
CITY OF KELOWNA
MEMORANDUM

Date: March 13, 2002
File No.: Z01-1042 / DP01-10,064 / DVP01-10,095
To: City Manager
From: Planning & Development Services Department
Subject:

APPLICATION NO. Z01-1042 / OWNER: PAUL LEINEMANN
DP01-10,064/DVP01-10,095 CONSTRUCTION LTD.

AT: 2999 TUTT STREET APPLICANT: GORDON HARTLEY

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

TO OBTAIN A DEVELOPMENT PERMIT FOR THE FORM AND
CHARACTER OF A BUILDING ADDITION

TO VARY THE NUMBER OF LOADING STALLS FROM TWO
STALLS REQUIRED TO ZERO STALLS PROPOSED

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: KIRSTEN BEHLER

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATIONS

THAT final adoption of Zone Amending Bylaw No. 8782 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP01-10,064; Lot 1, D.L. 135, ODYD, Plan KAP70704, located on Tutt Street, 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. Signage to be provided be in general accordance with Schedule "D";
5. The applicants 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;
6. The applicant provide payment of cash-in-lieu for one parking stall in the amount of \$3,000.00;

AND THAT Council NOT authorize the issuance of Development Variance Permit No. DVP01-10,095; Lot 1, D.L. 135, ODYD, Plan KAP70704, located on Tutt Street, Kelowna, B.C.;

AND THAT variances to the following section of Zoning Bylaw No. 8000 NOT be granted:

Table 8.2 – Loading Schedule: Vary the loading stall requirements from 1 per 1,900 m² required to 0 provided.

2.0 SUMMARY

The applicant wishes to construct a building addition to an existing medical office building. In order to be permitted to build the addition on the subject property, the property needs to be rezoned from the RU6 – Two Dwelling Housing zone to the C4 – Town Centre Commercial zone. Furthermore, a Development Permit for the form and character of the addition is needed, as well as a Development Variance Permit to reduce the number of loading stalls from two required to zero proposed.

3.0 ADVISORY PLANNING COMMISSION

The applications were reviewed by the Advisory Planning Commission at the meeting of September 18, 2001, and the following recommendations were passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z01-1042 by Gordon Hartley to rezone the subject property from RU6 – Two Dwelling Housing to the C4 – Town Centre Commercial zone;

AND THAT the Advisory Planning Commission supports Development Permit Application No. DP01-10,064 by Gordon Hartley to authorize an addition to an adjacent commercial building.

4.0 BACKGROUND

4.1 The Proposal

The applicant wishes to construct an addition to an existing medical offices building on Tutt Street. The proposed addition triggered a rezoning application, which was considered by Council on December 17, 2002. The zone amending bylaw received 2nd and 3rd reading on January 22, 2002, and final adoption of the bylaw is subject to a lot

consolidation, a Development Permit addressing form and character of the building addition, as well as a Development Variance Permit to reduce the number of loading stalls from 2 required to 0 proposed. The applicant has since consolidated the lot and has made application for the Development Permit and the Development Variance Permit.

The building addition would constitute the final phase of this commercial development. The original building on the south portion of 3001 Tutt Street was built in 1992, and an addition on the northern portion was constructed in 1996. The proposed three-storey addition will include one 150m² large commercial unit on the ground floor. The large unit is oriented towards Tutt Street, as are the existing ground-floor units. On the second and third floor, twelve additional commercial units will be provided, for a total of 990m² floor area for all three floors of the addition. The design of the addition is consistent with the existing building, reflecting the straight lines, the horizontally oriented windows and the sloped roof over the ground floor units. All proposed finishing materials and colours will match those of the existing building, which is finished with beige stucco and accentuated with red window frames and a red metal lean-to roof. Proposed signage will be located in a sign band at the front elevation, located over the ground floor windows.

Parking for the addition and the existing building is located in the rear of the site, partially underneath the second storey of the building, with an existing gated access onto Tutt Street. The existing commercial space and the proposed addition require a total of 50 parking spaces, 49 of which can be accommodated on site. The owner will pay cash in lieu of parking for one stall, in accordance with Bylaw No. 8125. All required bicycle parking is provided in four locations on the parking lot.

Due to the low ceiling height of the access driveway, the rear of the site is not accessible by large trucks, and the existing development and the proposed addition do therefore not include any loading stalls. According to the owner, the lack of loading stalls has not caused any problems in the past, since most of the medical offices in the building do not receive any deliveries by truck. The applicant is therefore requesting a variance to be allowed to reduce the number of loading stalls from two required to zero. Alternatively, he would be prepared to designate two regular parking stalls located closely to the main entrance as loading stalls for car-sized delivery vehicles. Consequently, the overall number of parking stalls would be three stalls short of what is required by bylaw. The applicant is prepared to make payment for all three parking stalls. However, the Planning and Development Services Department and the Finance Department are currently reviewing payments for parking that have been made for the property in the past. Should these payments exceed what is currently required, the three parking stalls may be credited towards that amount. Should the lack of overheight loading stalls cause problems in the future, the Transportation Division indicated that they may be able to consider an on-street delivery zone in front of the building. However, these are generally not supported for new development, and may therefore not be supported in this situation either.

Garbage and recycling is currently stored on the site. The owner of the site presently takes the garbage to the building at 616 KLO Road, which he also owns. In the future, the garbage will be picked up on the subject property by BFI, who agreed in writing to roll the bin to the front of the building for 7 a.m. each business day and return it to the garbage enclosure in the rear of the lot.

The proposed landscaping includes an existing landscaped node in the sidewalk area, which the applicant wishes to tie in with the entrance to the new commercial ground floor unit. This will require the relocation of two existing benches. An existing fence is located

on the school property to the north, and the rear property line will be enhanced with a 1.2m wide landscape buffer and a wood fence, consistent with the existing development.

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

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)	2298m ² ❶	1300m ²
Site Width (m)	56.7m	40.0m
Site Depth (m)	40.5m	30.0m
Floor Area Ratio	1.0	1.0
Site coverage	56%	75%
Height (m) / Storeys (#)	10.9m / 3 storeys	15.0m / 4 storeys
Site Setbacks (m)		
- Front	0.2m	0.0m
- Rear	6.4m	6.0m (abutting res. zone)
- North Side	1.5m	0.0m
- South Side	0.0m	0.0m
Landscape Buffers (m)		
- Front	Existing and redesigned landscape nodes	Level 2 (0.0m for setback)
- Rear	Wood fence and 1.5m landscaping	Level 3 (fence or landscaping)
- North Side	Existing fence on school property & decorative wall	Level 3
- South Side	Existing wall	Level 3
Bicycle Parking	18 spaces	17 spaces
Parking Stalls (#)	49 stalls ❷	50 stalls
Loading	none ❸	2 spaces

Notes:

- ❶ The site is comprised of two lots: The existing building is located on Lot PCL A, Plan 3292, and the proposed addition will be located on Lot A, Plan 9308, which will require rezoning to the C4 zone.
- ❷ The applicant will pay cash in lieu for one parking stall.
- ❸ The applicant made application for a variance to reduce the required loading spaces to zero.

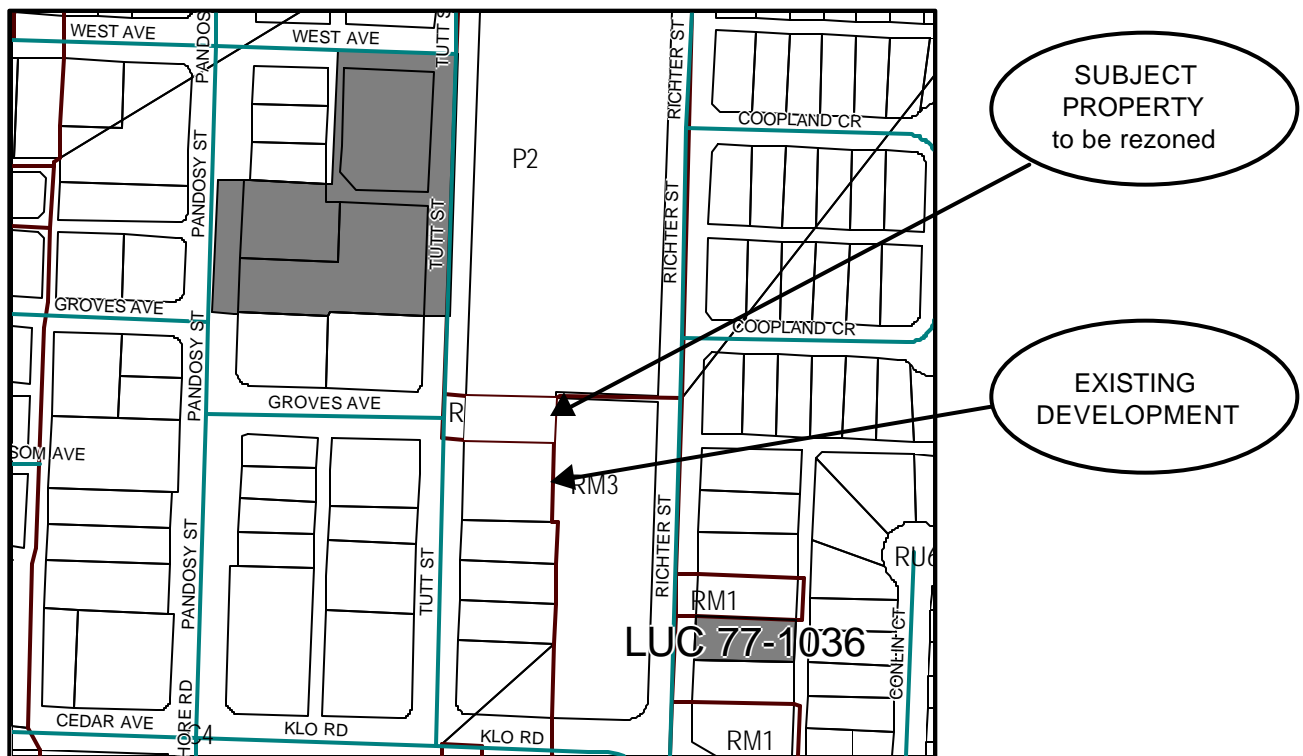
4.2 Site Context

The subject property is located in the South Pandosy Town Centre, at the intersection of Tutt Street and Groves Avenue. The subject property is the only lot zoned for residential use on Tutt Street. All other properties on the street are zoned C4 – Town Centre Commercial, the proposed zone for the subject property. Only the Raymer Elementary School property to the north is zoned P2 – Education and Minor Institutional. To the east of the property, a two storey walk-up apartment complex is located, which is zoned RM3 - Low Density Multiple Housing.

Adjacent zones and uses are, to the:

- North - P2 - Education and Minor Institutional – Raymer Elementary School
- East - RM3 – Low Density Multiple Housing – Two-storey walk-up apartments
- South - C4 – Town Centre Commercial – Financial business
- West - C4 – Town Centre Commercial - Professional offices

Site Map



4.3 Existing Development Potential

The subject property is zoned RU6 – Two Dwelling Housing. The purpose of the RU6 zone is to provide a zone primarily for semi-detached, duplex, or single detached housing with a secondary suite. The proposed zone for the subject property is C4 – Town Centre Commercial, a zone intended for the development of community commercial centres to serve more than one neighbourhood.

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 commercial, and the proposed development is consistent with this designation. The plan encourages new infill commercial developments with parking lots located behind the buildings, such as the one proposed in this application.

4.4.2 City of Kelowna Strategic Plan (1992)

The proposed development is consistent with the strategy of this plan to place an emphasis on more efficiently using serviced land within existing urban areas through infill development.

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 commercial, and the proposed development is consistent with this designation. The plan includes policies to locate commercial buildings close to the road to minimize the distance between the building and the sidewalk, as well as to locate parking behind or within the building. The plan furthermore encourages the expansion of the office commercial precinct around Tutt Street.

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 BC Gas

Existing stub at the property line can be reused for proposed development.

5.2 Fire Department

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

5.3 Inspection Services Department

Access to exit does not comply with Code. Maximum length of dead end corridor is 6m. The applicant has since provided revisions to the floors plans that are to the satisfaction of the Inspection Services Department.

5.4 Parks Manager

The plum is a faster growing variety and will get to about 4-5m in height. Additional trees from stall 21 to 11 would complete the line visually. The bed could be finished with bark mulch and no shrubs. Dogwood can reach a height and spread of 1.5-2.0m, so depending on the width of the shrub bed may out grow and over hang parking stalls. The juniper requires full sun.

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. The applicant has consulted the Parks Manager on an appropriate entry feature design, and the treatment of the landscape node has been agreed upon.
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) landscape and park and is standard information required on a landscape plan:
 - A. Planting plan 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
- B. Plant material specifications are as follows:
- 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. Shrub beds require plastic edge beside all areas abutting a city sidewalk of city land to prevent migration of mulch.
- D. Scale of plan and north arrow clearly indicated on plan.
- E. 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 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.
5. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
6. All BLVD tree maintenance is responsibility of Parks Division.
- Planting plan to include all u/g utility locations in BLVD.

5.5 Shaw Cable

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

5.6 Works & Utilities

1. Subdivision

- a) Lot A plan 9308 must be consolidated with PCL A plan B6334. The lots have been consolidated under Plan KAP70704.
- b) Provide utilities easements as may be required.

2. 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.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

The applicant has since submitted a geotechnical study that meets Works & Utilities' expectations.

3. Domestic water and fire protection.

- a) This development is located within the service area of the City of Kelowna domestic water distribution system. The subject property is currently serviced by a 19 mm. water service that is required to be disconnected by the City forces at the developer's expense. The cost will be determined at the time of an application of a plumbing permit.
- b) The proposed building expansion must be serviced from the existing service provided for the initial phase of the building. All water pipe extensions must take place downstream of the water meter. Any upgrading of the existing service to meet the total hydraulic load of the entire structure will be at the cost of the developer.

4. Sanitary Sewer

- a) The proposed building expansion must be serviced from the existing service provided for the initial phase of the building.
- b) The subject property is currently serviced with a sanitary service that is required to be disconnected by the City forces at the developer's expense. The cost will be determined at the time of the application of a plumbing permit.

5. Drainage.

- a) A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

The geotechnical study has since been submitted, and the Works & Utilities Department has agreed to defer other drainage requirements until building permit.

6. 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.

7. Road improvements.

The existing driveway located at the north end of the property and the curb drop must be eliminated. The existing landscaped area must be modified to complement the driveway removal. The estimated cost of this work, for bonding purposes, would be \$14,000.00 inclusive of a bonding contingency

8. Engineering.

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.

9. Bonding and Levies Summary

- | | |
|--|--------------|
| a) Performance Bonding | |
| Driveway removal | \$ 14,000.00 |
| (at the time of the building permit application) | |

6.0 PLANNING COMMENTS

The Planning and Development Services Department has no concerns with the proposed rezoning of the subject property to accommodate a building addition. The proposed rezoning is consistent with the future land use designation in the Official Community Plan. The OCP also encourages new infill commercial developments with parking lots located behind the buildings, such as proposed in this application.

The form and character of the addition is consistent with the existing building and with the policies of the South Pandosy/KLO Sector Plan, such as to locate commercial buildings close to the road and parking behind or within the building. However, the Planning and Development Services Department has concerns with the requested variance to reduce the number of loading stalls from two stalls required to zero provided. It is recognized that the uses currently occupying the building do not rely on large trucks for daily deliveries, and the current loading situation is therefore acceptable. However, other uses permitted in the C4 – Town Centre Commercial zone may move into this building in the future, at which point the lack of a proper loading zone may cause problems.

An alternative recommendation is listed in Section 7.0, should Council wish to grant the requested variance. However, should Council be concerned about the lack of loading stalls, the applicant suggested to designate two existing parking stalls close to the entrance to the lobby as loading stalls. Although not meeting the minimum height, size and width requirements for loading stalls, the stalls would serve car-sized courier vehicles, which serve the tenants of the building frequently. The second alternative recommendation is listed in Section 8.0.

7.0 ALTERNATIVE RECOMMENDATION

THAT final adoption of Zone Amending Bylaw No. 8782 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP01-10,064; Lot 1, D.L. 135, ODYD, Plan KAP70704, located on Tutt Street, 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";

5. Landscaping to be provided on the land be in general accordance with Schedule "C";
6. Signage to be provided be in general accordance with Schedule "D";
5. The applicants 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;
6. The applicant provide payment of cash-in-lieu for one parking stall in the amount of \$3,000.00;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP01-10,095; Lot 1, D.L. 135, ODYD, Plan KAP70704, located on Tutt Street, Kelowna, B.C.;

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

Table 8.2 – Loading Schedule: Vary the loading stall requirements from 1 per 1,900m² required to 0 provided.

8.0 SECOND ALTERNATIVE RECOMMENDATION

THAT final adoption of Zone Amending Bylaw No. 8782 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP01-10,064; Lot 1, D.L. 135, ODYD, Plan KAP70704, located on Tutt Street, 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";
7. Landscaping to be provided on the land be in general accordance with Schedule "C";
8. Signage to be provided be in general accordance with Schedule "D";
5. The applicants 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;
6. The applicant provide payment of cash-in-lieu for three parking stalls in the amount of \$9,000.00;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP01-10,095; Lot 1, D.L. 135, ODYD, Plan KAP70704, located on Tutt Street, Kelowna, B.C.;

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

Section 8.2.9 Size of and access to a loading stall: Vary the size of loading stalls from min. 28m² required to 15m², the minimum width from 3.0m required to 2.5m

proposed and the minimum overhead clearance from 4.0m required to 2.13m proposed.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

KGB
Attach.

FACT SHEET

- | | |
|--|---|
| 1. APPLICATION NO.: | Z01-1042 / DP01-10,064 / DVP01-10,095 |
| 2. APPLICATION TYPE: | Rezoning |
| 3. OWNER: | Paul Leinemann Construction Ltd. |
| . ADDRESS | 1190 Raymer Ave. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 5A1 |
| 4. APPLICANT/CONTACT PERSON: | Gordon Hartley |
| . ADDRESS | 300 Poplar Point Drive |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 1Y1 |
| . TELEPHONE/FAX NO.: | 762-3840 / same |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | August 29, 2001 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to APC: | September 12, 2001 |
| Staff Report to Council: | December 12, 2001 |
| 6. LEGAL DESCRIPTION: | Lot A, D.L. 135, ODYD, Plan 9308 |
| 7. SITE LOCATION: | Tutt Street, at the intersection of Groves Avenue |
| 8. CIVIC ADDRESS: | 2999 Tutt Street |
| 9. AREA OF SUBJECT PROPERTY: | 811m ² |
| 10. AREA OF PROPOSED REZONING: | 811m ² |
| 11. EXISTING ZONE CATEGORY: | RU6 – Two Dwelling Housing |
| 12. PROPOSED ZONE: | C4 – Town Centre Commercial |
| 13. PURPOSE OF THE APPLICATION: | To rezone the subject property to C4 – Town Centre 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 IMPLICATIONS | General Commercial DP |

ATTACHMENTS
(Not included in electronic version of report)

- Location Map
- Site Plan and Ground Floor Plan
- Floor Plan of Upper Floors
- Proposed elevations
- Cross-section
- Photos of existing building