

City of Kelowna Public Hearing AGENDA



Tuesday, January 19, 2016
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 January 5, 2015 (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

3.1 988 Frost Road, BL11176 (Z15-0051) - 0954654 BC Ltd.

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To rezone the subject property to facilitate potential development of retail liquor sales on the subject property.

3.2 200 Potterton Road, BL11178 (OCP15-0018) & BL11179 (Z15-0057) - Roth Enterprises Ltd.

9 - 22

To amend the Official Community Plan to change the future land use designation and rezone the subject property to allow for the development of an industrial subdivision.

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: December 7, 2015

RIM No. 1250-30

To: City Manager

From: Community Planning Department (RR)

Application: Z15-0051 **Owner:** 0954654 BC Ltd., Inc. No. BC0954654

Address: 988 Frost Road **Applicant:** 0954654 BC Ltd.

Subject: Rezoning Application

Existing OCP Designation: COMM - Commercial

Existing Zone: C3 - Community Commercial

Proposed Zone: C3rls - Community Commercial (Retail Liquor Sales)

1.0 Recommendation

THAT Rezoning Application No. Z15-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 579, Similkameen Division Yale District, Plan EPP29197 located at 988 Frost Road, Kelowna, BC from the C3 - Community Commercial zone to the C3rls - Community Commercial (Retail Liquor Sales) zone be considered by Council;

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

2.0 Purpose

To rezone the subject property to facilitate potential development of retail liquor sales on the subject property.

3.0 Community Planning

Community Planning Staff recommends support for the proposed rezoning of the subject property to facilitate future retail liquor sales as part of the South Gordon Village Centre. This area will become a neighbourhood commercial hub for this part of the Upper Mission through the development of The Ponds. The proposal meets the intent of Council Policy No. 359 regarding the siting of retail liquor sales establishments and there are no liquor primary establishments in the area.

The nearest property currently zoned for retail liquor sales is the Hotel Eldorado, located at 500 Cook Road in the Lower Mission. The Hotel Eldorado is just over 4.5 km away from the subject property with a driving distance of approximately 6.5 km.

Allowing for retail liquor sales in the South Gordon Village Centre adds to the retail and commercial uses that will serve residents of this area.

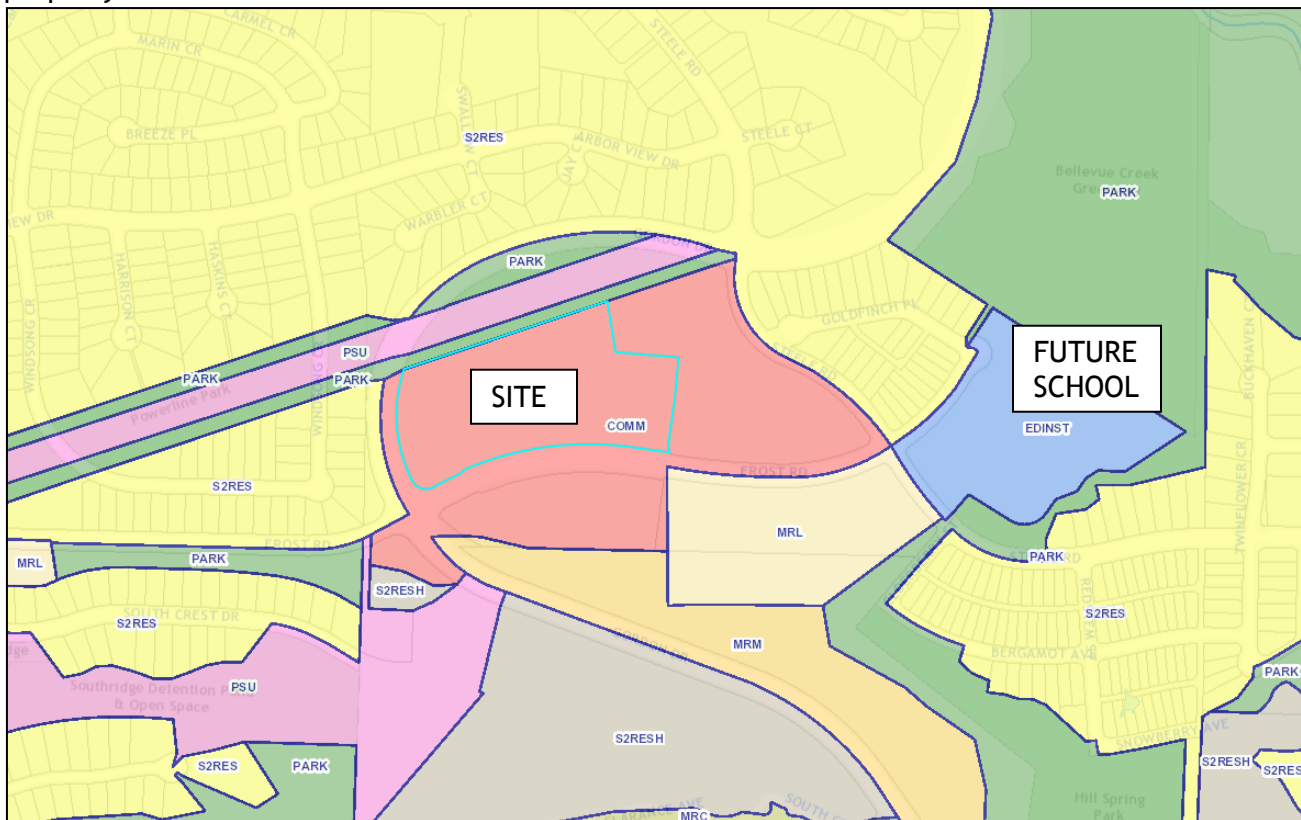
A new middle school is proposed east of the intersection of Frost Road and Steele Road at 1211 Frost Road. At their nearest points, the school property is approximately 400 m away from the subject property. Retail liquor sales establishments must follow the regulations of the Liquor Control and Licensing Branch; therefore, Staff do not have significant concerns with the proximity of these properties.

Per Council Policy No. 367, the applicant completed neighbourhood consultation by delivering information to neighbours within 50 m of the site. Most of the neighbouring properties are corporate owners, with the City also owning land in the area.

4.0 Proposal

4.1 Project Description

As part of The Ponds development in the Upper Mission, the South Gordon Village Centre will serve a large residential area of single dwelling and low density multiple unit housing, much of which is still being developed. The Village Centre is not yet under development and is expected to proceed following the construction of South Perimeter Road, which will connect to the extension of Gordon Drive at its southern terminus approximately 1.5 km south of the subject property.



There are four properties currently zoned and designated for commercial use within the Village Centre. The total area of these properties is 6.9 ha (17.1 ac) and the subject property is the largest of these at 3.0 ha (7.4 ac). The applicant's intent is to rezone the property to allow for

the possibility of retail liquor sales in the future development of the site, serving the surrounding residential areas.

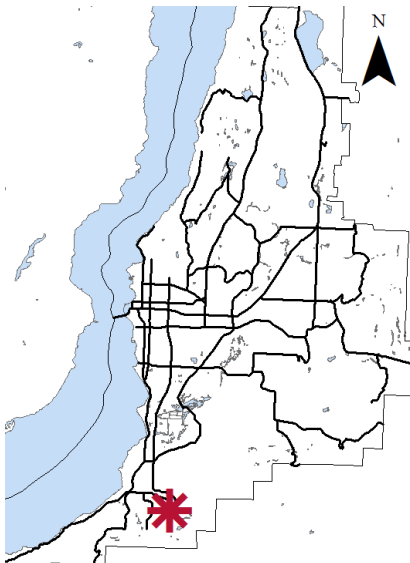
4.2 Site Context

The subject property is located at the northeast corner of the intersection of Gordon Drive and Frost Road in the City's Southwest Mission Sector, within the Permanent Growth Boundary. It is part of The Ponds development and forms the central part of the South Gordon Village Centre.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks and Open Space	Public parks
East	C3 - Community Commercial	Vacant land
South	C3 - Community Commercial	Vacant land
West	RU1 - Large Lot Housing	Single dwelling housing

Subject Property Map



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Village Centre (Neighbourhood 3 / South Gordon).¹ A cluster of small-scale, residential, retail, and office uses, which provide for convenience needs of area residents. Village Centres are located along an arterial or collector road and would typically be located more than two kilometres from other City or Town Centre commercial facilities. The total commercial component of such a centre is no larger than 15,000 m². One "anchor" may account for up to 30% of the total floor space, but individual stores would typically be a maximum of 140 m² (restaurants might be slightly larger). Density will decrease as the distance from the core increases.

¹ City of Kelowna Official Community Plan, (Definitions Chapter).

5.2 Liquor Licensing Policy & Procedures²

The following considerations should be made for the location of liquor stores / retail liquor sales (RLS):

- a) Continue to require new or relocated RLS establishments to apply for a rezoning application to allow for "Retail Liquor Sales" in applicable zones.
- b) No Retail Liquor Sales shall be approved for (in conjunction with) Liquor Primary establishments with person capacity that exceed 150 persons.
- c) Any new or relocated Retail Liquor Sales establishment shall not be located within 300 m of an existing Liquor Primary establishment with a person capacity greater than 350 persons.

5.3 Neighbourhood Consultation

The applicant has consulted with neighbours in accordance with Council Policy #367. The applicant indicated that there were no objections, and that there was general enthusiasm for seeing commercial development on the site.

6.0 Technical Comments

6.1 RCMP

- The RCMP are not opposed to this rezoning application.

6.2 School District No. 23

- The subject property is approximately 400 m to 500 m from the proposed middle school at the intersection of Steele Road and Frost Road.

7.0 Application Chronology

Date of Application Received: September 28, 2015
Date Public Consultation Completed: November 16, 2015

Report prepared by:

Ryan Roycroft, Planner

Reviewed by:

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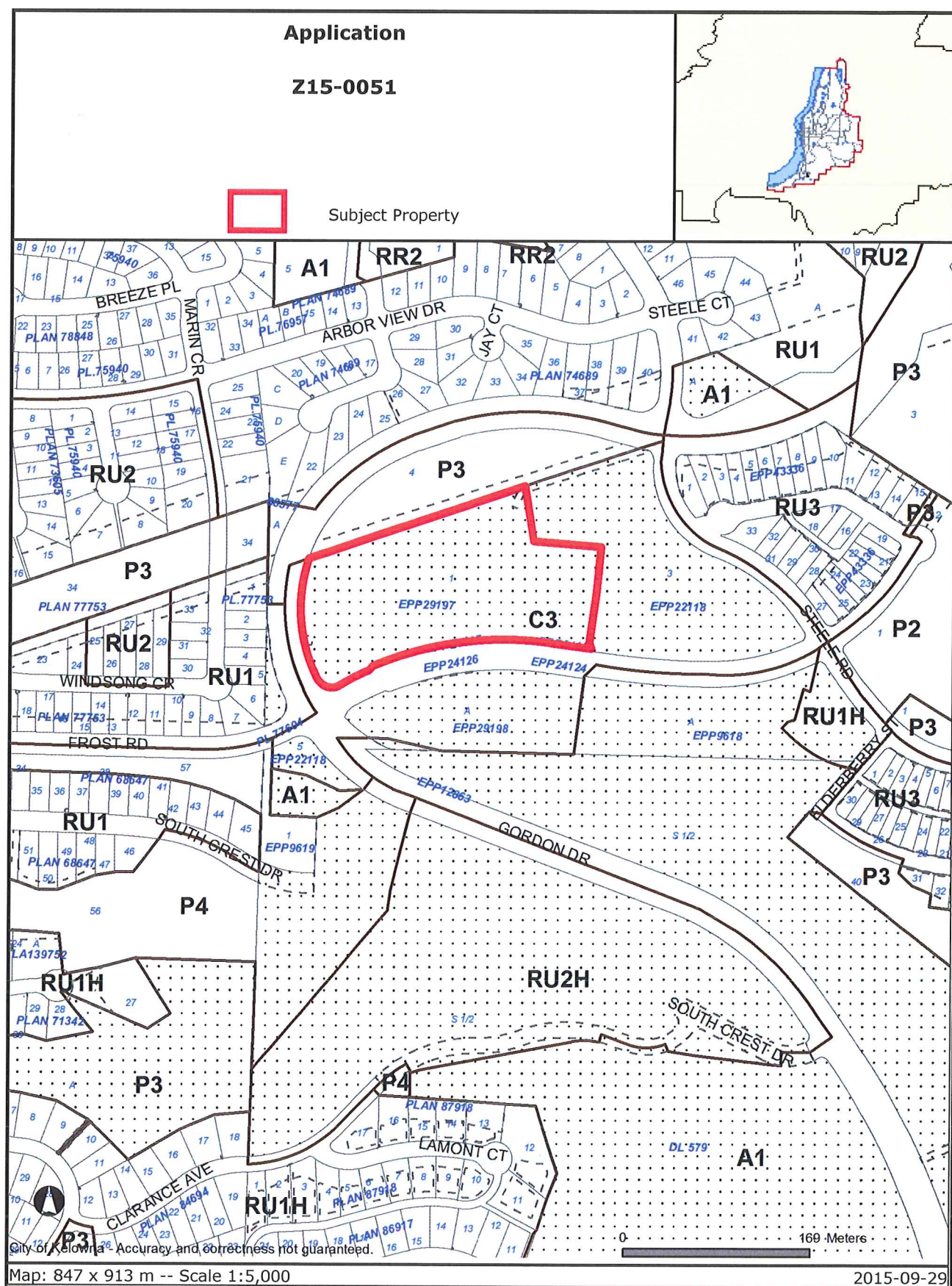
Terry Barton, Urban Planning Manager

Approved for Inclusion:

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Ryan Smith, Community Planning Department Manager

² City of Kelowna Council Policy No. 359.



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.

REPORT TO COUNCIL



Date: December 14, 2015

RIM No. 1250-00

To: City Manager

From: Community Planning Department (RR)

Application: OCP15-0018 & Z15-0057 **Owner:** British Columbia Buildings Corporation

Address: 200 Potterton Road **Applicant:** Roth Enterprises Ltd

Subject: Zoning Bylaw Amendment and Official Community Plan Amendment

Existing OCP Designation: EDINST - Educational / Major Institutional

Proposed OCP Designation: IND - Industrial

Existing Zone: P1 - Major Institutional

Proposed Zone: I2 - General Industrial

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP15-0018 to amend Map 4.1 in the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot A, Section 2, Township 20, ODYD Plan KAP59703 located at 200 Potterton Road, Kelowna, BC from the EDINST designation to the IND - Industrial designation be considered by Council;

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

AND THAT the requirement to hold a Public Information Session, prior to the Official Community Plan Map Amending Bylaw receiving first reading, in accordance with the *Local Government Act*, and the City of Kelowna's Development Applications Procedures Bylaw No. 10540, be waived;

AND THAT Rezoning Application No. Z15-0057 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 2, Township 20, ODYD Plan KAP59703, located at 200 Potterton Road, Kelowna, BC from the P1 - Major Institutional zone to the I2 - General Industrial zone be considered by Council;

AND FURTHER THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

2.0 Purpose

To amend the Official Community Plan to change the future land use designation and rezone the subject property to allow for the development of an industrial subdivision.

3.0 Community Planning

Staff recommend that the application to amend the OCP and rezone the property be advanced to public hearing. The proposed development is consistent with development patterns in the area. The mid-sized industrial lots will be compatible with surrounding industrial land uses and based on customer inquiries, there appears to be a strong market demand for industrial land in the city.

The property was only designated as EDINST and zoned for Institutional in light of the provincial ownership of the property. As the province is no longer interested in developing the site, it is appropriate to re-zone the property for industrial use consistent with the surrounding neighbourhood.

4.0 Proposal

4.1 Background

The property is a large undeveloped property in a industrialized district of the city. The property is currently owned by the Province of British Columbia, who have previously considered the site as a location for a penitentiary. In 2012, the Province decided to locate the facility in Oliver, leaving the Potterton site vacant. As the site is no longer required for Provincial purposes, the Province has found a private buyer interested in designating the property for industrial use.

4.2 Project Description

The applicant has applied to amend the Official Community Plan and to rezone the property to allow the development of an industrial subdivision. The applicant has also submitted an application to subdivide the property into 8 smaller parcels, subject to Council adopting the bylaw amendments.

The properties will be fully serviced general industrial lots which would be suitable for development for uses ranging from outdoor storage to industrial production. Future developers would be required to apply for a building permit from the City. A Form & Character Development Permit will not be required as this area is exempt.

The properties will be supplied water through a bulk water agreement with the District of Lake Country. The bulk water agreement allocates water on a per parcel basis. During the subdivision process, water will be allocated to the new parcels based on the area of the new parcels being created.

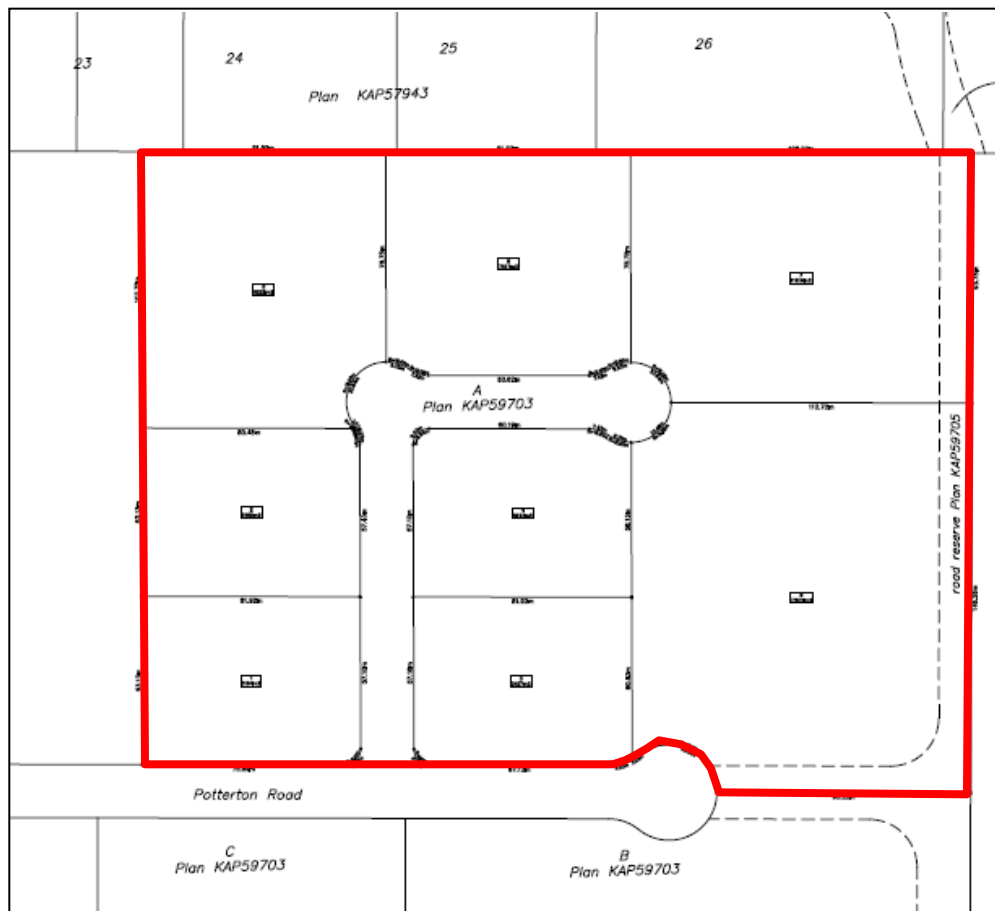


Figure 1 Preliminary Layout, subject to change

4.3 Site Context

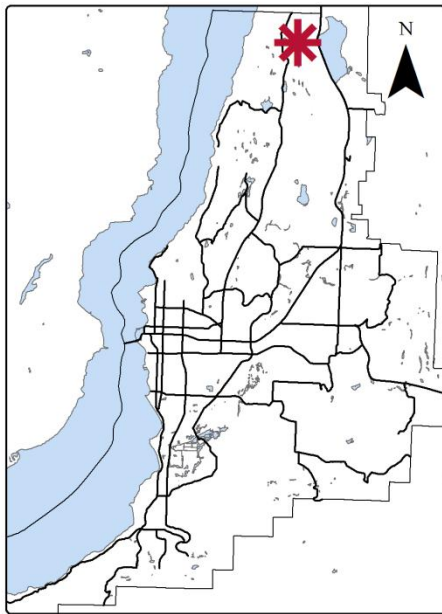
The property is located in an industrialized portion of the city just south of the border with Lake Country. The parcel is surrounded on three sides by industrial development. The property to the east is zoned A1 - Agriculture, but is not in the ALR and is designated for future industrial use.

The property will have access to Highway 97 along Beaver Lake Road

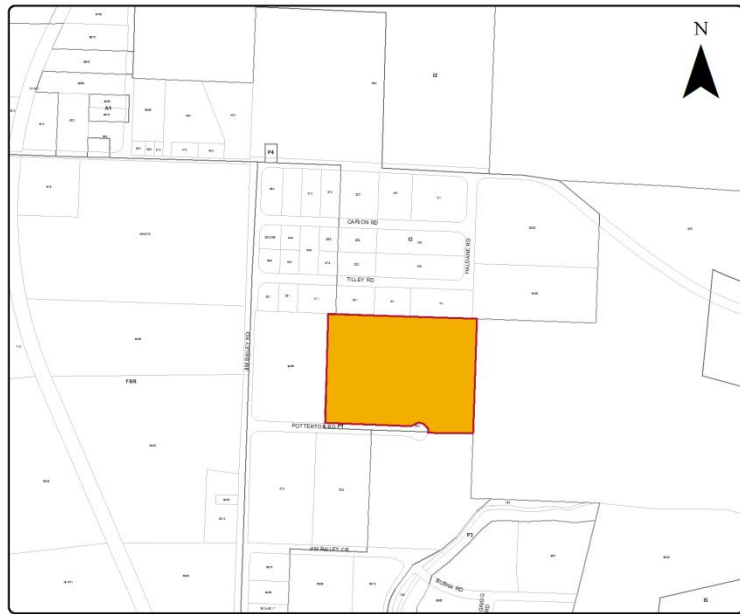
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I3 - Heavy Industrial	Industrial production
East	A1 - Agriculture	Vacant / Forested
South	I3 - Heavy Industrial	Warehouse Space
West	I2 - General Industrial	Industrial food processing

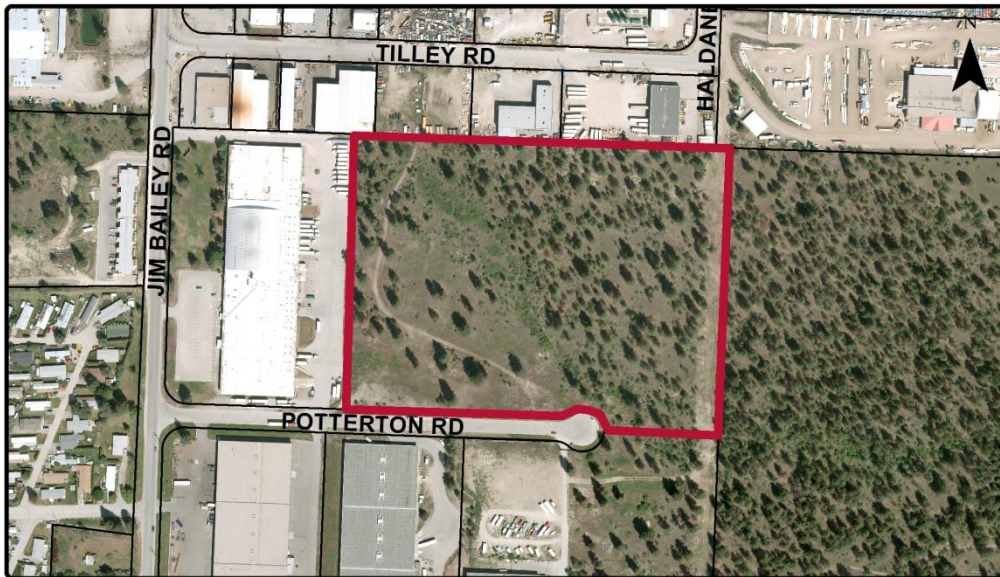
Subject Property Map:



CONTEXT



NEIGHBOURING ZONING



SUBJECT PROPERTY

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	4,000 m ²	71,760 m ²
Minimum Lot Width	40.0 m	312 m
Minimum Lot Depth	35.0 m	230 m

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Future Land Use

Industrial (IND) Light and heavy industrial uses as well as Industrial/Business activities and airport related industrial uses. Industrial/business service refers to uses that provide services and support to industrial and business customers.

Industrial Land Use

Policy 5.28.1 Rezoning to Industrial. Consider allowing land not currently designated as industrial to be supported for an Official Community Plan amendment and subsequent rezoning to allow industrial uses provided that such a rezoning would be consistent with other Official Community Plan policies, provided that available municipal infrastructure can support the use, and provided that the industrial use would be compatible with existing and proposed future surrounding uses. Compatibility issues to consider include, but are not limited to, visual impact, noise, odour, hours of operation, pollution and traffic.

Policy 5.29.1 Industrial Land Use Intensification. Encourage more intensive industrial use of currently under-utilized industrial sites during site redevelopment or by permitting lot subdivision where new lots can meet the minimum lot size requirements of the Zoning Bylaw.

6.0 Technical Comments

6.1 Building & Permitting Department

No concerns

6.2 Development Engineering Department

See attached Memorandum associated with S15-0083, dated November 17, 2015

6.3 Bylaw Services

No concerns

6.4 Fire Department

- 1 The Fire Department has no issues with the zoning change
- 2 Fire Department access is to be met as per BCBC 3.2.5.6 - appropriate road width and turnarounds.
- 3 Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. Should a hydrant be required on this property (STRATA) it shall be deemed private and shall be operational prior to the start of construction
- 4 The length of a cul-de-sac shall meet the requirements of the subdivision bylaw.

6.5 District of Lake Country

The District is not impacted by the proposed subdivision or rezoning provided the bulk water agreement between the City and the District is adhered to.

7.0 Application Chronology

Date of Application Received: Sept. 25, 2015

Report prepared by:

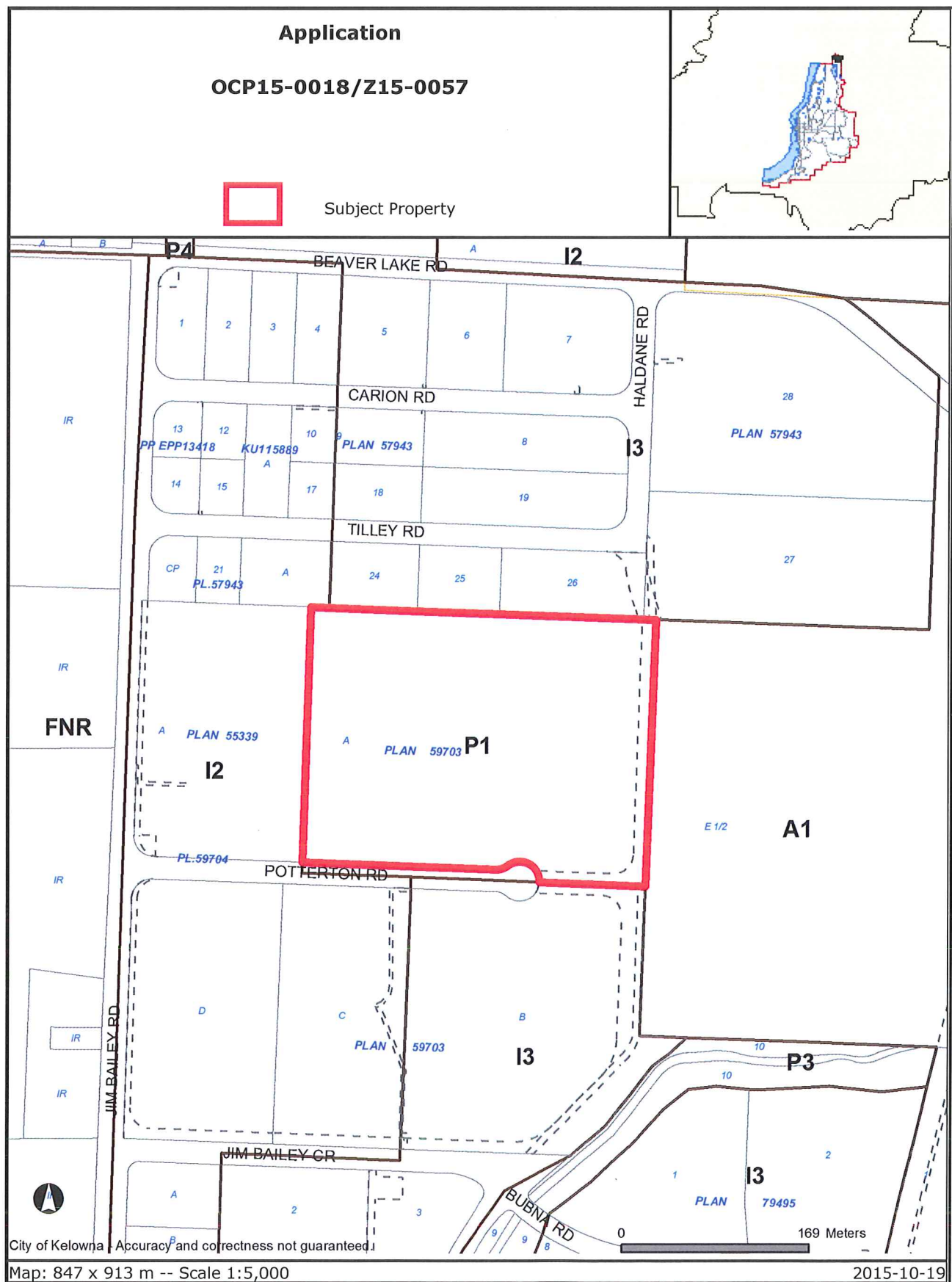
Ryan Roycroft, Planner

Reviewed by: ☐ Terry Barton, Urban Planning Manager

Approved for Inclusion: ☐ Ryan Smith, Community Planning Department Manager

Attachments:

Summary of Technical Comments



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
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CITY OF KELOWNA

MEMORANDUM

Date: November 17, 2015
File No.: S15-0083
To: Planning & Development Services Department (RR)
From: Development Engineer Manager (SM)
Subject: 200 Potterton Road Lot A, Plan 59703

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

1. General

Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement structures may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

2. Geotechnical Report

Provide a comprehensive geotechnical report 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.

- 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) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- iv) Any special requirements for construction of roads, utilities and building structures.
- v) Suitability of on-site disposal of storm water including effects upon adjoining lands.
- vi) Slope stability, rock fall hazard and slippage including the effects of drainage on the site.
- vii) Identify slopes greater than 30%.
- viii) Any items required in other sections of this document.

- ix) Recommendations for erosion and sedimentation controls for water and wind.
- x) Recommendations for roof drains and perimeter drains.
- xi) Recommendations for construction of detention or infiltration ponds if applicable.

3. Water

- a) The property is located within the City of Kelowna Water Supply Area and has been pre-serviced with a 300m water service located 157.6m east of the southwest iron pin.
- b) Remove or relocate any existing service connections encroaching on the proposed lots.
- c) Provide an adequately sized water system capable of supplying daily industrial demands industrial fire protection for the project in accordance with the Subdivision, Development & Servicing Bylaw.
- d) Arrange for individual lot connections before submission of the subdivision plan; including payment of connection fees (provide copy of receipt).
- e) Design drawings must be reviewed by the District of Lake Country prior to the City issuing the drawings for construction. Confirmation of their review must be provided to the City.

4. Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- b) Arrange for individual lot connections before submission of the subdivision plan, including payment of connection fees (provide copy of receipt).
- c) Abandon and backfill existing septic tanks in accordance with Building Department requirements. Identify, on the Lot Grading Plan, the location of the existing tanks and fields.
- d) The subject property is located within the Sewer Connection Area # 32 is currently set by Bylaw at \$2,600 per Single Family Equivalent (SFE). This Bylaw is currently under review for an update that will be presented to Council in 2016. The value is determined by the following formula: the first 0.36 acres of developed land or portion thereof equals 1 SFE. Thereafter 2.8 SFE's per acre of developed land. The assessed value for this property is **\$125,559.00**
- e) Sewer Connection Area Charges will not be applied as a credit towards mains or services to be installed as part of these project requirements.

5. Drainage

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for

the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.

- b) Provide the following drawings:
 - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii) A detailed Stormwater Management Plan for this subdivision; and,
 - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Arrange for individual lot connections before submission of the subdivision plan; including payment of connection fees (provide copy of receipt).

6. Roads

- a) All on-site roads are to be constructed to a character that is consistent with the previous phase of the Hiram Walker site development. The roads are designated urban Class 1 collector road without sidewalk. Dedicate and construct the road in accordance with City standard SS-R5, (20.0m dedication, 13.1 m. road).
- b) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- c) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
- d) Grade the fronting road boulevards in accordance with the standard drawing and provide a minimum of 50 mm of topsoil. Major cut/fill slopes must start at the property lines.
- e) Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15% and greater), show driveways on the lot grading plan with grades or profiles.
- f) Re-locate existing poles and utilities, where necessary.
- g) Provide corner rounding or truncation dedication of 6 m radius at all intersections.

7. Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground in a character that is consistent with the previous phase of the Hiram Walker site development
- 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

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

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 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. DCC Credits

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

11. Charges and Fees

Fees per the "Development Application Fees Bylaw" include:

Sewer Connection Area #32 (subject to Council approval) \$125,559.00

Street/Traffic Sign Fees: at cost if required (to be determined after design).

Survey Monument Fee: \$50.00 per newly created lot (GST exempt).

Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.

Engineering and Inspection Fee: 3% of construction value (plus GST).

Steve Muenz, P. Eng.
Development Engineering Manager

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