

City of Kelowna Public Hearing AGENDA



Tuesday, September 9, 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 August 26, 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. 10996 (TA14-0015) - 1975 Union Road, 657139 BC Ltd.

4 - 19

To amend the C5 - Transition Commercial zone to permit Service Station, Minor on one explicit legal parcel.

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: August 13, 2014
RIM No. 1250-30
To: City Manager
From: Urban Planning, Community Planning & Real Estate (LG)
Application: TA14-0015 **Applicant:** Dawn Williams (D.E. Pillings & Associates)
Subject Address: 1975 Union Road **Owner:** 657139 BC Ltd.
Title: 2014 08 25 Report TA14-0015 Amendment to C5
Existing Zone: C5 - Transition Commercial

1.0 Recommendation

THAT Zoning Bylaw Text Amendment No. TA14-0015 to amend Section 14.5.2 of City of Kelowna Zoning Bylaw No. 8000 as outlined in the report from Urban Planning dated August 13 2014, be considered by Council.

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

AND THAT final adoption of the Text Amendment Bylaw be considered subsequent to the requirements of the Development Engineering Branch and Real Estate Department;

AND THAT final adoption of the Text Amendment Bylaw be considered subsequent to the requirements of the Glenmore-Ellison Improvement District;

AND FURTHER THAT final adoption of the Text Amendment Bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property.

2.0 Purpose

To amend the C5 - Transition Commercial zone to permit Service Station, Minor on one explicit legal parcel.

3.0 Urban Planning

Urban Planning supports the proposed text amendment to the Zoning Bylaw. Rather than suggest the parcel be rezoned to another commercial zone that is not appropriate for the site, Staff suggests adding *Service Station, Minor* as a permitted use to C5 **for this parcel only** (and not as a permitted use in the entire C5 zone). The majority of the C5 zone is located in the inner city where car washes are not necessarily appropriate. In this unique instance, the subject parcel is located on the periphery of a medium density residential area, and further surrounded by

agricultural and public service uses. A car wash on this property would not have the same resounding effect on the neighbours as it would in a more established area in the City.

Staff does not support the creation of a comprehensive development (CD) zone for this parcel. The purpose of a CD zone is to create a comprehensive site specific land use plan where no other zone is considered suitable based on context or future surrounding development. The Urban Planning department has determined that C5 is the appropriate zone for this lot based on its purpose statement and future surrounding land uses.

Staff will work 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

In December, 2013 the applicant submitted a proposal for a car wash on Glenmore Road that was subsequently rejected by Council. Council's decision was based on neighbourhood concerns regarding noise and the proposed location adjacent to a park.

4.2 Project Description

Staff received a new application for a car wash in this new location along Glenmore Road by the same applicant. The subject site is located at Union Road and is currently zoned C5 - Transition Commercial. Based on the location of the site, C5 is the appropriate zone for this parcel because it is used to provide for limited commercial on the edge of a community or as a transition to residential. However, it does not list *Service Station, Minor* as an allowed use. Car washes fall under the *Service Station, Minor* use in the Zoning Bylaw.

The proposed car wash is located on a larger site allowing the developers to provide adequate landscaping and buffering as per the Zoning Bylaw. One site access is proposed off of Union road, but Development Engineering supports a second access off of Glenmore Road as well. These details will be determined through the development permit process.

4.3 Site Context

The subject property is located at the south corner of Glenmore Road and Union Road. Neighbouring the site is North Glenmore Elementary School and a vacant lot to the north, a vacant medium density multiple residential lot and small park to the northwest, a single family dwelling on an agriculture lot to the northeast, and low density row housing to the south.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Future Land Use
North	P2 - Education and Minor Institutional	EDINST - Educational / Institutional
West	RM5 - Medium Density Multiple Housing, P3 - Parks and Open Space	MRM - Multiple Unit Residential (Medium Density), PARK - major Park and Open Space
East	A1 - Agriculture 1	REP - Resource Protection Area
South	RM2 - Low Density Row Housing	MRL - Multiple Unit Residential (Low Density)

Subject Property Map: 1975 Union Road



Zoning Analysis Table		
CRITERIA	C5 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Height	9.50m	11.66m ^①
Min. Front Yard	4.50m	8.90m
Min. Side Yard	2.00m	13.80m
Min. Flanking Side Yard	4.50m	4.50m
Min. Rear Yard	6.00m	6.70m
Max. Site Coverage	40.0%	15.6%
Max. Floor Area Ratio	0.4	0.06
Other Regulations		
Min. Parking Requirements	Staff parking = 1 stall	2 stalls
Min. Uncovered Space	370m ² / wash bay	283m ² / wash bay ^②
^① Indicates required variance for building height. ^② Indicates required variance for uncovered space.		

5.0 Current Development Policies

Recognizing that car washes can be both land consumptive and nuisance generating, the Zoning Bylaw provides specific rules for car wash developments. One of these regulations addresses the proportion of the site covered by buildings by requiring a minimum amount of land area per wash bay that is to remain free of buildings. The requirement is 370m² per wash bay. Contrary to the applicant's original proposal where they were only able to supply 194m² per bay, this proposal is large enough to provide 283m² per bay as well as a wide landscaping buffer from the adjacent residential area. The previous application was not able to provide the appropriate landscape buffer.

Design details and confirmation of required variances will be further explored when the applicants makes their permits applications.

The proposal is also consistent with the Official Community Plan (OCP) future land use designation. The subject parcel is designated Commercial.

Kelowna Official Community Plan (OCP)

Development Process

Retention of Commercial Land.¹ 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

1. Development Engineering Department

- See attached memorandum dated August 8, 2014.

2. Fire Department

- Ensure appropriate unobstructed distance to a fire hydrant and proper fire department access. A visible address must be posted as per City of Kelowna By-Laws.

3. FortisBC - Electric

- There are primary distribution facilities along Union 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.

4. Glenmore-Ellison Improvement District

- See attached letter dated July 9, 2014.

5. Real Estate and Building Services

- Please work with Real Estate Services for the required SRW for storm on property. Also, please note significant landscaping is proposed over required SRW area.

¹ City of Kelowna Official Community Plan, Policy 5.24.2 (Development Process Chapter).

7.0 Application Chronology

Date of Application Received: June 26, 2014

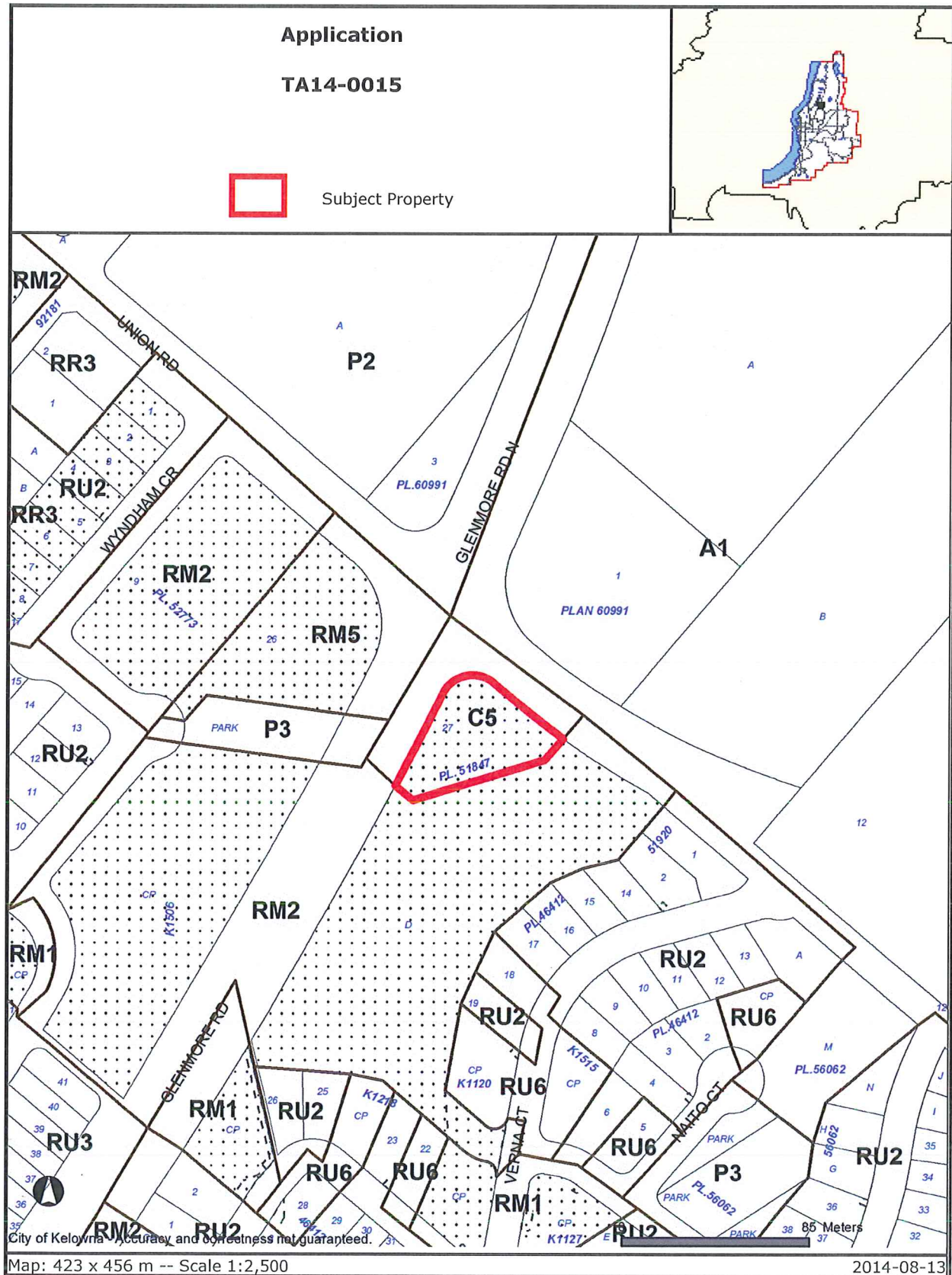
Report prepared by:

Lindsey Ganczar, Urban Planning Supervisor

Approved for Inclusion: ☐ Ryan Smith, Urban Planning Manager

Attachments:

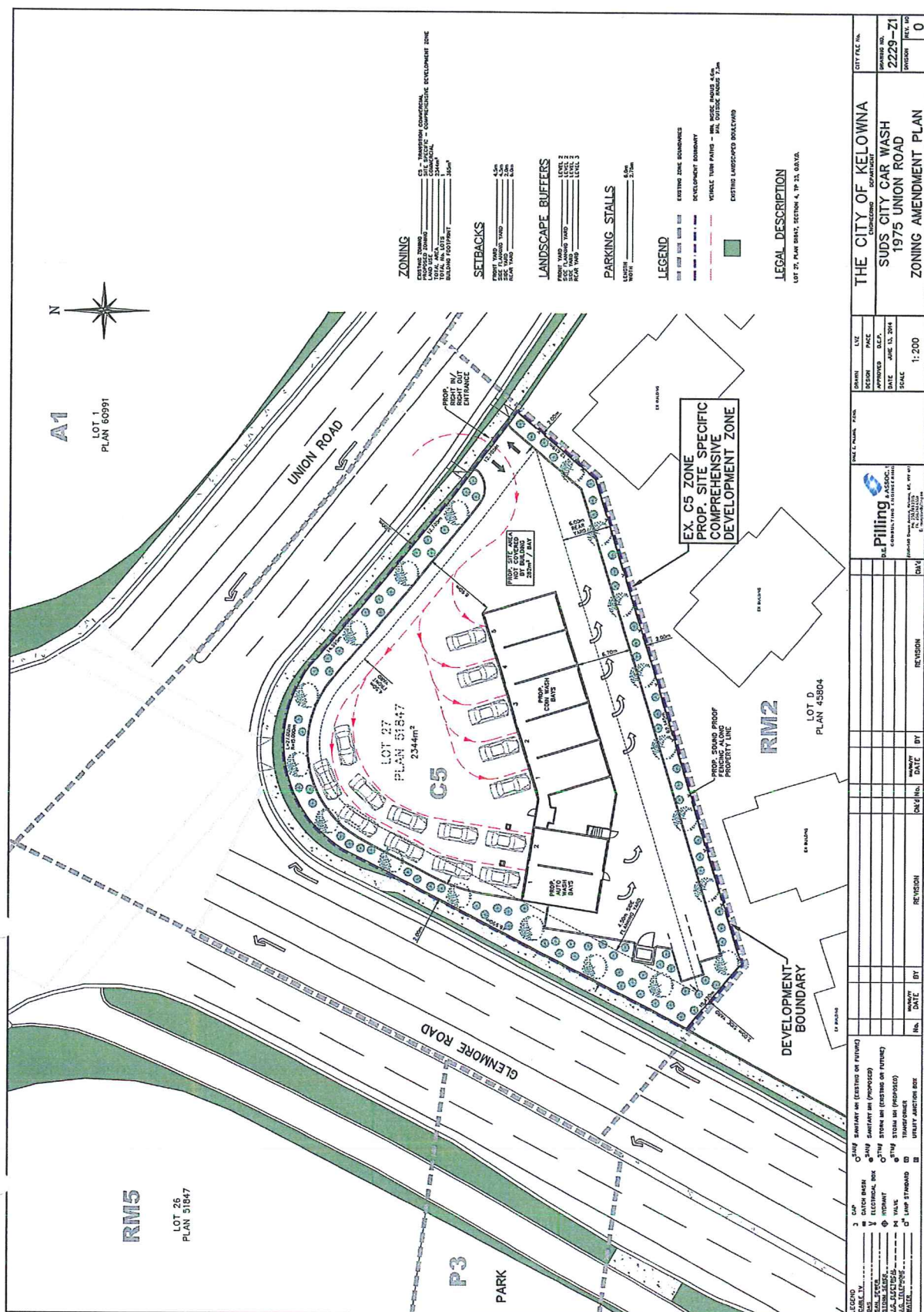
Subject Property Map
Schedule 'A' - Proposed Text Amendment
Conceptual Site Plan
Conceptual Elevations
Development Engineering Memorandum
GEID Letter

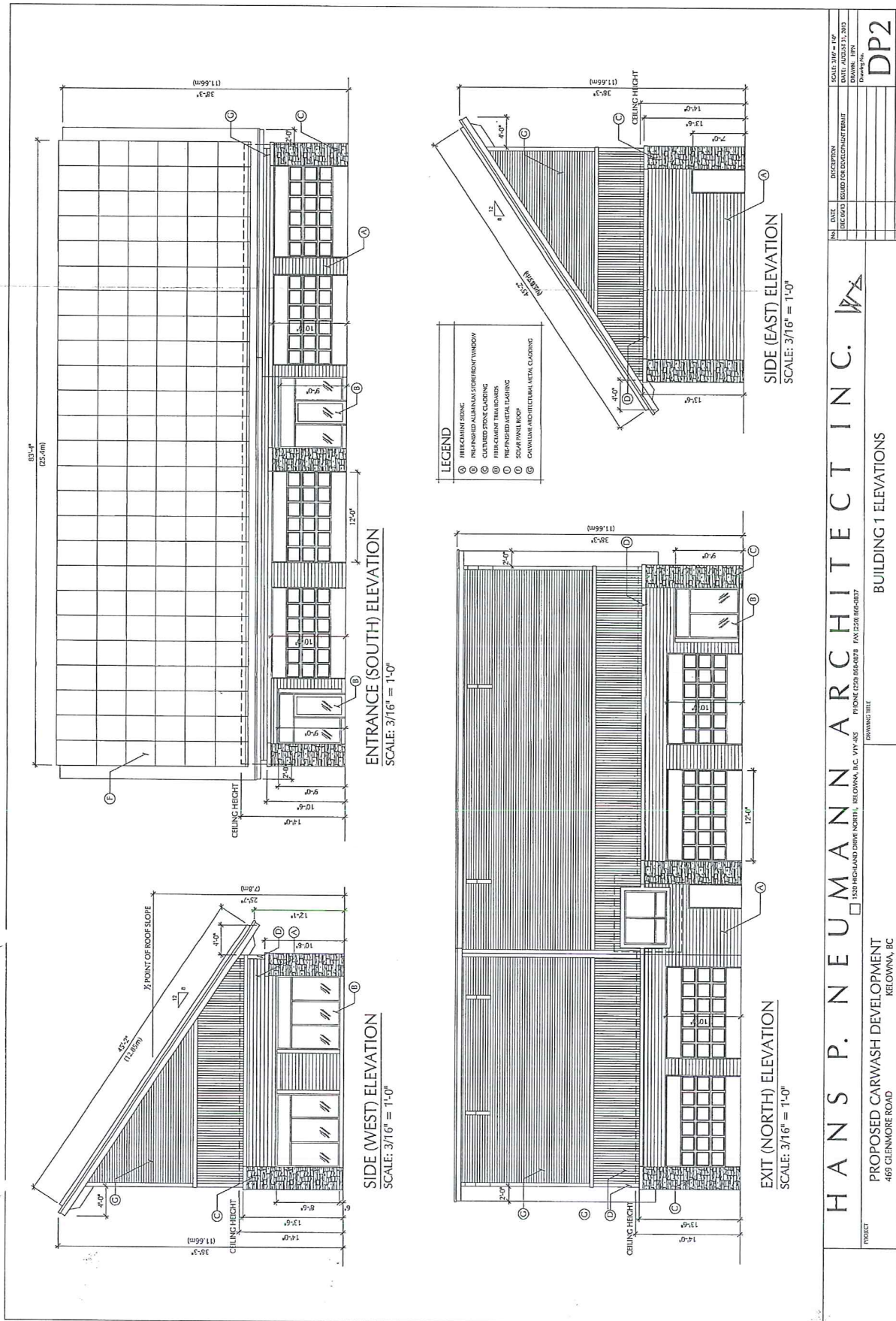


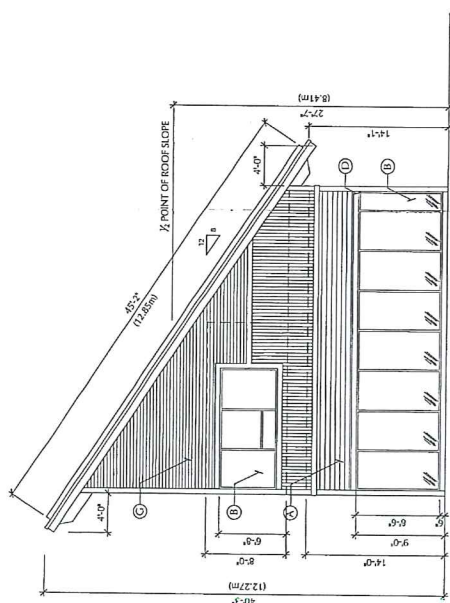
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

SCHEDULE 'A' Proposed C5 Text Amendments
TA14-0015

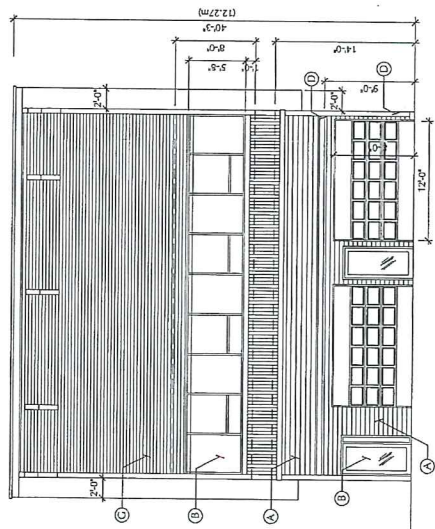
Section	Existing Text	Proposed Text	Rationale
Section 14.5.2 Principal Uses	<p>Principal Uses</p> <p>The principal uses in this zone are:</p> <ul style="list-style-type: none"> (a) boarding or lodging houses (b) child care centre, major (c) commercial schools (d) financial services (e) funeral services (f) government services (g) group homes, major (h) health services (i) offices (j) personal service establishments (k) religious assemblies (l) retail stores, convenience (m) single detached housing (n) temporary shelter services (o) utility services, minor impact 	<p>Principal Uses</p> <p>The principal uses in this zone are:</p> <ul style="list-style-type: none"> (a) boarding or lodging houses (b) child care centre, major (c) commercial schools (d) financial services (e) funeral services (f) government services (g) group homes, major (h) health services (i) offices (j) personal service establishments (k) religious assemblies (l) retail stores, convenience (m) service station, minor* (n) single detached housing (o) temporary shelter services (p) utility services, minor impact <p>* Applicable only to Lot 27, Section 4, Township 23 ODYD Plan KAP51847 (1975 Union Road).</p>	<p>The subject property is zoned C5 which is the appropriate zone for this parcel. Urban Planning has received a development permit application for a car wash at this site. <i>Service station, minor</i> is not a listed use in the C5 zone but staff feels that the use is appropriate on this parcel.</p> <p>Staff does not want to see <i>Service station, minor</i> added to the entire C5 zone as car washes would not be appropriate on other parcels zoned C5 in the city.</p>



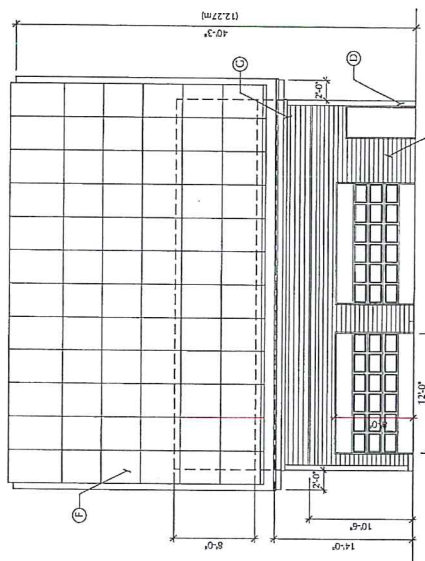




SIDE (WEST) ELEVATION
SCALE: 3/16" = 1'-0"

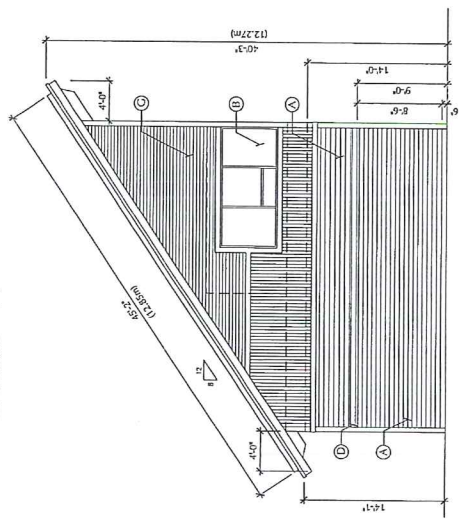


EXIT (NORTH) ELEVATION
SCALE: 3/16" = 1'-0"



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

LEGEND	
①	FIBERGLASS SIDING
②	PRE-FINISHED ALUMINUM COMBUSTION WINDOW
③	CUT-LAMINATED GLASS
④	FIBERGLASS TRIM BOARDS
⑤	PRE-FINISHED METAL FLASHING
⑥	SOLAR PANEL ROOF
⑦	CAVALIERE ARCHITECTURAL METAL CLADDING



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



HANS P. NEUMANN ARCHITECT INC.

PROPOSED CARWASH DEVELOPMENT
469 GLENMORE ROAD
KELOWNA, BC

PROJECT

1220 HIGHLAND DRIVE NORTH, KELOWNA, B.C. V1Y 4S5 PHONE: (250) 866-9098 FAX: (250) 866-9037

DRAWING TITLE

BUILDING 2 ELEVATIONS

DATE: DEC 04/05

DESCRIPTION: BUILDING DEVELOPMENT PERMIT

SCALE: 3/16" = 1'-0"

DATE: JANUARY 31, 2013

Drawn By: DP3

REVISIONS:

CITY OF KELOWNA

MEMORANDUM

Date: August 8 2014
File No.: Z14-0028

To: Land Use Management Department (PMcV)

From: Development Engineering Manager

Subject: 1975 Union Road Glenmore Rd Lot 27 Plan 51847 **Car Wash**

Development Engineering has the following comments and requirements associated with this application to rezone the C5 to Site Specific **C5** Zone. 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 that the property is serviced with a 200mm diameter service.
- b) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Should service adjustments be necessary, additional bonding will be required
- c) The developer, at his cost, will arrange for the installation of an inspection manhole on site, close to the property line.

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 serviced with a 150mm diameter storm connection. The developer's consulting engineer will determine the requirements of this proposed development and establish the service needs. Should service adjustments be necessary, additional bonding will be required.

4. Road improvements.

- a) Glenmore Road frontage is fully urbanized with barrier curb, gutter, landscaped boulevard and sidewalk. **Vehicular access to Glenmore Road will be restricted to right in and right out only.** The construct of a commercial driveway letdown at the furthest point from the intersection will require the removal and replacement of curb, gutter and sidewalk and the re-location or adjustment of utility appurtenances if required to accommodate this construction. The estimated cost of this construction for bonding purposes is **\$13,000.00**
- b) Union Road frontage is urbanization with curb, and sidewalk. Vehicular access to Union Road will be restricted to right in and right out only by constructing a concrete raised median from the intersection to 10 meters beyond the access driveway. The estimated cost of this construction for bonding purposes is **\$27,000.00**
- c) The construct of a commercial driveway letdown on Union Road at the furthest point from the intersection will require the removal and replacement of curb, gutter and sidewalk and the re-location or adjustment to grades, utility appurtenances if required to accommodate this construction. The estimated cost of this construction for bonding purposes is **\$16,000.00**

5. 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.

6. 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.

7. 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.

8. Security and Levy Summary

a) Bonding

Glenmore Road Access Driveway	\$ 13,000.00
Union Rd Raised Median	\$ 27,000.00
Union Road Access Driveway	\$ 16,000.00
Total Bonding	\$ 56,000.00

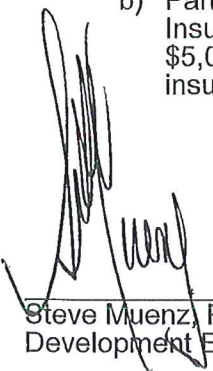
NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual 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.

9. 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) **\$1,260.00** (\$ 1,200 + 60.00 GST)

10. Servicing Agreements for Works and Services

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



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

July 9, 2014

City of Kelowna
Land Use Management Dept.
Community Planning & Real Estate
1435 Water St.
Kelowna, BC V1Y 1J4

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

Re: City of Kelowna Files ~~714-0028~~ ^{TA14-0015} DP14-0127
1975 Union Rd. – Lot 27, Plan KAP51847
657139 BC Ltd. /D.E. Pilling & Assoc. Ltd.

GEID is in receipt of a referral concerning the rezoning and development for Lot 27, Plan KAP51847 at 1975 Union Rd. to accommodate a car wash facility.

The subject vacant property is within the District's servicing area and is currently classified with 0.578 acres "R" grade (residential). Upon development, the property will be classified as "C" grade (commercial).

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. CECs are payable according to the bylaw in force at time of payment.

Please note that no CECs were paid for the lot when it was subdivided and registered in 1994 therefore no CEC credit is available for this development.

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 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 that there is a water service on Union Rd. for the property. The service was installed at GEID expense during 2009 road construction.

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.

Development Application Fee

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

New Account Fees

GEID Bylaw #149 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.

Tolls and Taxes

Under Tolls Bylaw #155, a new account will be set up to invoice the car wash at a metered commercial rate. The 2014 monthly minimum rate is \$48.25 for the first 30 m³, with excess water charged at \$0.40/m³.

Under Tax Bylaw #154, the property will be charged at a rate of \$156.00/acre for all "C" Grade 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.

File Z14-0028, DP14-0127
1975 Union Rd.

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

Yours truly,
GLENMORE-ELLISON
IMPROVEMENT DISTRICT



Darwyn Kutney, R.E.T., CRM
General Manager

c.c. Dawn Williams, D.E. Pilling & Assoc. Ltd. (via email: dawnwv@pilling.ca)