
CITY OF KELOWNA

MEMORANDUM

Date: August 21, 2001

File No.: Z00-1052

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z00-1052

OWNER: BRADSHAW
ENTERPRISES LTD.

AT: 1561 SUTHERLAND

APPLICANT: RED AND GOLD
PROPERTIES (WARREN
NEUFELD / ROB
ARCHIBALD)

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE RU1 – LARGE
LOT HOUSING ZONE TO THE C3 – COMMUNITY COMMERCIAL
ZONE TO CONSTRUCT A 320m" OFFICE BUILDING

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: C3 – COMMUNITY COMMERCIAL

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 7, DL 141, ODYD, Plan 3736, located on Sutherland Avenue, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone;

AND THAT the zone amending bylaw be forward to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the applicant dedicating a lane widening by means of subdivision;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

2.0 SUMMARY

The applicant wishes to rezone the subject property from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone in order to allow for the construction of a 320m" office building. The proposed development is one parking stall short of the required number of stalls, and the applicant has therefore applied for a Development Variance Permit under application No. DVP01-10,055.

3.0 Advisory Planning Commission

The Advisory Planning Commission reviewed the application on the meeting of December 5, 2000, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z00-1052 by Red & Gold Properties, (Warren Neufeld), Phone (250) 861-5088, 1561 Sutherland Avenue.

Note: The above recommendation relates to the original proposal to rezone the property from the RU1 to the C3 zone and keep the original house. The Advisory Planning was notified of the proposed changes to construct a new building and had no concerns with the proposed development.

4.0 BACKGROUND

4.1 The Proposal

The applicant wishes to rezone the property to allow for the construction of a 320m" office building.

The one-storey building will be located in the centre of the lot with front and rear parking. The applicant wishes to be able to lease or sell the space to health service businesses and is therefore required to provide 16 parking stalls. The layout can only accommodate 15 stalls. Since the subject property is not located in a town centre and the applicant therefore does not have the possibility to pay cash in lieu of parking, he has applied for a Development Variance Permit to be considered in conjunction with this rezoning application.

The front yard will contain a three-metre wide landscape buffer, which is interrupted by a driveway. Four regular sized parking stalls, five shorter stalls and one parking space for the disabled will be located in front of the building. In addition, parking for at least three bicycles will be provided adjacent to the main entrance.

Additional five parking stalls and one loading stall, as well as the refuse container will be located at the rear of the building with access from the lane. In order to provide for a 7.5m commercial lane width, a 1.4m dedication will be required at the rear of the lot. Access to the rear parking spots is via the lane, and a rear landscape buffer is therefore not required.

Access to the building is from the main entrance at the front of the building. An additional door is located at the rear. The front elevation of the square building includes an entrance canopy and two bay windows. These features have subroofs, which successfully break up the massing of the roof. Proposed finishing materials are stucco in earth tones, wood frame windows and an asphalt shingle roof. Planters at the front of the building add to the visual appearance of the development.

The application meets the requirements of the C3 – Community Commercial zone as follows:

CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Site Area (m ²)	836.1 m ²	460 m ²
Site Width (m)	18.29 m	13 m
Site Depth (m)	45.72 m	30 m
Site Coverage (%)	38.3%	50 %
Total Floor Area (m ²)	320 m ²	
F.A.R.	0.38	1.0
Height (# of storeys / m)	1	4 / 15m
Setbacks (m)		
- Front	17.1m	3.0 m
- Rear	7.2m	0.0 m
- West Side	0.15m	0.0 m
- East Side	0.15m	0.0 m
Landscaping		
- Front	3.0m landscaping	Level 2: 3 m
- Rear	Interrupted by parking	Level 3: landscaping or fence
- West Side	Fence	Level 3: landscaping or fence
- East Side	Fence	Level 3: landscaping or fence
Bicycle Parking	3	.2 Class 1 per 100m ² = 1 .6 Class 1 per 100m ² = 2
Parking Stalls (#)	15 ❶	Based on Health Services: 16 min.
Loading Stalls (#)	1	1 per 1,900 m ² GFA

Notes:

- ❶ The applicant wishes to vary the minimum number of parking stalls from 16 to 15 under DVP01-10,055.

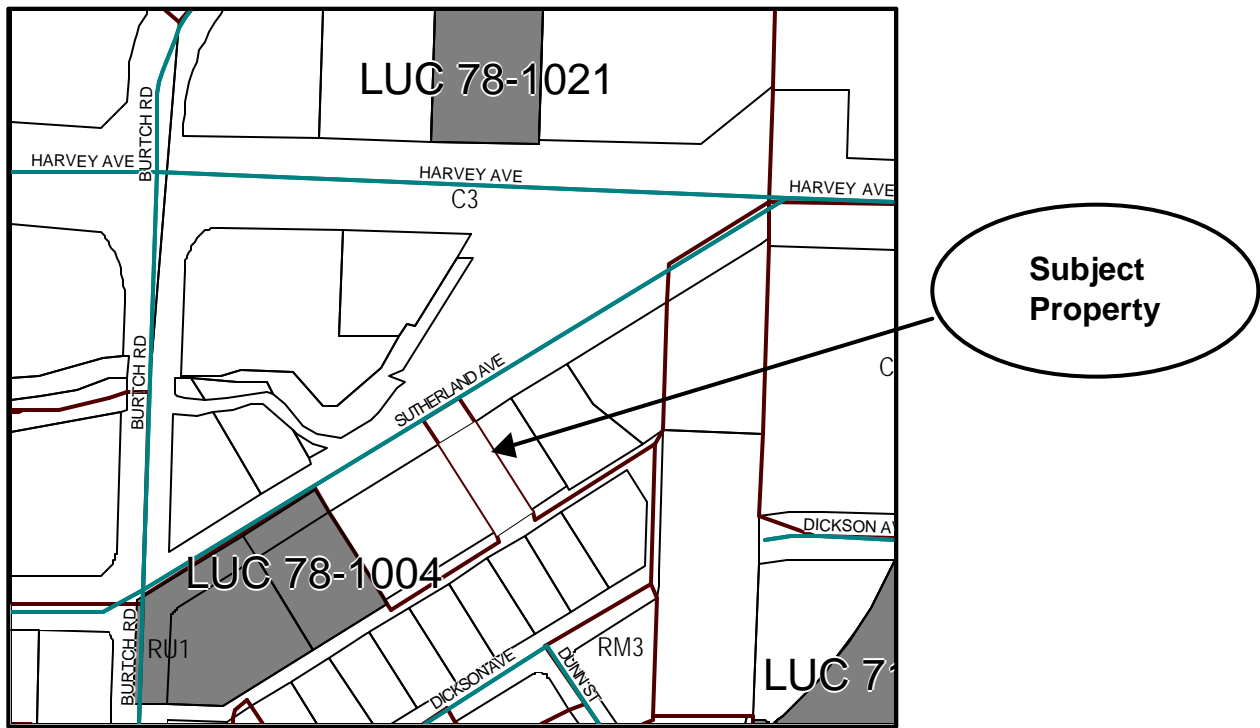
4.2 Site Context

The property is located on the south side of Sutherland Avenue between Burtch Road and Harvey Avenue. The subject property remains the only residential property in this block of Sutherland Avenue. Commercial space is the predominant use in the vicinity of the subject property, with residential uses located to the south.

Adjacent zones and uses are, to the:

- North - C3 (Community Commercial) – Mill Creek
- East - C3 (Community Commercial) – Health Services
- South - RU1 (Large Lot Housing) – Single-Detached Housing
- West - C3 (Community Commercial) – Retail and Office Space

Site Location



4.3 Existing Development Potential

The existing zoning RU1 – Large Lot Housing provides for single detached housing on larger serviced urban lots. Permitted secondary uses are bed and breakfast homes, minor care centres and group homes, as well as home based businesses.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The future land use designation of the subject property is “Commercial”, and the proposed development is consistent with this designation.

4.4.2 City of Kelowna Strategic Plan (1992)

The Strategic Plan encourages an integration of residential, commercial and employment oriented uses within the existing urban areas. The proposed re-development of the subject site use is therefore consistent with the plan.

5.0 TECHNICAL COMMENTS

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

5.1 West Kootenay Power

The redevelopment of the site requires the conversion to underground service. West Kootenay Power will provide underground service via contract with the City of Kelowna.

5.2 Works and Utilities Department

The Works & Utilities Department have the following requirements associated with this development application. Site construction requirements associated with this proposed change of use must be secured with a Servicing Agreement attached to the lane widening subdivision.

.1) Domestic Water and Fire Protection

- (a) The existing domestic water and fire protection system in this area is sufficient to support the proposed development.
- (b) The existing house is presently provided with a small diameter (13.0mm diameter) water service. A new larger service may be required for the proposed new uses. If required, a larger service can be installed by the city at the developer's cost, or by the developer's contractor. If the developer wishes to have a private contractor install the water service, he must hire a consulting civil engineer to provide a servicing plan.
- (c) There is a City water meter installed inside the existing house. This meter may continue to be used unless a larger water service is installed. If that happens then the meter must be salvaged by the City's water meter contractor (Schlumberger) and the owner must purchase a new meter from the City and prepare the meter setter at his cost
- (d) 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.
- (e) The City Utility Billing department must change the water and sewer-use billing accounts for this building to an appropriate commercial rate code after the rezoning is approved.

.2) Sanitary Sewer

- (a) The existing sanitary sewer systems are sufficient to support this proposed development.
- (b) The existing house is presently provided with a 100mm-diameter sanitary sewer service, which may be used, for the proposed new uses. If a larger service is required, it can be provided at the developer's cost.

.3) Storm Drainage

- (a) The existing storm drainage system in Sutherland Ave. is sufficient to support the proposed development, but there are no storm drainage facilities in the rear lane. The developer will be required to install drainage facilities in the lane to provide lane drainage catchment and disposal as well as to provide drainage relief for the proposed parking area at the rear of the property. The cost of this is included in the lane-upgrading item.
- (b) This development is required to contain and dispose of site generated storm drainage on the site by installing a ground recharge system designed by a consulting civil engineer. The existing site does not presently have a storm drainage service.
- (c) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The plan must accommodate the requirements to contain a 1 in 10-year storm event within pipes and identify overland drainage routes for a

100-year storm event. The storm water management plan must also include provision of a lot-grading plan, minimum basement elevations (MBE), for new buildings, storm water service and / or on-site drainage containment and disposal systems.

.4) Road Improvements

- (a) The existing driveway access on Sutherland Ave. must be closed and a new driveway installed. Collect a \$5,000.00 bond to assure that this work is completed to the City's specifications.
- (b) Sutherland Avenue is already upgraded to a full urban standard under a local improvement bylaw. No additional upgrading is requested.
- (c) The rear lane must be constructed to a commercial paved lane standard complete with drainage disposal system. The cost of the lane upgrading for bonding purposes is \$12,700.00

.5) Subdivision

By registered plan to provide the following:

- (a) Dedicate a 1.4m widening of the rear lane adjacent to this lot, to provide a 7.5m wide commercial lane width.
- (b) Grant any statutory rights-of-way if required for utility services.

.6) Electric Power and Telecommunication Services

- (a) The electrical and telecommunication 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.
- (b) Remove the existing overhead electric service, and the existing power pole that supports that service. Obtain a \$5,000.00 performance bond to assure that the electric service is converted to underground and the existing service pole is removed.

.7) Street Lighting

No additional street lighting is requested.

.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.

.9) Development Cost Charge Reduction Consideration

Not applicable.

.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:

- (a) Storm drainage construction in the lane.
- (b) One half of the lane pavement.

.11) Geotechnical Report

As a requirement of this application and / or prior to issue of a building permit the applicant must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development. i.e. unstable soils, fill, etc.
- (c) Identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

.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.

.13) Bonding & Levy Summary

(a) Bonding	
Lane upgrading	\$12,700.00
Underground electric Service and pole removal	\$5,000.00
Sutherland Ave. Driveway Relocation	<u>\$5,000.00</u>
Total Bonding	<u>\$22,700.00</u>

NOTE: Bonding for off-site construction must be provided in the form of cash or by submission of an irrevocable letter of credit. The owner of the development must also enter into a servicing agreement with the city. The servicing agreement will be prepared by the Development Engineering Department and must be executed by the owner of the property.

- (b) Levies No levies are requested.

.14) Site Related Issues

- (a) The Sutherland Ave. parking area must provide sufficient room for vehicles to turn around on the site to eliminate the possibility of any vehicles backing out onto the street. The site plan as presented should work satisfactorily.
- (b) Parking stalls with access from a public road (lane) must be 1.2m longer in clear length. That requirement is satisfied as indicated on the site plan layout.

(c) The proposed garbage bin on site must be accessible to an SU-9 standard size truck.

.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.

5.3 Transportation Demand Management

Bicycle parking for four bicycles to be provided in front of the building.

5.4 BC Gas

Locates required prior to preparing base for rear parking. Gas meter and service and gas straight back to lane.

5.5 Ministry of Transportation

The Ministry has no objection to the rezoning as proposed. Sutherland Avenue is identified as an element of the Major Street Plan and should be protected accordingly.

5.6 Parks Manager

.1) Landscape plan is mandatory as part of site development plans.

.2) The following standards apply for all boulevard (BLVD) landscaping:

- A. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
- B. The use of rock for mulch will not be accepted.
- C. Plant material specifications are as follows for:
 - i) Deciduous Tree - caliper @300mm above rootball (min. 60mm)
 - ii) Deciduous Shrub - spread (min. 450mm)
 - iii) Coniferous Tree - height (min. 2.5m)
 - iv) Coniferous Shrub - spread (min. 450mm)
 - v) Seed/Sod Mix according to location and proposed activity use.
- D. BLVD maintenance is responsibility of owner/occupant.
- E. All BLVD tree maintenance is responsibility of Parks Division.
- F. All planting plans to include a proper plant materials list:
 - i) Latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - v) indicate existing trees

.3) Construction dwgs. to include all u/g utility locations in BLVD.

BLVD landscape and irrigation to be approved by Parks Division.

5.7 Shaw Cable

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

5.8 Telus

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

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department has no concerns regarding the proposed rezoning of the subject property to C3 – Community Commercial. The proposal is consistent with the future land use designation of the Official Community Plan and meets the objective of the Strategic Plan to integrate residential, commercial and employment uses within existing urban areas.

The proposed redevelopment of the site is consistent with the recently developed site to the east and will enhance the visual appearance of this section of Sutherland Avenue.

Andrew Bruce
Current Planning Manager

Approved for inclusion

☐

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

/kb
Attach.

FACT SHEET

- | | |
|---|---|
| 1. APPLICATION NO.: | Z00-1052 |
| 2. APPLICATION TYPE: | Rezoning |
| 3. OWNER: | Bradshaw Enterprises Ltd. |
| · ADDRESS | 2349 Capistrano Drive |
| · CITY | Kelowna, BC |
| · POSTAL CODE | V1V 2A6 |
| 4. APPLICANT/CONTACT PERSON: | Rob Archibald |
| · ADDRESS | 1 – 1890 Cooper Rd. |
| · CITY | Kelowna, BC |
| · POSTAL CODE | V1Y 8B7 |
| · TELEPHONE/FAX NO.: | 860-1100 / 762-2197 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | October 30, 2000 |
| Date Application Complete: | |
| Servicing Agreement Forwarded to Applicant: | |
| Servicing Agreement Concluded: | |
| Staff Report to Council: | August 21, 2001 |
| 6. LEGAL DESCRIPTION: | Lot 7, DL 141 ODYD, Plan 3736 |
| 7. SITE LOCATION: | South side of Sutherland Avenue,
between Burtch Road and Highway
97 |
| 8. CIVIC ADDRESS: | 1561 Sutherland Avenue |
| 9. AREA OF SUBJECT PROPERTY: | 836m" |
| 10. AREA OF PROPOSED REZONING: | 836m" |
| 11. EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 12. PROPOSED ZONE: | C2 – Community Commercial |
| 13. PURPOSE OF THE APPLICATION: | To rezone the property to commercial
to allow the construction of
professional building |
| 14. MINISTRY OF TRANSPORTATION | 02-081-18957 |
| 15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

ATTACHMENTS
(not attached to the electronic version of the report)

- Location of subject property
- Site Plan
- Elevations
- Cross-section
- Coloured rendering of front elevation