
CITY OF KELOWNA

MEMORANDUM

Date: October 30, 2001

File No.: Z01-1045 / OCP01-011

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z01-1045

OWNER: RYCHJOHN INVESTMENTS

AT: 3163 RICHTER STREET

APPLICANT: CARL SCHOLL DESIGN

PURPOSE: TO REZONE PART OF THE PROPERTY FROM THE RM5 - MEDIUM DENSITY MULTIPLE HOUSING TO THE C5 – TRANSITION COMMERCIAL ZONE AND CHANGE THE FUTURE LAND USE DESIGNATION FROM MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL TO COMMERCIAL TO ALLOW AN ADDITION TO AN EXISTING COMMERCIAL BUILDING

EXISTING ZONE: RM5 - MEDIUM DENSITY MULTIPLE HOUSING

PROPOSED ZONE: C5 – TRANSITION COMMERCIAL

REPORT PREPARED BY: KIRSTEN G. BEHLER

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATIONS

THAT OCP Bylaw Amendment No. OCP01-011 to amend Map 15.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of part of Common Property KAS896, located on Richter Street, Kelowna, B.C, from the Medium Density Multiple Family designation to the Commercial designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated October 30, 2001, be considered by Council;

THAT Rezoning Application No. Z01-1045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Common Property KAS896, located on Richter Street, Kelowna, B.C., from the RM5 – Medium Density Multiple Housing zone to the C5 – Transition Commercial zone, as shown on Map "A" attached to the report of Planning & Development Services Department, dated October 30, 2001, be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP01-011 and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption the zone amending bylaw be considered subsequent to the registration of a lot line adjustment;

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 wishes to construct an addition to the 'Creekside" Professional Building. The proposed addition would be constructed on the existing parking lot. In order to provide parking for the commercial development, the applicant wishes to rezone a section of the adjacent multiple family residential lot. The said section is currently designated as "Medium Density Multiple Family Residential" in the Official Community Plan, and the proposed addition therefore requires an OCP amendment. The property is in both a Natural Environment/Hazardous Conditions and General Commercial DP area. While a waiver for the Natural Environment/Hazardous Conditions DP has been granted, a DP to address the form and character of the proposed addition will be submitted for Council's consideration concurrently with final reading of the zone amending bylaw.

3.0 BACKGROUND

3.1 The Proposal

The applicant proposes an addition to the "Creekside" Professional Building, which is located at the corner of Richter Street and KLO Road. The 207m" large addition would be entirely located on the same property, which is currently zoned C5 – Transition Commercial. However, the addition requires additional parking, which would be accommodated on a section of the existing parking lot for the abutting condominium development. This necessitates the rezoning of a section of the abutting RM5 - Medium Density Multiple Housing property, as well as an OCP amendment from "Medium Density Multiple Family Residential" to "Commercial". Changing the existing residential parking stalls to commercial stalls will not result in insufficient parking for the condominium development.

The section to be rezoned is located on the east side of Richter Street and is approximately 1046.5m" in size. The area would be used entirely for parking for the existing and expanded professional building. The form and character of the proposed building addition will be addressed in the Development Permit report to be submitted to Council concurrently with Council's consideration of adoption of the zone amending bylaw.

The proposal meets the requirements of the C5 – Transition Commercial zone as follows:

| CRITERIA | PROPOSAL | C5 ZONE REQUIREMENTS |
|---------------------------------|--|---|
| Site Area (m ²) | 4326.5m ² ❶ | 1300m ² |
| Site Width (m) | 48.0m | 40.0m |
| Site Depth (m) | 97.5m | 35.0m |
| Floor Area Ratio | 0.26 | 0.4 |
| Site coverage | 26.4% | 40% |
| Gross Floor Area for commercial | 1144m ² total; addition is approx. 204 m ² | 1730m ² ; max. 235m ² per individual commercial use |
| Height (m) / Storeys (#) | 1 | 9.5m or 2 ½ storeys |
| Site Setbacks (m) | | |
| - Front | 6.0m | 4.5m |
| - Rear | 51m | 6.0m |
| - West Side | 4.5m | 4.5m |
| - East Side | 7.8m | 2.0m |
| Landscape Buffers (m) | | |
| - Front | Existing | Level 2: Minimum 3.0m of landscaping |
| - Rear | Access to parking | Level 3: Minimum 3.0m of landscaping or fence |
| - West Side | 4.m trees and shrubs | Level 3: Minimum 3.0m of landscaping or fence |
| - East Side | parking | Level 3: Minimum 3.0m of landscaping or fence |
| Bicycle Parking | Existing bike rack | Commercial: 7 spaces in total |
| Parking Stalls (#) | 40 | 41 |

Notes:

- ❶ Existing C5 lot and proposed C5 section.
- ❷ 41 stalls are required for the commercial development; however, the current layout shows only 40 stalls. The applicant will provide an additional stall or pay cash in lieu for one stall, and the item will be addressed in the Development Permit to be considered by Council concurrently with final rezoning. The adjacent condominium development will lose approximately 18 stalls. The remaining 410 stalls exceed parking requirements for the residential development by one stall.

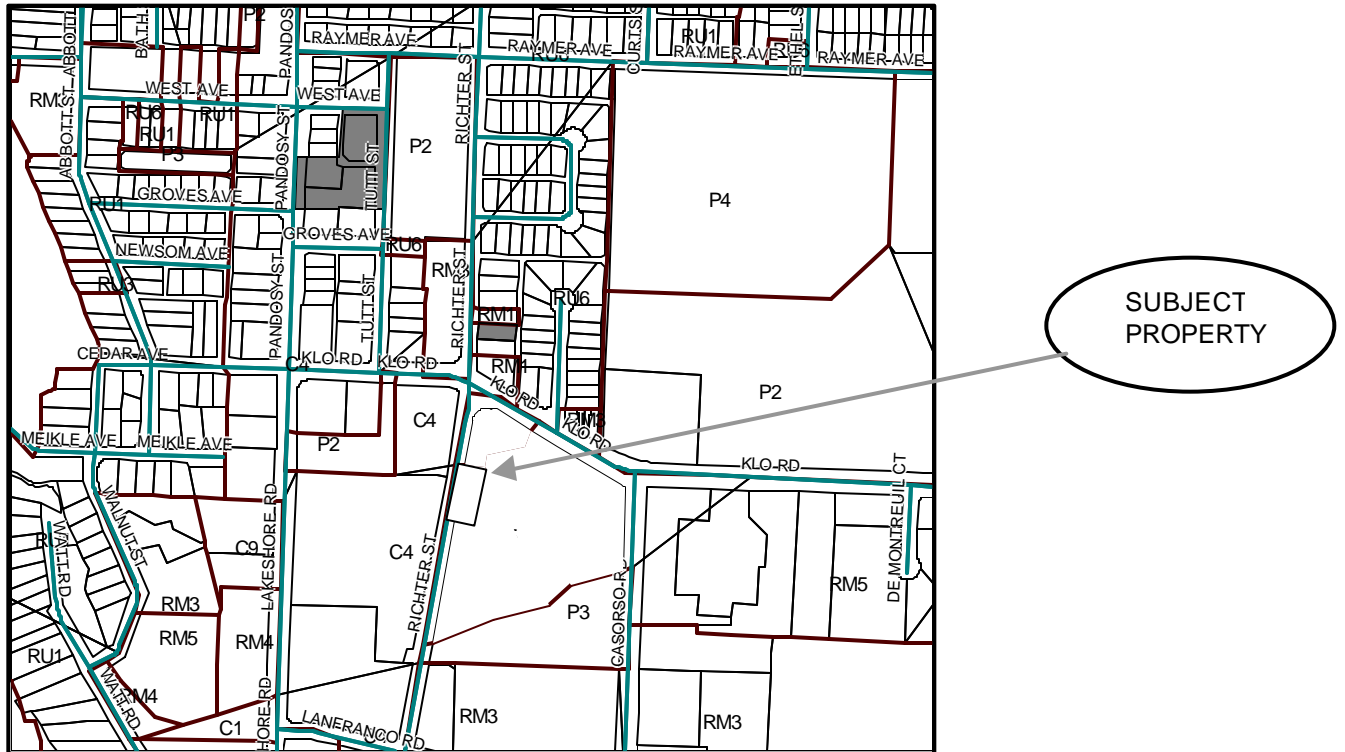
4.2 Site Context

The subject property is located in the South Pandosy Urban Town Centre, on the east side of Richter Street south of KLO Road. The area west of Richter Street is zoned commercial. East of Richter Street, Medium and Low Density Multiple Housing zones, Transition Commercial zones, as well as Parks and Open Space zones can be found.

Adjacent zones and uses are, to the:

- North - C5 – Transition Commercial – Existing “Creekside” Professional Building
- East - RM5 – Medium Density Multiple Housing - condominium development
- South - RM5 – Medium Density Multiple Housing - condominium development
- West - C4 – Town Centre Commercial - retail

Site Map



4.3 Existing Development Potential

The subject property is zoned RM5 – Medium Density Multiple Housing, a zone intended for medium density apartments.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The Official Community Plan identifies the future land use designation of the subject property as “Medium Density Multiple Family Residential”. The proposed addition to the commercial building and the parking lot are not consistent with this designation, and the applicant has made application to change the future land use designation to “Commercial”.

The plan encourages new infill commercial and mix-use developments, and the addition to the proposed professional and health services building meets this objective.

4.4.2 City of Kelowna Strategic Plan (1992)

The proposed development is consistent with the strategy of this plan to place emphasis on more efficiently using serviced land within existing urban areas through infill development. It furthermore meets the objective of providing a closer integration of residential, commercial and employment oriented uses within existing urban area.

4.4.3 South Pandosy/KLO Sector Plan (1997)

The South Pandosy/KLO Sector Plan identifies the future land use of the subject property as “Medium Density Multiple Family Residential”. Again, the applicant wishes to change this designation of a portion of the property to “Commercial” to be permitted the suggested commercial use. The plan furthermore supports the expansion of the retail and service commercial base for adjacent residential districts.

5.0 TECHNICAL COMMENTS

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

5.1 Works and Utilities

1. Geotechnical Study

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering. The study is to address the following:

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Provide specific requirements for footings and foundation construction.

2. Domestic water and fire protection

- a) This development is within the service area of the City of Kelowna domestic water distribution system.
- b) All the plumbing extension to service the proposed building expansion must be connected downstream of the existing watermeter.

3. Sanitary Sewer

- a) The subject property is located within the City of Kelowna sanitary sewer collection system.
- b) All the plumbing extension to service the proposed building expansion must be connected to the existing on-site sewer collection system.

4. Drainage

- a) A revised site grading and drainage management plan and design to comply with the City's drainage design and policy manual, must be provided as part of the building permit drawing submission

5. 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.

6. Road improvements

All the fronting roads are constructed to the standard required for the requested zoning. No upgrading is required under this application.

7. General

a) All the utilities currently under the proposed expansion must be relocated and right of ways must be quit claimed.

b) A bike rack must be provided in accordance with current bylaws and policies.

8. Bonding and Levies Summary.

a) Performance Bonding:
None required for this application

b) Levies:
To be determined at the building permit stage.

5.2 BC Gas

Existing service may require an alteration, and the associated costs are the responsibility of the developer.

5.3 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law.

5.4 Ministry of Water, Land and Air Protection

The standards for sediment and erosion control outlined in the jointly published BC Environment/Fisheries and Oceans Canada "Land Development Guidelines for the protection of Aquatic Habitat" must be adhered to.

5.5 Parks Manager

1. All entry feature signs for the proposed development to be located on private property and not on city Blvd. This includes any landscape treatment around the entry feature.

2. All trees planted in sidewalk and not in grass Blvd will require a vault and grate; and, all trees in grass Blvd to use root shield barriers.

3. The following applies for all boulevard (BLVD) and park landscape installations and is standard information required on a landscape plan:

A. Plant materials list:

- | | |
|-----------------------|-----------------------------|
| i) Latin name | iv) plant symbol key |
| ii) common name | iv) indicate existing trees |
| iii) size at planting | |

B. Plant material specifications:

- 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.

C. Scale of plan and north arrow clearly indicated on plan.

D. All plant materials (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by Parks Division. All materials located in BLVD to meet city standard for size and method of installation.

4. All mulch areas on private property that abut city lands to use acceptable plastic edge to prevent mulch migrating into grass blvd or sidewalks.

5. BLVD maintenance (irrigation, shrubs, ground cover, sod) is the responsibility of owner/occupant.

6. All BLVD tree maintenance is responsibility of Parks Division.

7. Planting plan to include all u/g utility locations in BLVD.

5.6 West Kootenay Power

Relocation of existing underground facilities will be at developer's expense.

6.0 PLANNING COMMENTS

The Planning and Development Services Department has no concerns with the proposed rezoning and the Official Community Plan amendment of this section of the subject property. The proposed commercial use is consistent with the overall pattern of land use in the South Pandosy/ KLO Town Centre. Moreover, it is acknowledged that the residential development of the adjoining site is built out, and it is unlikely that more residential uses could be physically accommodated on the subject property. Both the commercial and the existing residential component of the development will have sufficient parking. The form and character of the proposed addition will be addressed in detail in the Development Permit to be forwarded for Council's consideration concurrently with final rezoning.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

KGB
Attach.

FACT SHEET

1. **APPLICATION NO.:** Z01-1045 / OCP01-011
2. **APPLICATION TYPE:** Rezoning / OCP amendment
3. **OWNER:** Rychjohn Investments
 . **ADDRESS** 126 Lakeshore Cr.
 . **CITY** Saskatoon, SA
 . **POSTAL CODE** S7J 3J3
4. **APPLICANT/CONTACT PERSON:** Carl Scholl Design
 . **ADDRESS** 1474 Water Street
 . **CITY** Kelowna, BC
 . **POSTAL CODE** V1Y 1J6
 . **TELEPHONE/FAX NO.:** 763-7800 / 860-5165
5. **APPLICATION PROGRESS:**
 Date of Application: September 7, 2001
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded: N/A
 Staff Report to APC: N/A
 Staff Report to Council: October 30, 2001
6. **LEGAL DESCRIPTION:** Common Property KAS896
7. **SITE LOCATION:** East side of Richter Street, south of KLO Road
8. **CIVIC ADDRESS:** 3163 KLO Road
9. **AREA OF SUBJECT PROPERTY:** 3.6ha
10. **AREA OF PROPOSED REZONING:** 1046.5m²
11. **EXISTING ZONE CATEGORY:** RM5 – Medium Density Multiple Family
12. **PROPOSED ZONE:** C5 – Transition Commercial
13. **PURPOSE OF THE APPLICATION:** To rezone the subject property to C5 – Transition Commercial and change the future land use designation to “Commercial”
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** General Commercial DP
IMPLICATIONS Natural Environment/Hazardous Conditions DP

ATTACHMENTS
(Not included in electronic version of report)

- Location Map
- Map “A”
- Site Plan
- Landscape Plan
- Floor Plans
- Elevations