion issues, concerned residents and pedestrian safety concerns) that have been somewhat mitigated by the efforts and investments of the School District and the City of Kelowna. As with most school sites, there continue to be some transportation challenges at this location.

Currently many parents utilize the gravel shoulder on Henkel Road as a pick-up and drop off location for students. We would like to see this practice continue and as such would like any upgrade of Henkel Rd to include on-street parking and a sidewalk.

Other than our request that infrastructure improvements associated with this application consider the needs and safety of North Glenmore Elementary students, the School District has no objections to the above mentioned applications.

³ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.22.11 (Development Process Chapter).

6.0 Application Chronology

Date of Application Received: January 15, 2014

Land exchange (road closure/dedication) agreement finalized: March 17, 2014

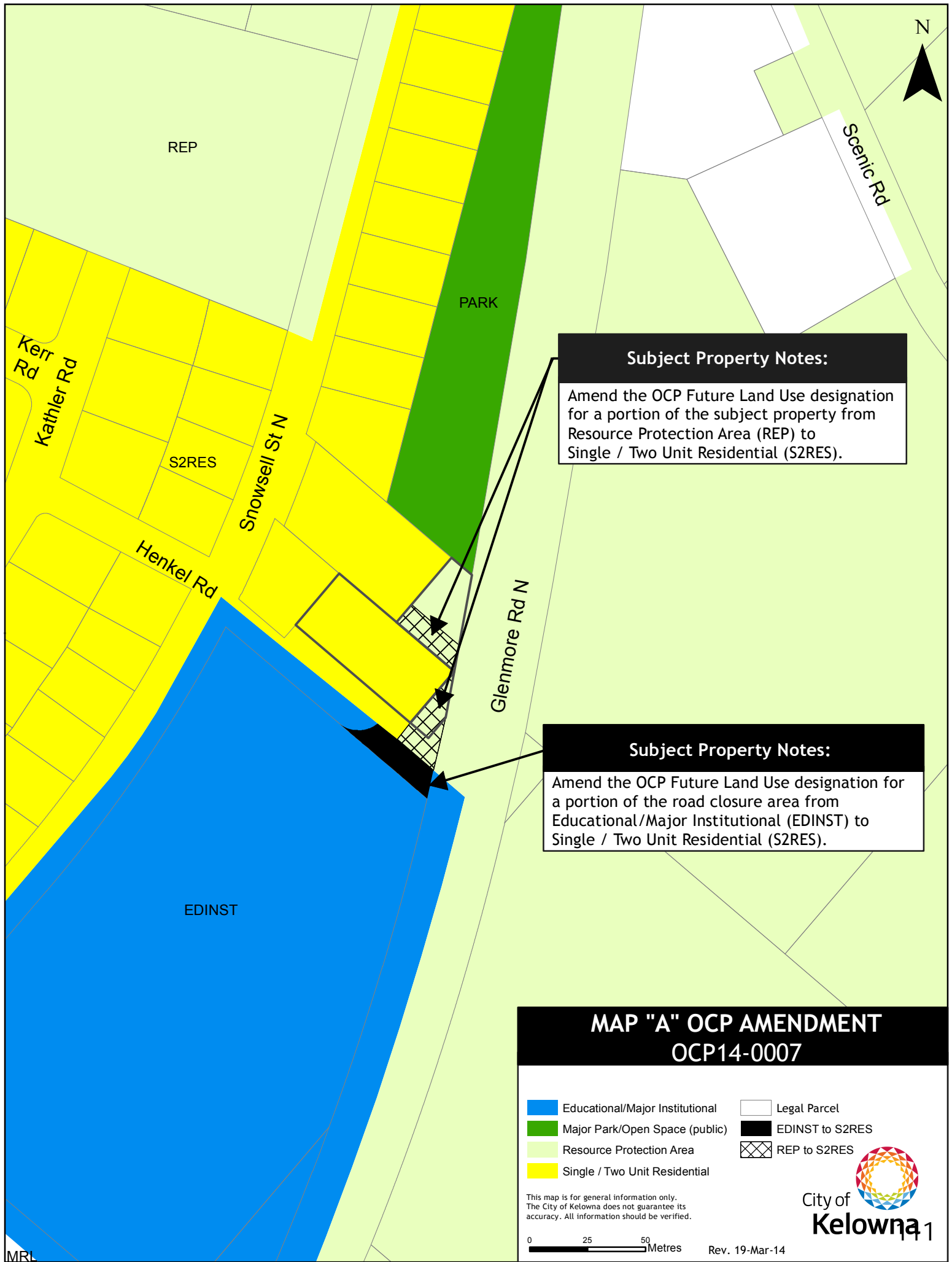
Report prepared by:

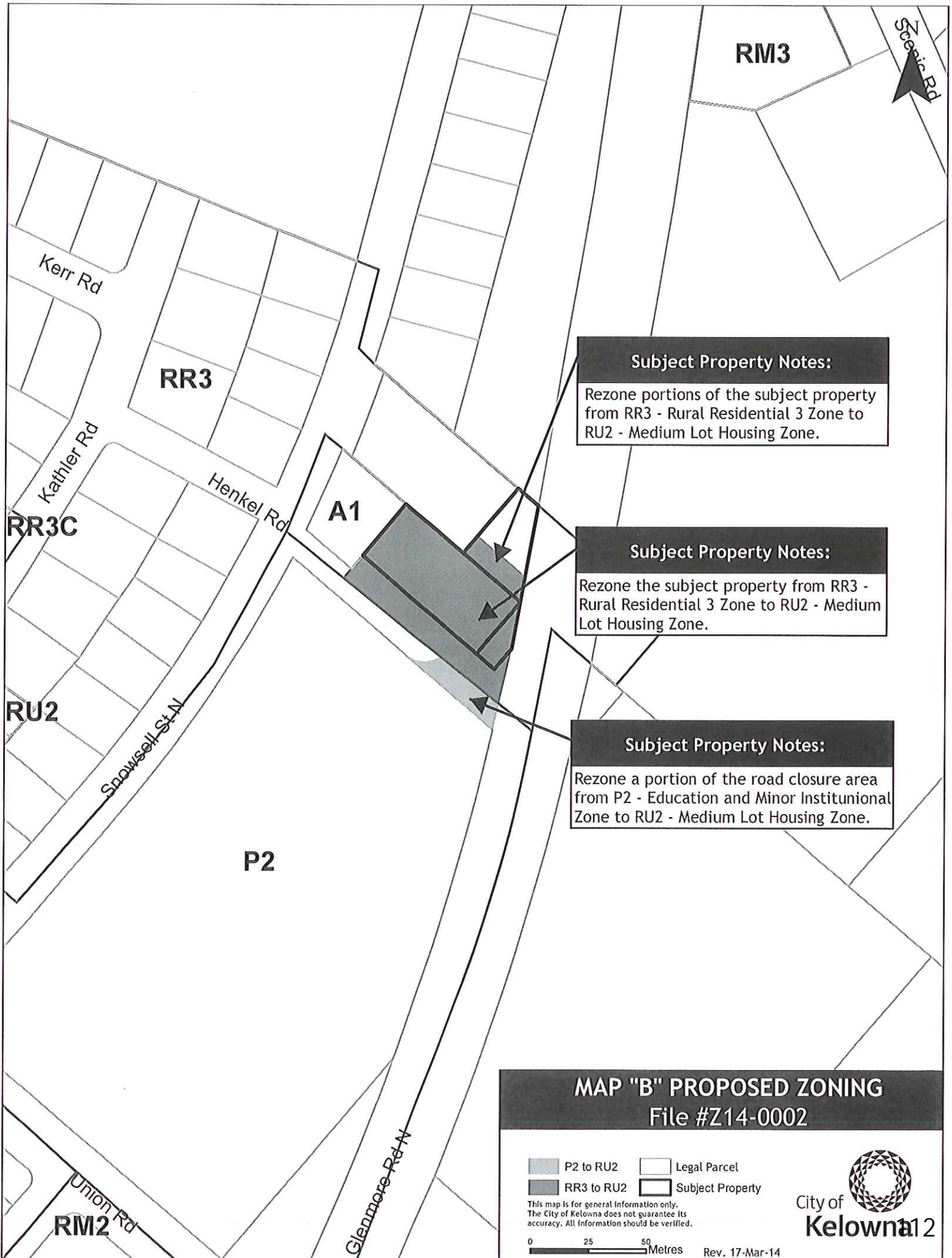
Damien Burggraeve, Land Use Planner

Approved for Inclusion: ☐ Shelley Gambacort, Director, Land Use Management

Attachments:

Map A - OCP Amendment
Map B - Zoning Amendment
Subject Property Map
Proposed Subdivision Layout
Development Engineering Requirements
Public Consultation





MAP "B" PROPOSED ZONING File #Z14-0002

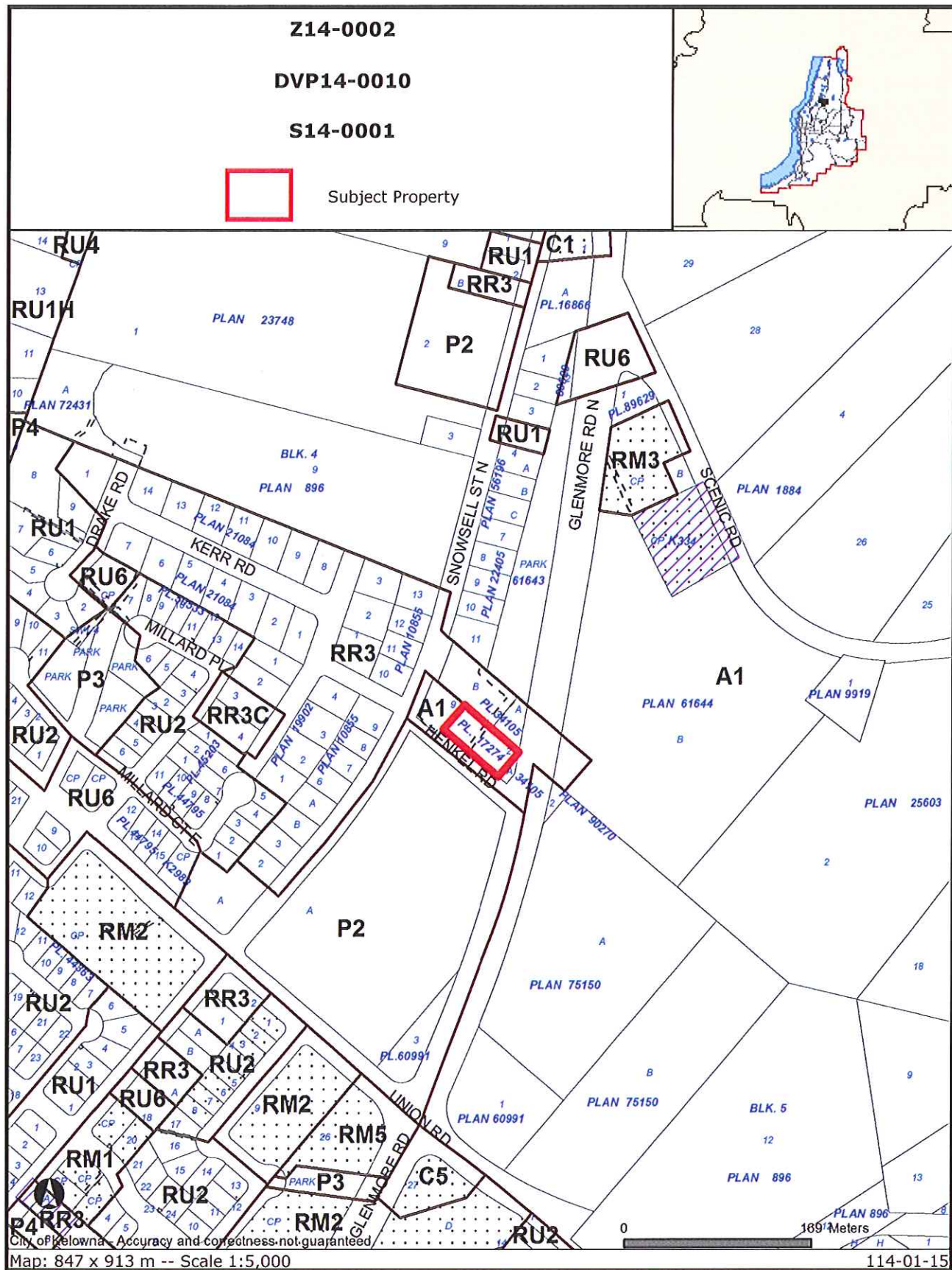
- P2 to RU2
- RR3 to RU2
- Legal Parcel
- Subject Property

This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



Rev. 17-Mar-14





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: February 3, 2014
File No.: Z14-0002
To: Land Use Management Department (DB)
From: Development Engineering Manager (SM)
Subject: 1908 Henkel Road Lot 2 Plan 17274 Proposed Zone - RU-2

The Development Engineering Branch comments and requirements regarding this application to rezone to RU-2 are as follows:

The Development Engineering Technologist for this project is John Filipenko. ASCT

All servicing requirements associated with the proposed rezoning as well as the preliminary layout review have been addressed in the subdivision application under file S14-0001

Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf

CITY OF KELOWNA

MEMORANDUM

Date: February 3, 2014
File No.: S14-0001
To: Planning and Development Officer (DB)
From: Development Engineering Manager
Subject: Subdivision Application – PLR Requirements

LOCATION: 1908 Henkel Road	Proposed Zone RU2
APPLICANT: Surinder Singh Gosal	Proposed 6 Lot Subdivision
LEGAL: Lot 2 Plan 17274 ODYD.	

WORKS AND SERVICES REQUIREMENTS

The City's Works & Utilities Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Final Approval of a subdivision plan.

The Development Engineering Technologist for this project is John Filipenko. AScT

The following Works & Services are required for this subdivision:

.1 General

- a) The postal authorities must be contacted to determine whether or not a "community mailbox" will be utilized. Please contact the Canadian Post Corporation, Delivery Services, P.O. Box 2110, Vancouver, B.C. V6B 4Z3 (604) 662-1381 in this regard.
- b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events; non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- c) Provide the Consulting Engineer with a copy of the PLR, which details the Subdivision requirements.

.2 Geotechnical Report

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

The Geotechnical reports must be submitted prior to application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Any special requirements for construction of driveways, utilities and building structures.
- (iv) Recommendations for roof drains and perimeter drains.
- (v) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (vi) Recommendations for items that should be included in a Restrictive Covenant.
- (vii) Any items required in other sections of this document.

.3 Water

- a) The property is located within the Glenmore Ellison Improvement District service area.
- b) Ensure an adequately sized domestic water and fire protection system is in place.
- c) The existing watermain blow-off assembly should be relocated to the road right-of way.
- d) Arrange for individual lot connections before submission of the subdivision plan; including payment of connection fees (provide copy of receipt).
- e) 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.

.4 Sanitary Sewer

- a) The property is located within the City of Kelowna service area.
- b) Provide an adequately sized sanitary sewer system in accordance with the Subdivision, Development & Servicing Bylaw.
- c) It will be necessary to relocate existing sanitary main as well as extending the main to service the lots fronting the proposed cul-de-sac.
- d) Arrange for individual lot connections before submission of the subdivision plan; including payment of connection fees (provide copy of receipt).

.5 Drainage

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw require that each lot be provided with an individual connection.
- b) Provide a detailed Storm Management Plan and Lot Grading Plan

.6 Roads

- a) Henkel Road has a existing road right-of way width of 20.1m The residential Road and cul-de-sac is designated as local road. Excess road right-of-way is available to the developer. Please contact Mr. Graham Hood, Manager of Real Estate Services.
- b) Henkel Road frontage must be upgraded to a full urban standard including a curb and gutter, piped storm drainage system, pavement widening, landscape boulevard with underground irrigation, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- c) Dedicate 3.0m and construct a paved public walkway that will provide a pedestrian link between the cul-de-sac and multi-use path on Glenmore Road
- d) A separate 1.8m sidewalk is required along the school property (south side) of Henkel Road from Snowsell Street to the public walkway.
- e) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.
- a) Driveway access from proposed lots will not be permitted onto Glenmore Road. A restrictive covenant in favour of the City of Kelowna, registrable under Section 219 of the Land Title Act must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.

.7 Power and Telecommunication Services and Street Lights

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

.8 Design and Construction

- d) 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.
- e) 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.
- f) 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).
- g) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- h) 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 Development Services Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.9 Servicing Agreements for Works and Services

- i) 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.
- j) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

.10 Charges and Fees

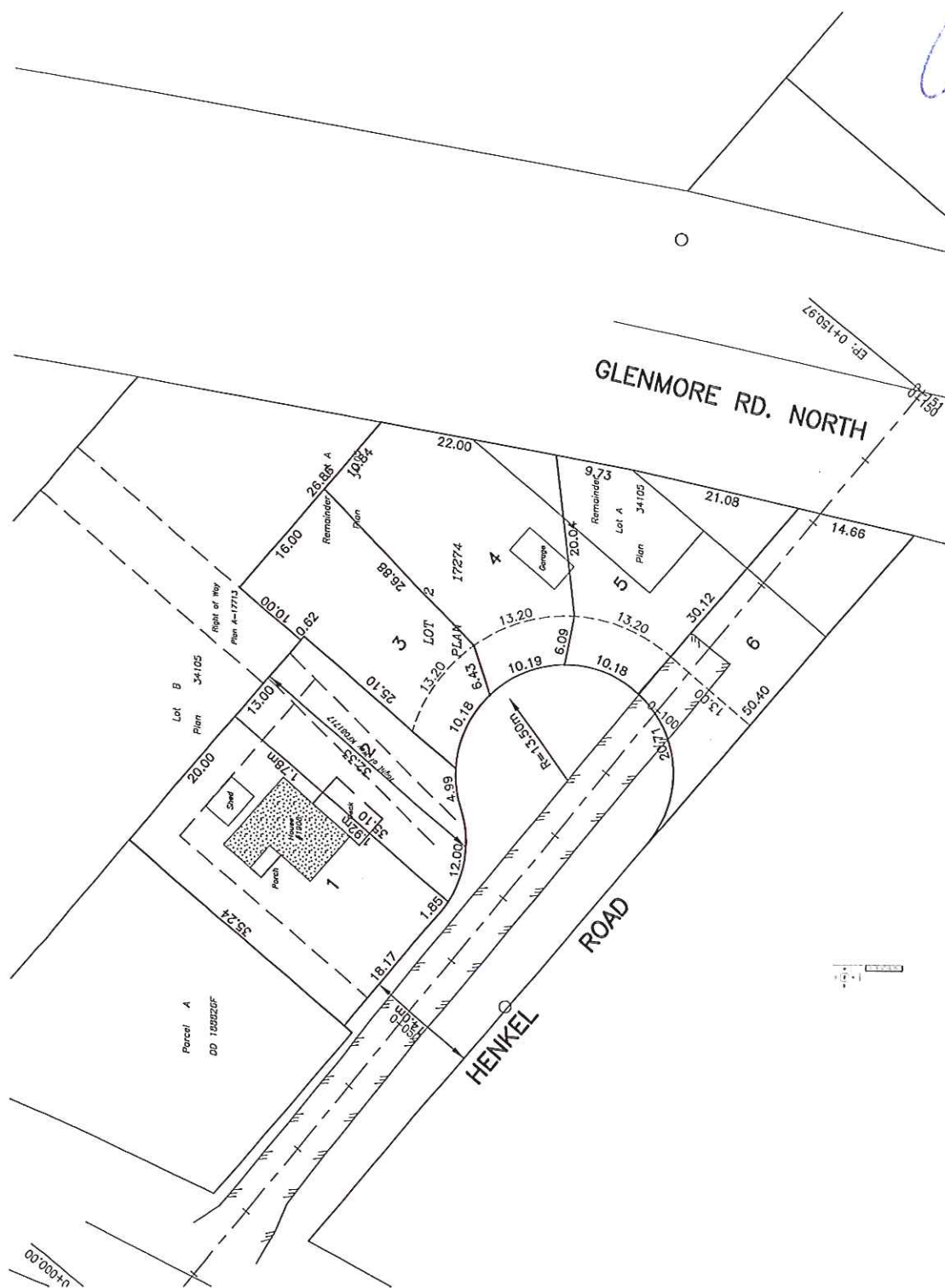
- a) Development Cost Charges (DCC's) are payable

- b) Fees per the “Development Application Fees Bylaw” include:
 - i) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iii) A hydrant levy charge of \$250.00 per lot (not required if developer installs a fire protection system – mains and hydrants).
 - i) Engineering and Inspection Fee: 3% of construction value (plus GST).

Steve Muenz, P.Eng.
Development Engineering Manager
JF/

Hand delivered to neighbors for 12/14 with discussion
by Sunder Gosal *Sunder Gosal* & Chad Bigattini

Chad Bigattini



Report to Council



Date: 3/31/2014
File: TA14-0006
To: City Manager
From: Shelley Gambacort, Director, Subdivision, Agriculture & Environment
Subject: Proposed Text Amendment to Zoning Bylaw 8000 to permit Medical Marihuana Production Facilities in the I1 - Business Industrial Zone

Recommendation:

THAT Zoning Bylaw Text Amendment No. TA14-0006 to amend City of Kelowna Zoning Bylaw No. 8000 by adding Medical Marihuana Production Facilities (MMPF) as a Principal Use in the I1 - Business Industrial Zone, as outlined in Schedule "A" of the report from the Subdivision, Agriculture & Environment Department dated March 31, 2014, be considered by Council.

AND THAT the Text Amendment Bylaw be forwarded to a Public Hearing for further consideration.

Purpose:

To forward for Council's consideration a text amendment to Zoning Bylaw No. 8000, which would allow Medical Marihuana Production Facilities as a principal use in the I1 - Business Industrial Zone.

Background:

At the March 18th regular meeting of Council third reading was given to a Text Amending Bylaw to allow Medical Marihuana Production Facilities (MMPF's) as a principal permitted use in the I2 - General Industrial, I3 - Heavy Industrial and I4 - Central Industrial zones. At that same meeting Council also directed staff to proceed with an amendment to include MMPF's as a principal permitted use in the I1 - Business Industrial zone.

The I1 - Business Industrial Zone is considered to be an appropriate industrial zone for MMPF's as the majority of the existing I1 principal permitted uses are also currently allowed in the I3 and/or the I4 zones.

Other factors considered when determining the appropriate zones for the MMPF land use include:

- the compatibility of, and impacts on, adjacent uses,
- the available infrastructure (road, water, storm, sanitary and electrical)
- accessibility for emergency services; and
- the ability to repurpose the buildings.

It should be noted that all MMPF's will first require approval from Health Canada and before a Health Canada licence can be issued, compliance with the site and physical security requirements under the new Health Canada *Marihuana for Medical Purposes Regulations* (MMPR) is required.

Key Health Canada MMPR's criteria include:

- Mandatory building and production security requirements relating to monitoring and detection to prevent unauthorized access;
- All areas within a site where cannabis is present must be equipped with a system that filters air to prevent the escape of odours and, if present, pollen; and
- Before a Health Canada licence can be issued, compliance with the site and physical security requirements under the MMPR and Health Canada *Directive on Physical Security Requirements for Controlled Substances* will be verified through a pre-licence inspection by Health Canada.

Internal Circulation:

Divisional Director of Community Planning & Real Estate
Divisional Director of Corporate and Protective Services
Divisional Director of Communications and Information Services
Director Development Services
Building & Permitting Manager
City Clerk
Policy & Planning Manager
Urban Planning Manager
RCMP, Crime Prevention Supervisor
Deputy Fire Chief, Fire Administration, Training & Fire Prevention

Legal/Statutory Authority:

Health Canada establishes the Regulations and issues licences for medical marihuana under the *Marihuana for Medical Purposes Regulations* (MMPR) regulations which came into force July 19, 2013 and will be in full effect April 1, 2014 replacing the current *Marihuana Medical Access Regulations* (MMAR), which will be repealed on March 31, 2014.

External Agency/Public Comments:

Existing Policy:

There is currently no existing policy specific to Medical Marihuana Production in either the OCP or the Zoning Bylaw.

Considerations not applicable to this report:

Financial/Budgetary Considerations
Personnel Implications
Alternate Recommendation
Communications

Submitted by: S. Gambacort, Director/Approving Officer
Subdivision, Agricultural & Environmental Department

Approved for inclusion: Doug Gilchrist, Division Director Community Planning & Real Estate

Attachments: Schedule "A"

SCHEDULE "A"
SUMMARY OF PROPOSED TEXT AMENDMENT

Zoning Bylaw No. 8000		
Section	Existing Text	Proposed Text
15.1- I1-Business Industrial 15.1.2 Principal Uses	N/A	<i>Add as a principal use:</i> Medical Marihuana Production Facility