

REPORT TO COUNCIL



Date: March 22, 2022

To: Council

From: City Manager

Department: Community Planning

Application: DVP22-0010

Owner: Harmony West Constructors Corporation, Inc. No. BC1225927 and 1225610 B.C. Ltd., Inc. No. BC1225610

Address: 2065-2075 Pier Mac Way

Applicant: Harmony West Constructors Corporation

Subject: Development Variance Permit

Existing OCP Designation: Industrial

Existing Zone: CD15 – Airport Business Park

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0010 for Lot 6, District Lot 32, Township 23, Osoyoos Division Yale District, Plan EPP64961, located at 2065-2075 Pier Mac Way, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 7.5.9: Landscaping and Screening, Fencing and Retaining Walls

To vary the maximum height of a retaining wall from 1.2 m required to 2.3 m proposed.

Section 7.5.11: Landscaping and Screening, Fencing and Retaining Walls

To vary the maximum height of a combined fence and retaining wall from 2.0 m required to 3.5 m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Purpose

To consider a Development Variance Permit to vary the maximum height of a retaining wall from 1.2 m required to 2.3 m proposed and to vary the maximum height of a combined fence and retaining wall from 2.0 m required to 3.5 m proposed.

2.0 Development Planning

Staff are recommending support for the requested variances to the retaining wall height regulation and the combined fence and retaining wall height regulation to facilitate construction of an industrial building and associated parking and drive aisles. The proposed lock block retaining wall is only required along the south side yard property line to enable a flat building platform. The 59.3 m long wall is proposed to be setback 10 meters from the front yard property line and would start at a height of 0.7 m and will gradually increase in height to 2.3 m at the rear yard property line. The top of the wall would also include a 1.2 m high chain link safety fence to mitigate for fall hazards.

The elevation of the lot is approximately 3 m below grade of the Highway 97 Road Right of Way so the wall and most of the development will not be seen from the highway. Additionally, the wall would not be prominent along the front of the development, since it would be setback by 10 m from the front yard property line.

Retaining walls over 1.2 m high are a concern for staff due to potential negative visual impacts they may pose. However, within this industrial area context and the conservative location and size of the wall, staff are not concerned with the visual aspects of the combined wall and safety fence in this location. Additionally, it is important to note that a Form and Character Development Permit has already been issued for this project.

3.0 Proposal

3.1 Project Description

A lock block retaining wall is proposed along the south side yard property line to enable a flat building platform to facilitate construction of an industrial building and associated parking and drive aisles. The 59.3 m long wall is proposed to be setback 10 meters from the front yard property line and would start at a height of 0.7 m and will gradually increase in height to 2.3 m at the rear yard property line. The retaining wall will provide a succinct transition to the adjacent lower lot. The edge of the rest of the lot will match with the existing grades of the neighbouring properties. The top of the wall would also include a 1.2 m high chain link safety fence to mitigate for fall hazards.

The elevation of the lot is approximately 3 m below grade of the Highway 97 Road Right of Way so the wall and most of the development will not be seen from the highway. Additionally, the wall would not be prominent along the front of the development, since it would be setback 10 m from the front yard property line along Pier Mac Way.

3.2 Site Context

The subject property is located between Pier Mac Way and Highway 97 across from the Kelowna International Airport within the Airport Business Park. The property is zoned CD15 – Airport Business Park and has a future land use designation of Industrial. The CD15 zone is a comprehensively planned business park for high technology and general industrial and business uses to complement the City's northern gateway development node.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD15 – Airport Business Park	Industrial
East	CD12 - Airport	Industrial
South	CD15 – Airport Business Park	Industrial
West	CD15 – Airport Business Park	Industrial

Subject Property Map: 2065 Pier Mac Way



4.0 Current Development Policies

Kelowna Official Community Plan (OCP)

Objective 1.0 General Guidelines (Chapter 20: Hazardous Conditions)	
Policy 1.7 Retaining Walls	When necessary, design retaining walls by a qualified professional to meet Version 1.0 of the Engineers & GeoScientists of British Columbia Civil and Transportation Infrastructure Retaining Wall Design Professional Practice Guidelines (November, 2019), as amended, and respect the natural character of the site.
	<i>If the proposed variance is approved, the applicant will be required to apply for an Overheight Retaining Wall Permit with the City of Kelowna Development Planning Department, which ensures the retaining wall design is engineered and the completed wall is approved by an engineer.</i>

5.0 Technical Comments

5.1 Development Engineering Department

Engineers and Geoscientists BC's Quality Management Guidelines: Documented Independent Review of Structural Designs shall be followed / implemented:

"Retaining walls including but not limited to, gravity, piling, cantilever, anchored, mechanically stabilized earth (MSE), and geosynthetic reinforced soil (GRS) walls when over 3.0 m high or deemed to be high risk are included in the requirement to have documented independent reviews conducted by a qualified professional, as retaining walls fulfill the important structural function of safely retaining soil."

Further, while the City Zoning Bylaw allows for walls of up to 1.2m and requires setbacks and tiers for higher, and Bulletin 07-05 prescribes a Development Variance Permit for overheight walls after subdivision, any wall greater than two tiers or 2.4m shall be based on Professional Reliance and require geotechnical/structural design and Schedules at time of approval.

6.0 Application Chronology

Date of Application Received: January 19, 2022

Date Public Consultation Completed: January 19, 2022

Report prepared by: Corey Davis, Development Technician

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments

Schedule A: Drawings and Specifications

Attachment A: Draft Development Variance Permit DVP22-0010