
CITY OF KELOWNA
MEMORANDUM

Date: September 6, 2001
File No.: (3060-20/3090-20) **DP00-10,043/DVP00-10,044**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION NO.	DP00-10,043	OWNER:	GELLINI HOLDINGS INC. (INC NO. 538353)
DEVELOPMENT VARIANCE PERMIT APPLICATION NO.	DVP00-10,044		MCTAVISH HOLDINGS LTD. (INC NO 269909)

AT: 519 & 543 McKAY AVENUE **APPLICANT:** LYNN WELDER CONSULTING

PURPOSE: DEVELOPMENT PERMIT TO AUTHORIZE IMPROVEMENTS TO LANDSCAPING TO EXISTING BUILDINGS ON SITE TO PERMIT CONVERSION TO COMMERCIAL USES

DEVELOPMENT VARIANCE PERMIT TO ACKNOWLEDGE EXISTING NON-CONFORMING BUILDINGS SETBACK FOR LOT 16, AND TO ACKNOWLEDGE THE NON-CONFORMING LOT DEPTH AND NON-CONFORMING LOT SIZE AS A RESULT OF ROAD DEDICATIONS

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 8586 be considered by the Municipal Council;

AND THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,043 for Lots 16 & 17, DL 14, O.D.Y.D., Plan 3769, located on McKay Avenue, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,044; Lynn Welder; Lot 16, DL 14, O.D.Y.D., Plan 3769, located on McKay Avenue, Kelowna, B.C.;

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

Section 14.4.4 (b) Subdivision Regulations, minimum lot depth be varied from minimum 30.0 m required to 21.8 m lot depth existing after required road widening;

Section 14.4.5 (e) Development Regulations, east side yard be varied from the minimum required 2.0m setback adjacent to an RU6 zone to the 1.81 m setback existing;

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,044; Lynn Welder; Lot 17, DL 14, O.D.Y.D., Plan 3769, located on McKay Avenue, Kelowna, B.C.;

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

Section 14.4.4 (b) Subdivision Regulations, minimum lot depth be varied from minimum 30.0 m required to 21.8 m lot depth existing after required road widening;

Section 14.4.4 (c) Subdivision Regulations, minimum lot area for lots with lane access be varied from minimum required 460.0 m² lot area to 399 m² lot area after required road widenings;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

2.0 SUMMARY

The applicant has made application to rezone the subject properties from the existing zone of RU6 – Two Dwelling Housing, to the C4 – Town Centre Commercial zone in order to permit the use of the existing dwellings for office uses. At this time there are no building additions anticipated for the properties. These associated applications for Development Permit will address improvements to the existing landscaping and parking in order to improve the landscaping to meet current Zoning bylaw standards, and the Development Variance Permit will address the existing non-conforming siting of the house on lot 16, and to address the non-conforming lot size of Lot 17 after required road

widenings. The proposed land use of Town Centre Commercial is consistent with the Official Community Plan future land use designation of Commercial.

Now that the outstanding issues of the Works and Utilities Department have been addressed, it is now appropriate for this Development Permit and Development Variance Permit application to proceed to Council for consideration.

2.1 Advisory Planning Commission

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of July 4, 2000 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP00-10,043 by Lynn Welder Consulting Ltd. (Lynn Welder), Phone (250) 868-8304, 519 & 543 McKay Avenue.

3.0 BACKGROUND

3.1 The Proposal

The subject properties for this application are comprised of two separate lots. There is one single family residential dwelling located on each of the properties. The rezoning application seeks to rezone both of the properties to the C4 – Town Centre Commercial zone in order to allow the use of the existing buildings for office uses. At this time there are no changes proposed to the properties other than improvements to the landscaping in order to bring the landscaping located on site up to current Zoning Bylaw requirements. The plans submitted also propose the construction of two parking stalls for Lot 17 and 3 parking stalls for Lot 16, located at the rear of the properties. The parking areas will be accessed from the lane.

Both existing houses located on the subject properties are typical of the existing building stock in the neighbourhood as both buildings were constructed as wartime housing and date back to the 1940's. Both buildings have been finished with painted clap board siding and painted wood trim. Both buildings have dark coloured asphalt shingles on the roof. There are no changes proposed to the buildings at this time other than those changes that are required to bring the buildings up to current building code requirements for the proposed change in use.

If, in the future, the properties are sold and a new development is contemplated, there will be a new Development Permit application required.

The proposal as compared to the C4 zone requirements, is as follows:

Lot 17 (519 McKay)

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)	563.55 m ² (399 m ² after dedications) ❶	460.0 m ² (if lane present)
Site Width (m)	22.00 m	13.0 m
Site Depth (m)	21.77 m ❷	30.0 m
Site Coverage (%)	13.5%	75%
Total Floor Area (m ²)	76.15 m ²	563.55 m ² @ FAR = 1.0
F.A.R.		FAR = 1.0
Storeys (#)	One storey	4 storeys or 15 m
Setbacks (m)		
- Front	6.67 m	0.0 m
- Rear	11.08 m	0.0 m or 6.0 m abutting a residential zone
- West Side (flanking)	5.97 m	0.0 m 2.0m for flanking sideyard or where site abuts a residential zone other than for the RU1, RU2, RU3, RU4 zones
- East Side	5.9 m	0.0 m 2.0m for flanking sideyard or where site abuts a residential zone other than for the RU1, RU2, RU3, RU4 zones
Parking Stalls (#)	2 stalls provided	C4 zone – 1.75 per 100 m ² GFA 2 parking stalls required
Loading Stalls (#)	1 stall required	1 stall per 1,900 m ² GFA

Lot 16 (543 McKay)

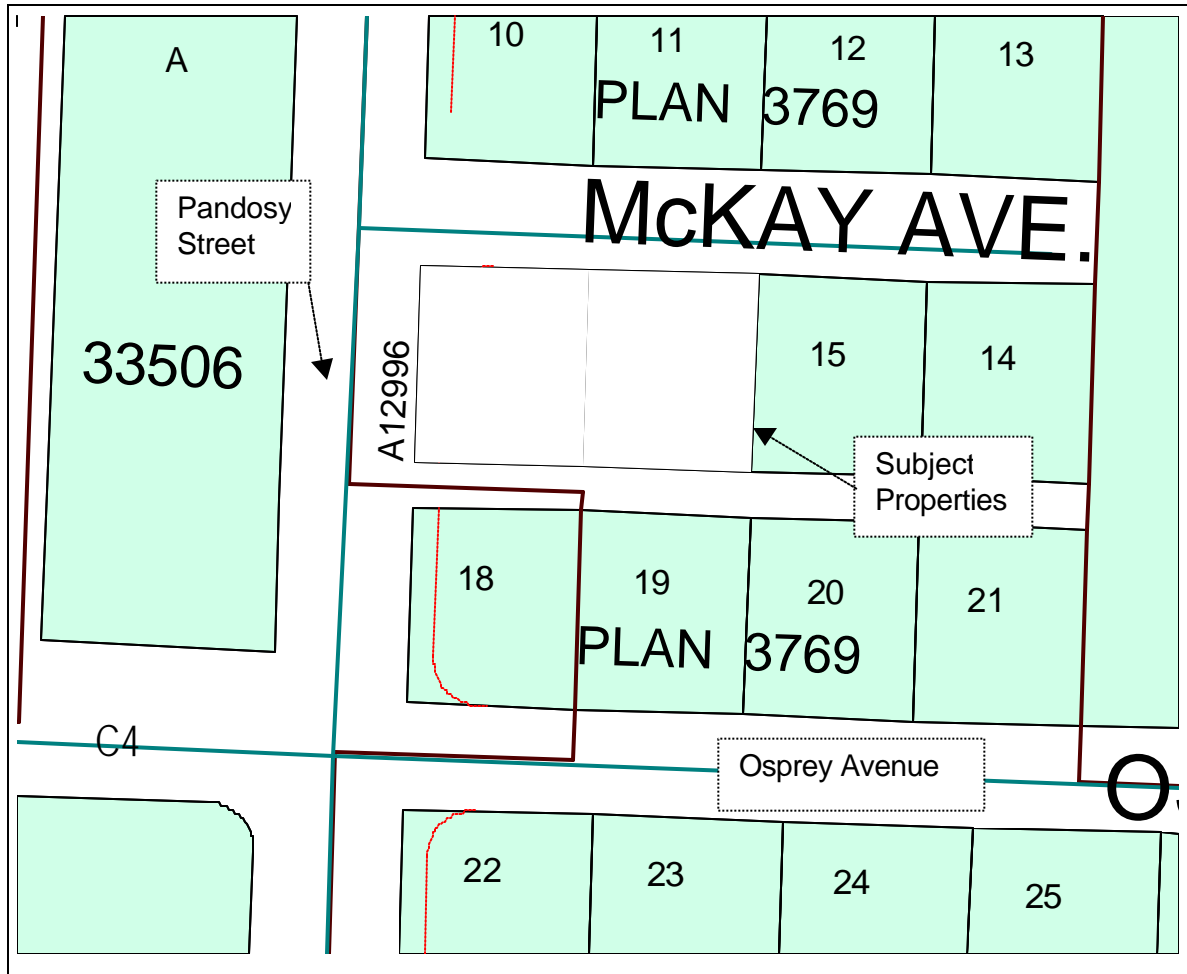
CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)	563.55 m ²	460.0 m ² (if lane present)
Site Width (m)	22.00 m	13.0 m
Site Depth (m)	21.77 m ②	30.0 m
Site Coverage (%)	25%	75%
Total Floor Area (m ²)	143.6 m ²	563.55 m ² @ FAR = 1.0
F.A.R.		FAR = 1.0
Storeys (#)	One storey	4 storeys or 15 m
Setbacks (m)		
- Front	6.65 m	0.0 m
- Rear	9.06 m	0.0 m or 6.0 m abutting a residential zone
- West Side	2.34 m	0.0 m 2.0m for flanking sideyard or where site abuts a residential zone other than for the RU1, RU2, RU3, RU4 zones
- East Side	1.81 m ③	0.0 m 2.0m for flanking sideyard or where site abuts a residential zone other than for the RU1, RU2, RU3, RU4 zones
Parking Stalls (#)	3 stalls provided	C4 zone – 1.75 per 100 m ² GFA 3 parking stalls required
Loading Stalls (#)	1 stall required	1 stall per 1,900 m ² GFA

Summary of Variance Required;

- ① Variance required to reduce minimum lot size for lot 17 from minimum 460 m² required to 399 m² existing after dedication of road widenings;
- ② Variance required for both lot 16 & 17 to reduce minimum lot depth from minimum 30.0 m required to the 21.77m existing after dedication of road widenings;
- ③ Variance required for lot 16 to reduce east side yard setback adjacent to residential zone from 2.0 m required to 1.81 m existing.

3.2 Site Context

Subject Property Map



Adjacent zones and uses are, to the:

- North - RU6 – Two Dwelling Housing/McKay Ave, Residential uses
- East - RU6 – Two Dwelling Housing, Residential uses
- South - RU6 – Two Dwelling Housing /lane, Residential uses
C4 – Town Centre Commercial/lane, Commercial uses
- West - C4 – Town Centre Commercial/Pandosy St., Commercial Uses

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

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

The proposed building form and character is also consistent with the Official Community Plan Commercial Development Permit Guidelines. The proposal is generally consistent with the following guidelines;

- All buildings, structures, and additions thereto shall be designed in a manner which gives consideration to the relationship with adjacent building and open areas, the efficiency of the circulation system, and the design and siting compatibility with surrounding development,
- All facades of commercial building shall be designed in a manner which appropriately address adjacent t uses and structures,
- Commercial development will be encouraged to minimize the visual impact of surface parking and loading areas on adjacent properties. Vehicle access to parking and loading areas and circulation on site shall minimize interference with pedestrian movement,
- Access to parking and loading areas from a street will be discouraged where lane access is available,
- External lighting shall enhance the safety of persons on the site after dark but shall not be of an intensity or cast in such a way which would interfere with nearby residential properties.

3.3.2 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.”

3.3.3 South Pandosy/KLO Sector Plan

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.

The South Pandosy/KLO Sector Plan also includes the following statements relating to the South Pandosy Town Centre Policies;

- Locate commercial and mixed use buildings within the core business area close to the road corridor to minimize the distance between the

- sidewalk and the building front. Parking and service site uses should be located behind or within the building,
- Encourage the provision of landscape at-grade or on-slab open space for multiple family residential developments for the use and enjoyment of the residents. For commercial and mixed-use buildings, encourage the provision of accessible public open space (e.g. widened sidewalk, dining/retail patio, courtyard) that is compatible with the use and design of the building,

3.3.4 Crime Prevention Through Environmental Design

The proposed development generally conforms to the following CPTED guidelines;

- loading areas should not create hiding places;
- parking areas should be clearly visible from the building or street;
- lanes should be well-maintained with pavement treatment and landscaping, wherever possible;
- windows should face rear parking lots for increased visibility;
- clear visibility should be maintained from the store to the street, sidewalk, parking areas and passing vehicles.

4.0 TECHNICAL COMMENTS

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

The majority of the technical issues have been addressed through the Rezoning application. The following comments relate to the Development Permit and the Development Variance Permit applications.

4.1 Fire Department

This department has no objection to this application.

4.2 Inspection Services Department

The window sizes are required for the house on Lot 16 (east & west elevations only) plus the area of these two walls.

4.3 Works and Utilities Department

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

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services does not have concerns with this proposed change in zone and permitted land uses. The change in use will be an interim use of the subject properties until the properties redevelop in a more comprehensive manner. At this time, the applicant proposes to use the existing buildings for office uses.

At such time as the buildings are demolished and the sites are developed with new buildings, it will then be necessary to make application for new Development Permits. At this time, the proposed landscaping improvements will enhance the existing plantings on site, and improve the landscaping to current Zoning By Law requirements.

The servicing agreement that is associated with the application to rezone identifies the required upgrading of both Pandosy Street and McKay Avenue, which includes the construction of a sidewalk along the Pandosy Street frontage. The owners have executed the Servicing agreement, and have provided the associated bonding.

In light of the above, the Planning and Development Services Department supports this application, and recommends for Council's positive consideration.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

PMc/pmc
Attach.

FACT SHEET

- | | |
|---|---|
| 1. APPLICATION NO.: | DP00-10,043 /
DVP00-10,044 |
| 2. APPLICATION TYPE: | Development Permit /
Development Variance Permit |
| 3a. OWNER:
· ADDRESS
· CITY
· POSTAL CODE | Gellini Holdings Inc. (inc 538353) c/o
Realty Executive #212 – 1980 Cooper
Kelowna, BC
V1Y 8K5 |
| 3b. OWNER:
• ADDRESS
• CITY
• POSTAL CODE | McTavish Holdings (inc 269909)
C/O #223 – 1650 Lexington Dr.
Kelowna, BC
V1W 3B6 |
| 4. APPLICANT/CONTACT PERSON:
· ADDRESS
· CITY
· POSTAL CODE
· TELEPHONE/FAX NO.: | Lynn Welder Consulting/Lynn Welder
#13 – 980 Dilworth Dr
Kelowna, BC
V1V 1S6
868-8304/868-8354 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | May 29, 2000
May 30, 2000
July 27, 2000
August 15, 2001
August 15, 2001 |
| 6. LEGAL DESCRIPTION: | Lots 16 & 17, DL 14, O.D.Y.D., Plan
3769 |
| 7. SITE LOCATION: | South side McKay Avenue, East of
Pandosy Street |
| 8. CIVIC ADDRESS: | 519 & 543 McKay Avenue |
| 9. AREA OF SUBJECT PROPERTY: | 1127.10 m ² (both lots)
Lot 16 - 563.55 m ² (Net 479m ²)
Lot 17 - 563.55 m ² (Net 399 m ²) |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | Urban Town Centre – South Pandosy |
| 11. EXISTING ZONE CATEGORY: | RU6 – Two Dwelling Housing |
| 12. PROPOSED ZONE: | C4 – Town Centre Commercial |

13. PURPOSE OF THE APPLICATION:

Development Permit to authorize improvements to landscaping to existing buildings on site to permit conversion to commercial uses and,

Development Variance Permit to acknowledge existing non-conforming buildings setback for lot 16, and to acknowledge the non-conforming lot depth and non-conforming lot size as a result of road dedications

14. DEVELOPMENT VARIANCE PERMIT VARIANCES:

For Lot 16, DL 14, O.D.Y.D., Plan 3769;

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

Section 14.4.4 (b) Subdivision Regulations, minimum lot depth be varied from minimum 30.0 m required to 21.8 m lot depth existing after required road widening;

Section 14.4.5 (e) Development Regulations, east side yard be varied from the minimum required 2.0m setback adjacent to an RU6 zone to the 1.81m setback existing;
And

For Lot 17, DL 14, O.D.Y.D., Plan 3769;

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

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Section 14.4.4 (c) Subdivision Regulations, minimum lot area for lots with lane access be varied from minimum required 460.0 m² lot area to 399 m² lot area after required road widenings;

**15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS**

General Commercial; notify GIS of
addition

Attachments

Subject Property Map
Schedule A, B & C (6 pages)
2 pages of explanatory diagrams