

**Appendix A: Previous Council Resolutions – Arab/Appaloosa Road Area**

Resolution	Date
<p>THAT Council receives, for information, the Report from the Manager, Urban Land Use dated November 19, 2012 with respect to the Industrial – Limited future land use designation contained in the Kelowna 2030 Official Community Plan;</p> <p>AND FURTHER THAT Council directs staff to report back with options for amending the I6 – Low Impact Transitional Industrial Zone to ensure consistency of intent and purpose with the Kelowna 2030 Official Community Plan.</p>	December 3, 2012
<p>THAT Council receives, for information, the Supplemental Report from the Manager of Urban Land Use dated March 19, 2013, with respect to the Industrial – Limited future land use designation contained in the Kelowna 2030 Official Community Plan;</p> <p>AND THAT Council directs staff to pursue Land Use Alternative 1, as identified in Report from the Manager of Urban Land Use dated March 19, 2013;</p> <p>AND THAT Council directs staff to initiate the process to advance Sanitary Sewer Connection Area #35 to a Specified Sanitary Sewer Service Area;</p> <p>AND FURTHER THAT Council direct staff NOT to accept further Rezoning applications for the Arab/Appaloosa Road area, pending final resolution of land for the area.</p>	March 25, 2013
<p>THAT Council receives, for information, the Report from Utilities Planning Manager dated September 30, 2013, regarding the Arab/Appaloosa Water, Sewer and Road Pre-design and Public Review;</p> <p>AND THAT Council direct staff to abandon the Local Area Service process required to construct the infrastructure needed to meet the I6 – Low Impact Transitional Zoning as costs are in excess of what will likely be considered reasonable by area property owners;</p> <p>AND FURTHER THAT staff be directed to report back to Council with alternative options for future land uses in the Arab/Appaloosa area.</p>	September 30, 2013
<p>THAT Council receives, for information, the Report from Utilities Planning Manager, Bylaw Services Manager and Urban Planning Manager, dated December 16, 2013 regarding the Arab/Appaloosa Land Use and Servicing Options;</p> <p>AND THAT Council directs staff to follow Option 1 as identified in the Utilities Planning Manager, Bylaw Services Manager and Urban Planning Managers report, dated December 16, 2013 regarding the Arab/Appaloosa Land Use and Servicing Options;</p>	December 16, 2013

Resolution	Date
<p>AND THAT Council directs staff to bring forward the proposed amendments to the I6 Zone, including a provision for outdoor storage, and to require Development Permits, to ensure consistency with the intent and purpose of the Kelowna 2030 OCP and Industrial-Limited designation;</p> <p>AND THAT Council directs staff to ensure that the fire flow and servicing with respect to the I6 Zone be required as per Subdivision, Development and Servicing Bylaw No. 7900;</p> <p>AND THAT Council directs staff to commence bylaw enforcement action against the two (2) most prolific offenders;</p> <p>AND FURTHER THAT Council directs staff to hold a Local Area Servicing meeting in order to gauge support for a Local Area Servicing Bylaw and to explain the proposed changes to the I6 Zone.</p>	
<p>THAT Official Community Plan Bylaw Text Amendment No. OCP14-0002 to amend Kelowna 2030 – Official Community Plan Bylaw No. 10500 by amending Map 5.8 as outlined in the Report of the Community Planning and Real Estate Department dated April 13, 2015, be considered by Council;</p> <p>AND THAT Official Community Plan Bylaw Text Amendment No. OCP14-0002 to amend Kelowna 2030 – Official Community Plan Bylaw No. 10500 by adding Section 18 to the Comprehensive Development Permit Guidelines, as outlined in the Report of the Community Planning and Real Estate Department dated April 13, 2015, be considered by Council;</p> <p>AND THAT Zoning Bylaw Text Amendment No. TA14-0001 to amend City of Kelowna Zoning Bylaw No. 8000 by amending to I6 – Low Imp Report of the Community Planning and Real Estate Department dated April 13, 2015, be considered by Council;</p> <p>AND FURTHER THAT the Official Community Plan Amending Bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.</p>	<p>April 13, 2015</p>
<p>THAT Council receives, for information, the report from the Community Planning Department Manager dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy;</p> <p>AND THAT Council directs staff to follow the Bylaw Enforcement Strategy as identified in the Report from the Community Planning Department Manager dated March 21, 2016 regarding the Arab/Appaloosa Land Use and By Enforcement Strategy;</p> <p>AND THAT Council directs staff to prepare Official Community Plan amendments as identified in the Report from the Community Planning Department Manager dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy;</p>	<p>March 21, 2016</p>

Resolution	Date
<p>AND FURTHER THAT Council directs staff to lift the moratorium on accepting rezoning applications in the Arab/Appaloosa area as noted in the Report from the Community Planning Department Manager dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy.</p>	
<p>THAT Council receive for information, the supplementary report from the Community Planning Department dated November 28, 2016, with respect to the Industrial – Limited future land use designation for properties along the Arab and Appaloosa Roads;</p> <p>AND FURTHER THAT Council direct staff to pursue Option 3 (Informational Mail-Out and Survey with Public Open House / Meeting) as outlined in the report from the Community Planning Department dated November 28, 2016.</p>	November 28, 2016
<p>THAT Council receive for information the supplementary report from Community Planning dated February 27, 2017, with respect to the establishment of a Local Area Service along Arab and Appaloosa Roads;</p> <p>AND THAT Council direct staff to follow the future land use and bylaw enforcement strategy as identified in the Utilities Planning Manager report, dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy;</p> <p>AND FURTHER THAT Council direct staff to prepare Official Community Plan amendments as identified in the Utilities Planning Manager report, dated March 21, 2016 regarding the Arab/Appaloosa Land Use and Bylaw Enforcement Strategy.</p>	February 27, 2017
<p>THAT Council waive the requirement of the Development Application Procedures Bylaw 10540 that a defeated bylaw not be reconsidered for 6 months from the date of its defeat;</p> <p>AND THAT Official Community Plan Map Amendment Application No. OCP16-0020 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use Designation of the properties identified in Appendix 'A' attached to the Community Planning report dated April 10, 2017, from the Industrial – Limited (IND-L) designation to the Resource Protection Area (REP) designation be considered by Council;</p> <p>AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;</p> <p>AND THAT Council considers the public processes detailed in the Report from the Community Planning Department dated February 27, 2017, to be appropriate consultation for the purpose of Section 475 of the <i>Local Government Act</i>.</p> <p>AND FURTHER THAT Council directs staff to pursue an escalating Bylaw Enforcement process on non-compliant properties in the subject area.</p>	April 25, 2017

Resolution	Date
<p>THAT Council receives, for information, the report from the Development Planning Department dated February 28, 2022, with respect to the Arab/Appaloosa Road Area Development Update;</p> <p>AND THAT Council endorses to the Arab/Appaloosa Road area engineering plan and project process as outlined in the report from the Development Planning Department dated February 28, 2022;</p> <p>AND FURTHER THAT Council directs staff to renew bylaw enforcement for the Arab/Appaloosa Road area as outlined in the report from the Development Planning Department dated February 28, 2022.</p>	<p>February 28, 2021</p>



## PROJECT DESCRIPTION/RATIONALE

265 Arab Court, City of Kelowna Development Proposal

Proposal to Rezone from A1 (non ALR) to I6



## Background

The Arab and Appaloosa Road area has been a neighbourhood on the verge of transition since 2012. Primarily zoned for Agriculture (non ALR), many of the area's parcels have had a history of non-conforming uses (largely low impact industrial in nature) and a desire to legitimize those uses through rezoning to address the need for greater industrial lands within the City. To date, a lack of adequate servicing and coordination between property owners has been a hinderance to this transition.

However, in recent years the future land use of this area has been designated in the City's Official Community Plan (OCP) as *Industrial – Transitional*. Additionally, several properties fronting onto Sexsmith Road have achieved I6 zoning, A1 zoned area property owners are increasingly coordinating their efforts to achieve the necessary servicing required to complete this neighbourhood transition and there are numerous rezoning applications currently in the City's que requesting I6 zoning.

## Development Proposal

The property owner wishes to rezone the subject property from *A1 – Agriculture 1* to *I6 – Low-Impact Transitional Industrial* to allow for an office and equipment storage in accordance with the City's Development Permit guidelines to facilitate a contractor services business. The I6 zone is intended to accommodate a range of low-impact transitional industrial land uses, which are appropriate as a transition between established industrial land uses and residential, rural and agricultural land uses. The property owner intends to maintain the existing residence following successful rezoning of the parcel.

## Subject Property

265 Arab Court is approximately 1.75 acres with a gentle slope running northwest to southeast. The property is utilized for residential purposes. The western parcel boundary abuts Arab Court, which is a local road that dead ends at the north end of the property where the principal dwelling is accessed. Other than the dwelling located at the north end, lawn occupies the remainder of the parcel. The property is serviced by community water but not sewer.

### *Existing Zoning*

The parcel is zoned *A1 - Agriculture 1* and is not contained within the ALR.

### *Future Land Use*

The anticipated Future Land Use is *Industrial – Transitional (IND-T)*, which envisions light industrial and residential uses located in areas as transitional between industrial and residential.

### *Servicing*

The property owner is currently working with neighbouring property owners and CTQ Consultants to establish a servicing plan which meets the area's requirements in accordance with the City's Subdivision, Development & Servicing Bylaw No. 7900.

### *Capital Costs*

Industrial developments are responsible for contributing financially to the overall structural health of the community as it relates to parks, roads and community services where appropriate through development cost charges (DCCs).

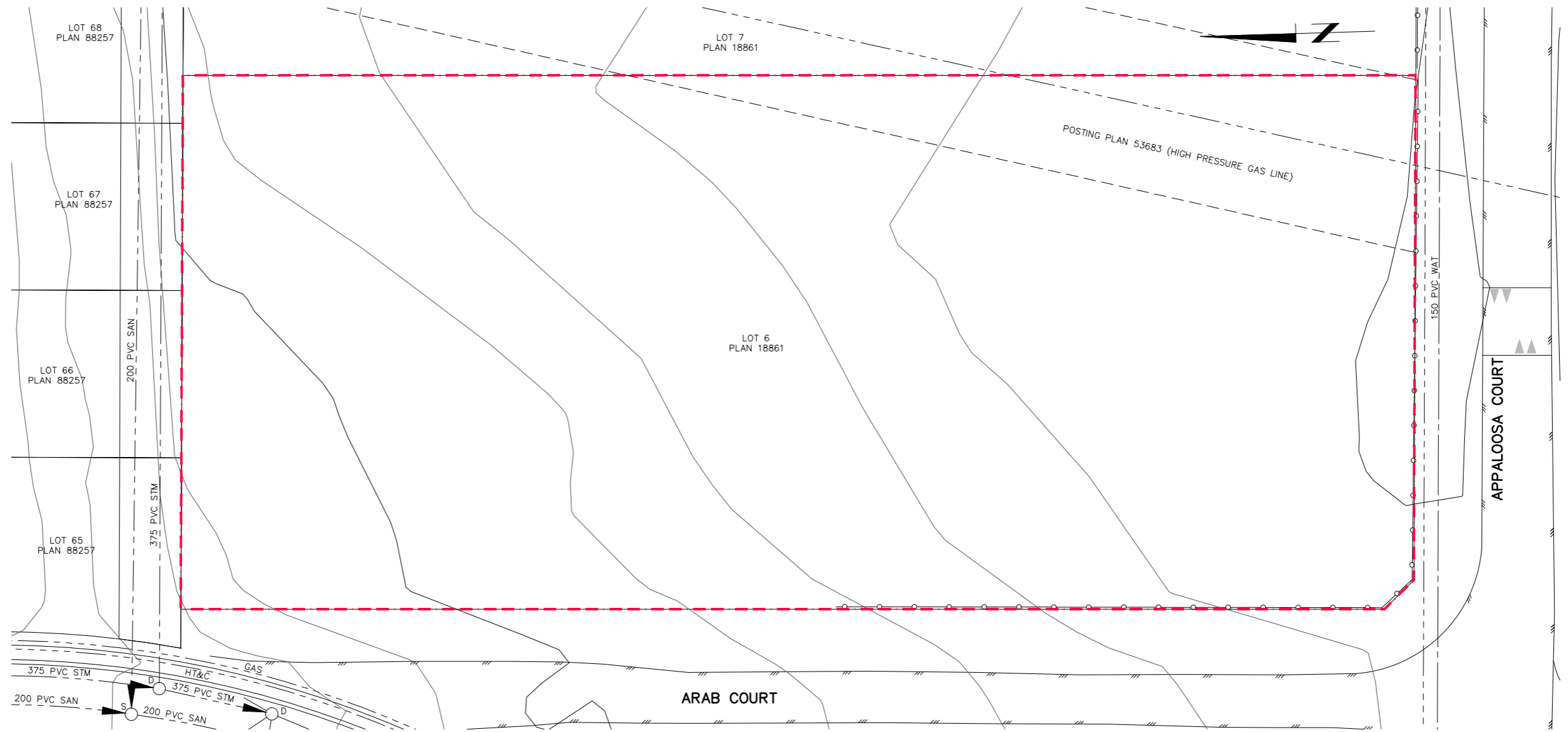
### *Form and Character*

Prior to obtaining a Building Permit, industrial developments are required to obtain an approved Development Permit for compliance with form and character guidelines. Transitional industrial areas must ensure appropriate screening to maintain privacy of residential uses, proper placement of window openings and loading doors and strategic orientation of lighting to minimize light trespass and overall disturbance to adjacent residential uses. The property owner intends to pursue approval of a Development Permit following successful rezoning of the parcel.

### Summary

The proposed rezoning is in line with the City's anticipated future land use for the area, which will serve as a transitional buffer between the residential uses to the north and the general industrial uses to the south. The City is currently processing numerous rezoning applications within the area with the same zoning objectives and I6 zoned properties already exist along Sexsmith Road. Rezoning the subject property and transitioning this area into I6 zoning will provide much needed low impact industrial lands in the City.

L:\General Data\Projects-2017\17118-20 - 265 Arab Court Rd Rezoning\4-CAD\DESIGN-SET\17118-20-G-01.dwg February 24, 2020 Tobi Friesen



FOR RE ZONING

Legend		existing		proposed	
—	Water	○	BO	●	BO
- - -	Sanitary Sewer	⊕	HYD	⊕	HYD
- - -	Storm Sewer	⊗	WV	⊗	WV
- - -	Gas	⊙	SM	⊙	SM
- - -	Hydro, Tel, Cable	⊘	CM	⊘	CM
- - -	O/H Utility	⊚	CB	⊚	CB
- - -	Edge of Asphalt	○	DW	○	DW
▲	Survey Control	○	UP	○	UP
		□	LS	■	LS

No.	YY.MM.DD	By	Issued	Chkd	No.	YY.MM.DD	By	Revision	Chkd
1	20.02.24	DC	FOR RE-ZONING		DC				



Drawn	KM
Design	JR/KM
Approved	
Date	FEBRUARY 2020
Scale	1:500

CITY FILE # TBD  
**THE CITY OF KELOWNA**  
 ENGINEERING DEPARTMENT  
**265 ARAB COURT**  
**REZONING**  
**SITE PLAN**



Division	
MUNICIPAL	
Drawing No.	Rev No.
G-01	0



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



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**Date:** March 6, 2020  
**File No.:** Z20-0026  
**To:** Planning & Development Services Department (BC)  
**From:** Development Engineer Manager (JK)  
**Subject:** 265 Arab Ct., Lots 6, Plan 18861 A1 – I6

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Development Engineering has the following comments and requirements associated with this application rezone the subject property from A-1 to I6 are as follows:

**1. General**

- a) Access to the subject lots must be achieved off of Appaloosa Road only, CTQ Consultants Ltd. has created a master plan for Area.

**2. Geotechnical Study**

We recommend that a comprehensive geotechnical study be undertaken over the subject property. 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.

**3. Sanitary Sewer System**

- a) The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs. Only one service per lot will be permitted for this development. There is an existing 100mm PVC sanitary service to lot.
- a) The Connection Area #35 charge is currently set by Bylaw at \$13,300 per Single Family Equivalent (SFE). This Bylaw was reviewed for and accepted by Council in 2018.

determined by the following formula: the first 0.36 acres of developed land or portion thereof equals 1 SFE. Thereafter 1.39 Acres per acre of developed land.

The assessed value is 4.89 SFE's is **\$65,063.60**

**4. Water Servicing Requirements**

This development is within the service area of the Glenmore Ellison Irrigation District (GEID). 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. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with the City of Kelowna current Bylaws and Policies.

## **5. Storm Drainage**

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual By-Law 7900 is required.

## **6. Road Improvements**

- a.) The frontage of Appaloosa Road and Arab Ct will be upgraded to a full (SS-R5) urban standard in accordance with Bylaw 7900, complete with curb and gutter, Sanitary and storm works, sidewalk, fillet paving, landscaped and irrigated boulevard, lane markings, street lighting, removal and/or relocation existing utilities as may be required, etc.
- b.) The Appaloosa Properties will work together in completing all roads, Water, Sanitary and storm works for Appaloosa, Palomino, Arab roads. CTQ Consultants Ltd. has created a master plan for Area.
- c.) Access only from Appaloosa Rd, Arab Ct access must be removed.

## **7. Road Dedication and Subdivision Requirements**

- (a) Grant Statutory Rights Of Way if required for utility services.
- (b) 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.

## **8. 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.

## **9. 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.

**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 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.

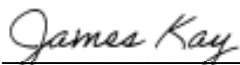
**11. DCC Credits**

None of the required improvements qualify for DCC credit consideration, as these levies are collected as cash in lieu.

**12. Bonding and Levies Summary**

Levies

Connection. Area #35	<b>\$65,063.60</b>
Total levies	<b><u>\$65,063.60</u></b>



James Kay, P. Eng.  
Development Engineering Manager  
RO