
CITY OF KELOWNA

MEMORANDUM

Date: February 17, 2003
File No.: Z02-1060

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z02-1060

OWNER: IAN & MARGUERITE
SISETT

AT: 518 MCKAY AVENUE

APPLICANT: IAN & MARGUERITE
SISETT

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE RU6 – TWO DWELLING HOUSING ZONE TO THE C4 – TOWN CENTRE COMMERCIAL ZONE.

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: C4 – TOWN CENTRE COMMERCIAL ZONE

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z02-1060 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10, DL 14, ODYD, Plan 3769 located on McKay Avenue, Kelowna, B.C. from the RU6- Two Dwelling Housing zone to the C4- Town Centre 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 in conjunction with Council's consideration of a Development Permit on the subject property;

2.0 SUMMARY

The applicant is proposing to rezone the subject property from RU6 – Two Dwelling Housing to C4 – Town Centre Commercial in order to permit commercial use of existing building. The associated application for Development Permit will address the form and character of the proposed development.

3.0 ADVISORY PLANNING COMMISSION

At the January 28, 2003 meeting of the Advisory Planning Commission it was resolved that:

That the Advisory Planning Commission supports Rezoning application No. Z02-1060, 518 McKay Avenue, Lot 10, DL 14, ODYD, Plan 3769 by Ian and Marguerite Sisett, to rezone from the RU6- Two Dwelling Housing zone to the C4- Town Centre Commercial zone in order to allow for a retail development;

AND THAT the Advisory Planning Commission supports Development Permit Application DP02-0120, 518 McKay Avenue, Lot 10, DL 14, ODYD, Plan 3769 by Ian and Marguerite Sisett, to seek a development permit for the form and character of a proposed C-4 Town Centre Commercial retail development.

4.0 BACKGROUND

4.1 The Proposal

The subject property is located in the South Pandosy/ KLO Sector. The property is currently zoned RU6 – Two Dwelling Housing. A single detached dwelling and detached garage exist on the lot. The applicant is seeking to rezone the property to the C4 – Town Centre Commercial in order to allow the use of the existing dwelling as a retail store.

The proposed structural changes include additions to the north, south, and west elevations of the existing dwelling. The additions to south and west elevations create storefronts that face, and provide entryway access from, Pandosy Street and McKay Avenue. The proposed additions match the height of existing rooflines. Gable features are proposed on each elevation with a decorative cupola feature to be located at the roof peak.

Aesthetic changes to the building exterior are also proposed. New windows and doors, on the south and west elevations, create storefronts while maintaining residential character of the building. New trim and siding are to match the existing building materials. The siding will be painted taupe in colour with trim in a deeper shade of brown. Additional accent materials include cedar shingles on the gable walls and cultured stone facing at the foot of the building. New roofing material will be brown laminated asphalt shingle.

The proposed signage on the building consists of two round fascia signs. The signage will be located above each entryway on the south and west elevations. The landscaping plan proposes to utilize existing hedges, planting beds and grassed areas where possible. Interlocking pavers are to be located leading up the entryways on the south and west elevations.

Off-street parking and a loading stall are proposed at the rear of the property with access from the lane. In addition, two bicycle parking stalls are to be located on site. Cash in lieu payment will be required for the proposed parking deficiency of one parking stall.

The application meets the requirements of the proposed C4 – Town Centre Commercial zone as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)	460.0 m ²	460.0 m ²
Site Width (m)	22.0 m	13.0 m
Site Coverage (%)	44.5%	75.0%
Total Floor Area (m ²)	209.4 m ²	
F.A.R.	0.445	1.0
Height (m)	4.1 m	15.0 m
Storeys (#)	1	4
Setbacks (m)		
- Front (South)	1.2 m	0.0 m
- Rear (North)	7.2 m	0.0 m or 6.0 m abutting a residential zone
- Side (East)	6.1 m	0.0 m or 2.0 m for flanking sideyard or where site abuts a residential zone other than for the RU1, RU2, RU3, and RU4 zones
- Side (West)	0.91 m ❶	0.0 m or 2.0 m from a flanking street or where the site abuts a residential zone other than for the RU1, RU2, RU3, and RU4 zones
Parking Stalls (#)	3❷	1.75 per 100 m ² (4 required)
Bicycle Stalls (#)	2	0.2 per 100 m ² GLA ; or 1 per 10 employees (Class I) 0.6 per 100 m ² GLA (Class II)
Loading Stalls (#)	1	1 stall per 1900 m ² GFA

Notes:

- ❶ A text amendment is in process to reduce the side yard requirement. Development Variance Permit to relax the required 2.0m sideyard from a flanking street may be required if the amendment is not approved or the development precedes the text amendment.
- ❷ Applicant has requested Cash in Lieu for the one parking stall deficiency.

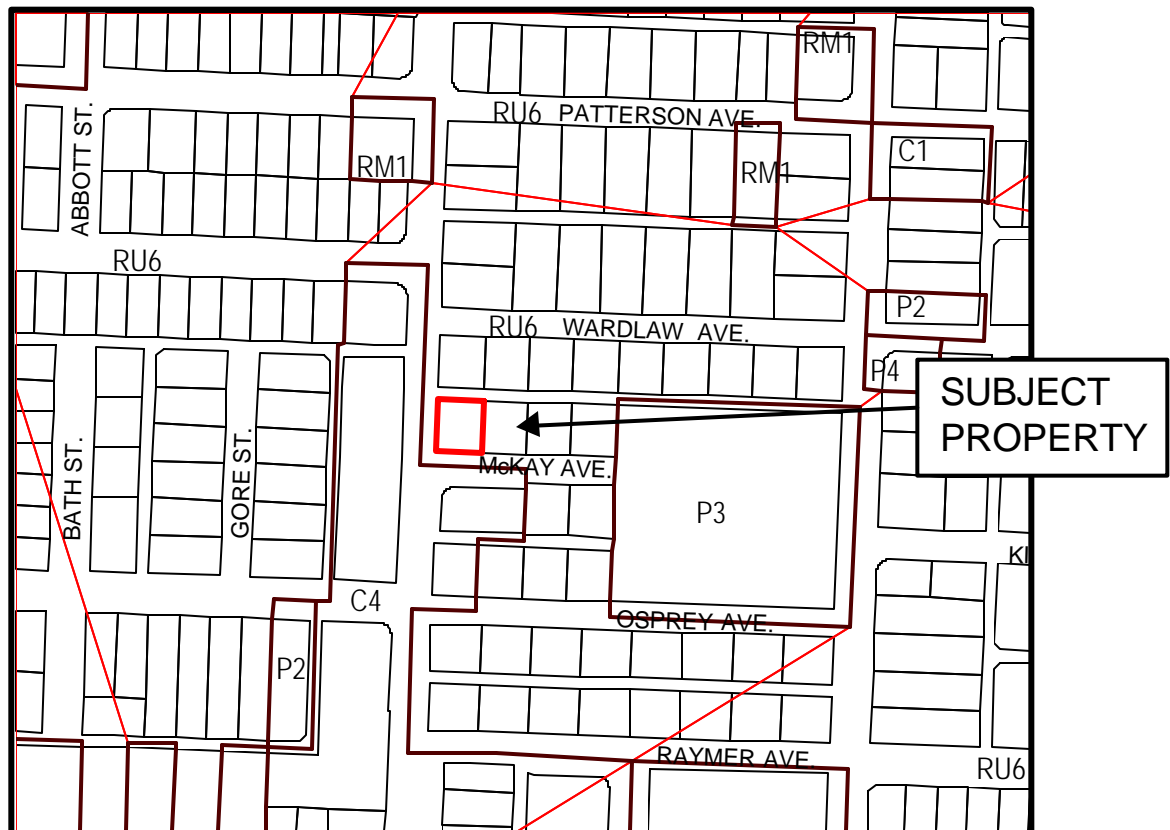
5.0 Site Context

The subject property is located within the Urban Town Centre area of the South Pandosy/KLO Sector Plan that is developed with a mix of commercial and residential uses of various densities.

Adjacent zones and uses are, to the:

- North - RU6 - Two Dwelling Housing
- East - RU6 - Two Dwelling Housing
- South - C4 - Town Centre Commercial
- West - C4 - Town Centre Commercial

5.1 Site Location Map



5.2 Existing Development Potential

The existing RU6 - Two Dwelling Housing zone permits duplex housing, semi-detached housing, and single detached housing as principal uses, and bed and breakfast homes, boarding or lodging houses (RU6B only), care centres – minor, group homes – minor, home based business – major and minor, and secondary suite as permitted secondary uses.

6.0 Current Development Policy

6.1 Kelowna Official Community Plan

The proposal is consistent with the commercial land use designation of the Official Community Plan.

6.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the intent of the Strategic Plan, which states:

“The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill, and will provide for an increased density of development within established urban areas through redevelopment of areas which are in transition. Urban areas which are targeted include the Central City area with emphasis on the waterfront and north end, Rutland and South Pandosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor”.

6.3 South Pandosy / KLO Sector Plan (1997)

The proposal is consistent with the commercial land use designation of the South Pandosy / KLO Sector Plan, and is generally consistent with the design objectives for the South Pandosy Town Centre proposed by the Sector Plan.

7.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

7.1 Telus

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

7.2 Shaw Cable

Owner/contractor to supply & install conduit system as per Shaw Cable drawings & specifications.

7.3 Land Agent

Land dedication for the Pandosy widening is required.

7.4 Inspection Services Department

One handicap parking stall is required. A text amendment is in process to reduce the side yard requirement. Development Variance Permit to relax the required 2.0m sideyard from a flanking street will be required if the amendment is not approved or the development precedes the text amendment.

7.5 Works and Utilities Department

The Works & Utilities Department have the following comments and requirements associated with this application to rezone from RU-6 to C-4. The road and utility upgrading requirements outlined in this report are provided for information purposes.

7.5.1 Domestic Water and Fire Protection

The existing water mains on Pandosy St. and McKay Ave. are sufficient to support the proposed re-development.

The existing building site is serviced with a 19mm-diameter copper water service. A water service of sufficient size to supply the domestic and fire protection requirements of the proposed development must be installed at the applicant's cost. The unused service must be removed by the City forces at the applicant's cost if a new service is required.

A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

If there is to be landscaping on the site, the developer must also purchase an irrigation sewer credit meter from the city and prepare a meter setter at his cost

7.5.2 Sanitary Sewer

The existing house is serviced with a 100mm-diameter sanitary sewer service. The service may be retained for the proposed development if it is suitable. If the existing sanitary service is retained, an inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw. If a larger sanitary sewer service is required, it can be provided at the owner's cost.

7.5.3 Storm Drainage

The existing storm drainage systems in Pandosy St. and McKay Ave. are adequate to support the proposed uses.

The existing house is not provided with a storm drainage service. If the owners desire to have a storm drainage service, it can be provided at the owner's cost.

The developer must engage a consulting civil engineer to provide a storm water management plan for the site that meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of storm drainage services for each lot and /or recommendations for onsite drainage containment and disposal systems.

7.5.4. Road Improvements

McKay Avenue must be upgraded to a full urban standard including curb and gutter, monolithic sidewalk, piped storm drainage system including catch basins, manholes / drywells, if required, pavement widening, landscaped boulevard complete with underground irrigation system, ornamental street lights as required and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The cost of this construction for bonding purposes is \$6,500.00.

Pandosy Street has been upgraded to an urban standard by local improvement bylaw, but requires sidewalk and landscaped boulevard to meet the commercial road standard. The cost of a sidewalk fronting on lot 10 for bonding purposes is \$5,000.00.

The rear lane fronting on this lot must be upgraded to a paved commercial standard, if required install a piped storm drainage system including catch basins and manholes/drywells. The cost of this work for bonding purposes is \$10,500.00.

7.5.5. Subdivision

By registered plan to provide the following:

- Dedicate 3.35-meter road widening on the Pandosy St. frontage (Or as required to agree with registered plan No. A12996). Adjust the McKay Avenue corner rounding so it is contiguous with the Pandosy St. and McKay Ave. widening.
- Dedicate 3.14m widening of the McKay Ave. right-of-way to provide one-half of the necessary widening to provide a future 20.0m wide road right-of-way as required for a commercial road.
- Dedicate 0.70m widening of the rear lane to provide one-half of the required lane width for a future 7.5m commercial lane.
- Grant statutory rights-of-way if required for utility services.

7.5.6. Electric Power and Telecommunication Services

The electrical services to this development must be installed in an underground duct system, and the building must be connected by an underground service. 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.

7.5.7. Street Lighting

Ornamental street lighting including underground ducts must be installed on all roads fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

7.5.8. 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.

7.5.9. Development Cost Charge Reduction Consideration

None of the required roadwork is eligible for DCC reduction.

7.5.10. Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, the owner is eligible to apply for latecomer protection for the following:

- Storm drainage construction in the rear lane.
- One-half of the lane pavement

7.5.11. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- Area ground water characteristics.
- Site suitability for development, unstable soils, etc.
- Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, Identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

7.5.12. 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.

7.5.13. Bonding & Levy Summary

Bonding

McKay Ave. frontage upgrading	\$ 6,500.00
Pandosy St. sidewalk construction	\$ 5,000.00
Rear lane pavement	\$10,500.00
Total Bonding	<u>\$22,000.00</u>

(b) Levies None

7.5.14. Site Related and Traffic Issues

Proposed rear yard parking stalls with access from the public lane must be 1.2m longer (clear length) than internally accessed parking stalls.

On-site parking stalls must be constructed to a paved standard including on-site drainage disposal.

Development Engineering does not have any requirements of the development permit.

7.5.15. Administration Charge

An administration charge identified as Subdivision and Development Engineering and Inspection Fee will be assessed for processing of this application as stipulated in the Development Application Fee bylaw No.8034, Schedule 'A'. The administration fee is assessed to cover the costs of review and approval of engineering designs and construction inspection. The administration charge will be 3% of the total off-site construction costs, not including engineering design. Seven percent GST will be added.

8.0 Aquilla Networks Canada

Any change in electrical service will require conversion to underground.

9.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department supports the proposed rezoning from RU6 – Two Dwelling Housing to C4 – Town Centre Commercial. The Official Community Plan supports commercial future land uses on the subject property, and the adjacent properties to the south and west are currently zoned C4 - Town Centre Commercial. The applicant is proposing to rezone the subject property to the C4 - Town Centre Commercial zone in order to use the existing building as a retail store.

The associated Development Permit application (DP02-0120) will address the form and character of the proposed development. In particular, staff is working with the applicant to address concerns with the parking configuration as well as the landscaping design. In addition, a text amendment, reducing the minimum side yard requirement, is currently in process. If approved, a development variance permit relaxing the required 2.0 m sideyard will not be required in order to accommodate the proposed 0.91 m sideyard.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

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Attach.

FACT SHEET

1. **APPLICATION NO.:** Z02-1060
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** Ian & Marguerite Sisett
· **ADDRESS** 3112 Watt Road
· **CITY** Kelowna, BC
· **POSTAL CODE** V1W 3C8
4. **APPLICANT/CONTACT PERSON:** Ian & Marguerite Sisett
· **ADDRESS** 3112 Watt Road
· **CITY** Kelowna, BC
· **POSTAL CODE** V1W 3C8
· **TELEPHONE/FAX NO.:** 861-8005
5. **APPLICATION PROGRESS:**
 Date of Application: December 30, 2002
 Date Application Complete: December 30, 2002
 Servicing Agreement Forwarded to Applicant:
 Servicing Agreement Concluded:
 Staff Report to APC: January 28, 2003
 Staff Report to Council: February 24, 2003
6. **LEGAL DESCRIPTION:** Lot 10, DL 14, ODYD, Plan 3769
7. **SITE LOCATION:** South Pandosy / KLO Sector
8. **CIVIC ADDRESS:** 518 McKay Ave
Kelowna, BC
9. **AREA OF SUBJECT PROPERTY:** 470 m²
10. **AREA OF PROPOSED REZONING:** 470 m²
11. **EXISTING ZONE CATEGORY:** RU6 – Two Dwelling Housing
12. **PROPOSED ZONE:** C4 – Town Centre Commercial
13. **PURPOSE OF THE APPLICATION:** To rezone the property to C4 to permit use of the existing building for retail use.
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** General Commercial; notify GIS of addition

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Colour Scheme