
CITY OF KELOWNA

MEMORANDUM

Date: April 10, 2002

File No.: Z01-1062 / DP01-10,090

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z01-1062 / OWNER: SD-21 VENTURES
DP01-10,090 LTD.(JAMES RAMSAY)

AT: 510 DOYLE AVENUE APPLICANT: BRYAN MURRAY

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE I4 –
CENTRAL INDUSTRIAL ZONE TO THE C7 – CENTRAL
BUSINESS COMMERCIAL ZONE

TO GRANT A DEVELOPMENT PERMIT FOR THE FORM
AND CHARACTER OF THE PROPOSED RESTAURANT

EXISTING ZONE: I4 – CENTRAL INDUSTRIAL

PROPOSED ZONE: C7 – CENTRAL BUSINESS COMMERCIAL

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT Council consider final adoption of Zone Amending Bylaw No. 8803;

AND THAT Council authorize the issuance of Development Permit No. 01-10,090 for Lot A, D.L. 139, ODYD, Plan 25975, located on Doyle 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. Signage to be provided on the land be in general accordance with Schedule "D";
5. 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;

6. The applicant provide payment of cash-in-lieu for one parking stall in the amount of \$7,500.00;

AND 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 wishes to rezone the subject property from the I4 – Central Industrial zone to the C7 – Central Business Commercial zone in order to develop the existing building as a restaurant. Furthermore, he has made application for a Development Permit to be considered concurrently with the rezoning. The Development Permit addresses the proposed exterior changes to the existing building, as well as the form and character of the proposed patio.

3.0 ADVISORY PLANNING COMMISSION

The Advisory Planning Commission reviewed the application at the meeting of December 18, 2001, and the following recommendations were passed:

THAT the Advisory Planning Commission supports Rezoning application No. Z01-1062 by Bryan Murray, Lot 1, Plan 25975, Sec. 24, Twp. 25, ODYD, 510 Doyle Avenue, to rezone from the I4 – Central Industrial zone to the C7 – Central Business Commercial zone;

THAT the Advisory Planning Commission supports Development Permit application No. Z01-1062 by Bryan Murray, Lot 1, Plan 25975, Sec. 24, Twp. 25, ODYD, 510 Doyle Avenue, to develop the existing building as a restaurant.

4.0 BACKGROUND

4.1 Proposal

The subject property is located in downtown Kelowna, on the northeast corner of the intersection of Ellis Street and Doyle Avenue. The property is currently zoned I4 – Central Industrial, and is presently occupied by a custom furniture manufacturer and a bicycle store. The applicant wishes to rezone the property to the C7 – Central Business Commercial zone, which is consistent with the commercial designation of the site in the Official Community Plan. In addition, the applicant has made application for a Development Permit to address the form and character of the restaurant, to be considered concurrently with final rezoning.

The applicant wishes to use the existing building and proposes no major structural changes. He would like to use the southern section of the site, which is not covered with a building, for a large patio. The patio will include wooden trellises with moveable fabric awnings, as well as an herb garden. Four trees and a decorative metal and brick fence are proposed to provide physical and visual separation between the patio and the sidewalk. The two Honey Locust and two Swedish Mayday trees will be located in large planters. The proposed brick section of the fence on the corner of Ellis Street and Doyle Avenue would be located within the 8m

visual triangle and therefore has to be below 1.0m in height. Council has recently considered changes to the Traffic Bylaw, which may reduce the visual triangle required for the subject application. Should Council approve these changes prior to the applicant constructing the fence, the brick section may potentially be constructed higher than 1.0m. The applicant also wishes to construct a shed for storage, which at the same time will serve as a separation between the patio and several parking stalls.

Parking on site will be provided north of the building, with two stalls located on the southeast corner of the building. The latter stalls will be screened from Doyle Avenue by a Pyracantia hedge. The overall number of parking stalls provided would be one stall short of the number required by the City of Kelowna Zoning Bylaw No. 8000. Due to the subject property's location in the Downtown Urban Town Centre, the applicant has the opportunity to pay cash in lieu of parking. He therefore agreed to provide payment of \$7,500.00 in lieu of one parking stall.

The restaurant will occupy the southern section of the ground floor of the building. The remainder of the ground floor is used by a custom indoor manufacturing business, which produces kitchen cabinets. Custom indoor manufacturing businesses are permitted as a principal use under the C7 – Central Business Commercial zone. The second floor of the building is currently vacant.

The applicant wishes to change the façade by finishing it with stucco in two earth tones (light and dark “Pacific Sunset”). In addition, he wishes to add a purple canopy roof over the main entrance. The same colour will be used to accentuate the cornice line and for the fabric canopies. The applicant furthermore wishes to display the name of the restaurant, as well as its logo “Kokopeli”, the mystical flute player from the American Southwest, on the western section of the south elevation. In addition, the name would be displayed on the western façade. Here, the applicant wishes to add a mural, displaying Kokopeli-like figures. Both the fascia signs and the mural would be illuminated by wall mounted lighting.

The application meets the requirements of the C7 – Central Business Commercial zone as follows:

CRITERIA	PROPOSAL	RU6s ZONE REQUIREMENTS
Lot Area (m ²)	1537m ²	200m ²
Lot Width (m)	33.53m	6.0m
Lot Depth (m)	45.89m	30.0m
Floor Area Ratio	0.617	5.0
Total Floor Area (m ²)	949m ²	
Storeys (#)	2 storeys	22.0m or 6 storeys
Setbacks (m)		
- Front	0.0m	0.0m
- Rear	3.05m	0.0m
- Side		
- North	6.2m	0.0m
- South	0.0m	0.0m
Parking Spaces	12 ❶	13

Notes:

- ❶ The proposed parking layout does not provide the sufficient number of parking stalls. The applicant agrees to pay cash in lieu in the amount of \$7,500.00 for one stall.

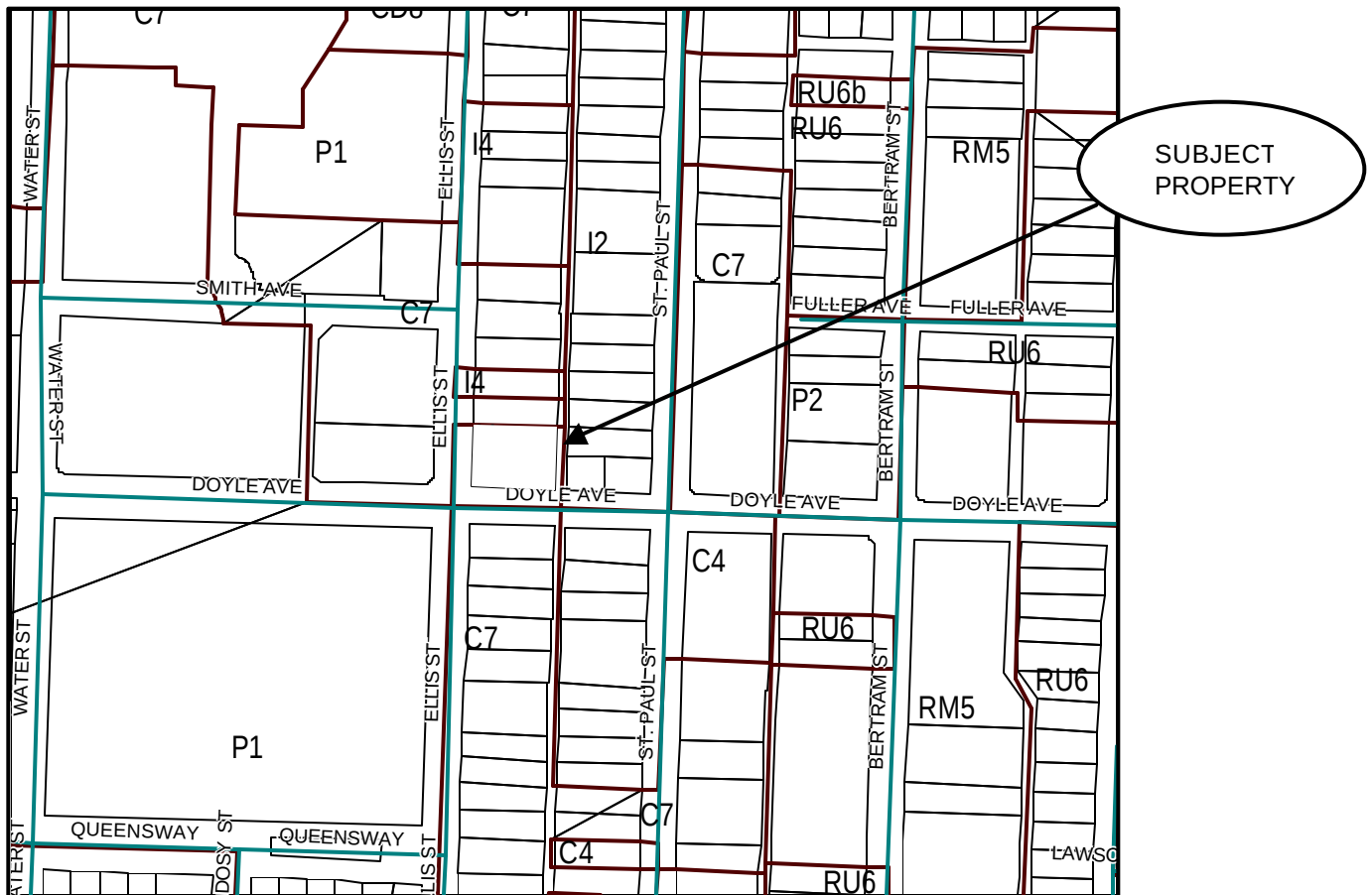
3.2 Site Context

The subject property is located in downtown Kelowna, on the northeast corner of the intersection Ellis Street and Doyle Avenue. All properties to the west, north and south of the site are zoned C7 – Central Business Commercial, the requested zone for the subject property. The properties across the lane to the east are zoned I2 – General Industrial.

Adjacent zones and uses are, to the:

- North - C7 - Central Business Commercial – beauty salon and locksmith
- East - I2 – General Industrial – restaurant and retail store
- South - C7 - Central Business Commercial – parking lot
- West - C7 - Central Business Commercial – public library

Site Location Map



4.3 Existing Development Potential

The property is zoned I4 – Central Industrial, a zone recognizing the historical mix of uses reflected in the fringe area of the central business district. Eating and Drinking Establishments are permitted in this zone.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The property is designated Commercial in the Official Community Plan and the proposed development is consistent with this designation.

The proposed development generally meets the Commercial Development Guidelines. The changes to the building and finishing materials give consideration to adjacent buildings. The visual impact of parking is minimized by locating the stall along the lane and north of the building. The streetscape will be improved visually by locating an attractive patio in front of the building, thereby also greatly improving the pedestrian orientation of the site.

4.4.2 City of Kelowna Strategic Plan (1992)

The Strategic Plan includes the objective to explore innovative approaches to infill and re-development, which preserve important characteristics of local neighbourhoods. The re-development of this section of the existing building to accommodate a restaurant is sensitive to and helps preserve some of the industrial character of the area.

4.4.3 Kelowna Centre Plan

The Kelowna Centre Plan designates the area east of Ellis Street to be developed to downtown commercial uses, and the proposed restaurant is consistent with that designation.

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 & Utilities

The Works & Utilities Department have the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit or the subdivision approval, but are outlined in this report for information only.

1. Domestic Water and Fire Protection

- (a) A new 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 cost will be determined when the size and the location are known.
- (b) Collect \$1,000.00 for the City of Kelowna to decommission the existing small diameter water service.
- (c) The existing building has been fitted with a water meter by the city at the city's cost. The owners must give the city adequate notice to remove the meter. If the meter cannot be recovered, the owners will be billed \$235.00 per meter to compensate for the loss of the meter.

- (c) 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.
- (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.

2. Sanitary Sewer

- (a) The existing building is serviced with a 100mm-diameter sanitary sewer service. That 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.
- (b) Collect \$1,000.00 for the City of Kelowna to decommission one existing 100mm-diameter service if not used.

3. Storm Drainage

- (a) The existing building is serviced with a 200mm diameter storm drainage service connected to Doyle Ave as well as a 100mm service connected to Ellis St to service the drive isle area. These services may be retained for the proposed development, if they are suitable. If larger services or different service locations are necessary, they can be provided at the owner's cost.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which 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 plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems.
- (c) On-site parking stalls must be constructed to a paved standard including on-site drainage disposal. It is noted that the drive isle pavement is in poor condition and the drainage is not functioning. We recommend reconstruction.
- (d) It is noted that the existing catch basin at the Lane access from Doyle Ave is not draining well because of deteriorating concrete and pavement around it. We recommend that repairs be made in conjunction with the other Doyle Ave. curb and gutter reconstruction.

4. Road Improvements

Doyle Avenue:

- (a) Remove and reconstruct the curb and gutter and sidewalk at the existing driveway letdown.
- (b) Reconstruct the boulevard to include a landscaped boulevard consisting of interlocking brick and ornamental tree pockets including an underground irrigation system.

Ellis Street:

- (a) Reconstruct the driveway access to the rear parking. Remove the existing curb, gutter and sidewalk and replace.

Public Lane

- (a) The lane pavement is in poor condition and the drainage is not functioning properly.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Dedicate 1.31m lane widening along the east lane frontage to provide one half of the required widening for a future 7.50m commercial lane.
- (b) Grant statutory-rights-of-way without charge, if required for utility services.
- (c) Dedicate a 6.00m radius corner rounding of the Ellis Street / Doyle Avenue corner. See item 14. (f).

The applicant applied for a technical subdivision, which has been signed by the Subdivision Approving Officer. The applicant has since undertaken the registration of the road dedication.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by underground ducting. 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. 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.

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, and in conformance with the City of Kelowna Subdivision Development & Servicing Bylaw No. 7900, the owner is eligible to apply for latecomer protection for the following:

(a) Lane paving.

11. Geotechnical and Environmental Report

As a requirement of this application and/or prior to issue of a building permit, the following will be required:

(a) A geotechnical assessment to verify the site suitability for development, unstable soils, etc.

(b) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

(c) Provide an environmental site profile to identify any site contamination, which may be the result of former land uses.

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 and Levy Summary

(a) Bonding

Total Bonding

\$10,000.00

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so.

Bonding for required off-site construction must be provided as a condition of subdivision approval or building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to 4th reading of the zone amending bylaw or issuance of a building permit.

(b) Levies

Disconnect small diameter water service. \$1,000.00

14. Development Permit and Site Related Issues

- (a) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of dry-wells and perforated pipe bedded in drain rock. See item 3 (c).
- (b) The developer must provide a location for screened garbage bins on the site that is accessible to an SU-9 standard-size garbage truck.
- (c) Provide a detailed, functional and dimensioned parking layout plan taking into consideration lane access etc. It should be noted that parking stalls with access from a public lane must be a minimum of 1.2m longer than stalls with driveway access from internal drive aisles.
- (d) Provide cash-in-lieu of for deficient parking stalls.
- (e) Provide bicycle-parking space for a minimum of six bicycles in a visible location at the front of the building.
- (f) Remove any proposed site construction from the dedicated corner rounding area. See item 5. (c).

15. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

5.2 BC Gas

No concerns with rezoning. Existing gas service may require billable upgrade or relocation as required for new occupancy.

5.3 Fire Department

Fire department access and hydrants as per the City of Kelowna Subdivision By-law and B.C. Building Code. Engineered fire flows should determine hydrant requirements. Proposed exiting from restaurant should be reviewed.

5.4 Inspection Services

1. The separation between the restaurant and the furniture shop shall have a 2 hr. rating. Door opening may need additional drywall.
2. The roof of the building shall have a 3/4 hr. rating.
3. The existing water service will require upgrading based on new fixture demand.
4. Access to the second exit is through the kitchen, this is not recommended. Check with Fire Prevention Officer.

5.5 Parks Manager

1. There is no landscape plan attached.
2. All entry feature signs for the proposed development to be located on private property. This includes any landscape treatment around the entry feature.
3. Trees planted in sidewalk and not in grass Blvd will require a vault and grate and/or root shield barriers. All trees in grass Blvd to use root shield barriers to prevent damage to curbs and sidewalks.
4. 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.
5. 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.
6. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
7. BLVD tree maintenance is responsibility of Parks Division. Planting plan to include all u/g utility locations in BLVD.

5.6 Public Health Inspector

No objection to the development proposal. Floor plan approval pending.

5.7 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

The Planning and Development Services Department has no concerns with the proposed rezoning of the property from I4 – Central Commercial to C7 – Central Business Commercial. The commercial zoning is consistent with the proposed use, as well as with the OCP designation and existing adjacent zones.

The proposed development generally meets the Commercial Development Guidelines. The proposed patio and façade changes will improve the streetscape at this prominent downtown intersection. The changes to the building and finishing materials give consideration to adjacent buildings. Furthermore, the majority of parking stalls will be located behind the building and will therefore have no negative visual impact on the development.

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.:** Z01-1062 / DP01-10,090
2. **APPLICATION TYPE:** Rezoning and Development Permit
3. **OWNER:** SD-21 Ventures Ltd/. (James Ramsay)
 - **ADDRESS** #204A – 1449 St. Paul Street
 - **CITY** Kelowna
 - **POSTAL CODE** V1Y 2E4
4. **APPLICANT/CONTACT PERSON:** Bryan Murray
 - **ADDRESS** #5 – 1455 Harvey Avenue
 - **CITY** Kelowna
 - **POSTAL CODE** V1Y 6E9
 - **TELEPHONE/FAX NO.:** 860-3150 / 860-3183
5. **APPLICATION PROGRESS:**
 - Date of Application:** December 3, 2001
 - Date Application Complete:** N/A
 - Servicing Agreement Forwarded to Applicant:** N/A
 - Servicing Agreement Concluded:** December 11, 2001
 - Staff Report to APC:** January 22, 2002
 - Staff Report to Council:**
6. **LEGAL DESCRIPTION:** Lot A, D.L. 139, ODYD, Plan 25975
7. **SITE LOCATION:** Downtown Kelowna, on the northeast corner of the intersection Ellis Street and Doyle Avenue
8. **CIVIC ADDRESS:** 510 Doyle Avenue
9. **AREA OF SUBJECT PROPERTY:** 1537m²
10. **AREA OF PROPOSED REZONING:** 1537m²
11. **EXISTING ZONE CATEGORY:** I4 – Central Industrial
12. **PROPOSED ZONE:** C7 – Central Business Commercial
13. **PURPOSE OF THE APPLICATION:** To construct a restaurant with patio in the existing building
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** 02-081-19577
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** General Commercial DP

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plan
- Proposed front and side elevations
- Conceptual drawing of building and patio
- Proposed exterior colours