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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** January 2, 2003  
**File No.:** (3360-20) **Z02-1050**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

APPLICATION NO. Z02-1050

OWNER: 1931 VENTURE INC. (INC.  
NO. 250090) & ORLANDO  
UNGARO

AT: 1955 BARON ROAD

APPLICANT: MILLER & WYATT LTD.

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE C4 –  
TOWN CENTRE COMMERCIAL ZONE TO THE C10 – SERVICE  
COMMERCIAL ZONE TO PERMIT AUTOMOTIVE AND MINOR  
RECREATIONAL VEHICLE SALES / RENTALS AS A PRINCIPAL  
PERMITTED USE

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

PROPOSED ZONE: C10 – SERVICE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0 RECOMMENDATION**

THAT Rezoning Application Nol Z02-1050 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, DL 532, O.D.Y.D., Plan KAP58763, located on Baron Road, Kelowna, B.C., from the C4 – Town Centre Commercial zone to the C10 – Service Commercial zone be considered by Council;

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

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;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

## 2.0 SUMMARY

The applicants wish to develop the subject property with a commercial building for the use as an automotive parts sales and distribution centre. As the current zone of C4 – Town Centre Commercial does not permit Automotive and Minor Recreational Vehicle Sales/Rental as a principal permitted use, the applicants have made an application to rezone the subject property to the C10 – Service Commercial zone, a zone that permits Automotive and Minor Recreational Vehicle Sales/Rental as a principal permitted use.

### 2.1 Advisory Planning Commission

The above noted application (Z02-1050) was reviewed by the Advisory Planning Commission at the meeting of November 26, 2002 and the following recommendation was passed:

That the Advisory Planning Commission supports Rezoning Application No. Z02-1050, 1955 Baron Road, Lot 2, Plan 58763, Sec. 21, Twp. 26, ODYD, by Miller & Wyatt Ltd., to rezone from the C4-Town Centre Commercial zone to the C10-Service Commercial zone in order to permit the use of the property for the sale of automotive parts and accessories;

## 3.0 BACKGROUND

### 3.1 The Proposal

The subject property is located on Baron Road directly across from the Canadian Tire Store site. The property was created in 1996 at the time of the major redevelopment of the Canadian Tire Store and the associated Baron Road Extension. At that time, the property was zoned C-3 (Community Commercial).

In 1998, when Zoning Bylaw 8000 was adopted, the property became zoned C4 – Town Centre Commercial zone, a zone that does not permit the use of the property as an automotive parts sales and distribution centre. At that time, the C4 zoning was applied to encourage more pedestrian friendly uses and site design within the Springfield Town Centre.

This current application seeks to rezone the subject property from the C4 – Town Centre Commercial zone to the C10 – Service Commercial zone to permit the use of the property for an automotive parts sales and distribution centre. A Development Permit application to authorize construction of a 1,402 m<sup>2</sup> commercial building has been made concurrently with the application to rezone. Council will have an opportunity to further review the form and character of the proposed development in the future when the Development Permit application is considered.

The site plan for the proposed development indicates access from Baron Road at both the northwest corner and the southwest corner. The access at the northeast corner of the site is located on an area of the property that is protected by a reciprocal access agreement to provide physical access to the mobile home park (Peacock Mobile Home Park) that is located to the east of the subject property. The site plan indicates that the proposed building is located near the east property line, adjacent to the BC Gas right of way. The site is proposed to be developed with surface parking located adjacent to the Baron Road frontage and the rear property line on top of the BC Gas right of way. There is also a one-way access driveway located along the south property line to provide

access to the rear parking area and to provide truck access to the loading dock area located at the rear of the building.

The landscape plan submitted with the application shows a 3.0m landscape area adjacent to the Baron Road frontage along the entire frontage, as well as a 1.5 m wide landscape strip along the rear property line adjacent to the existing mobile home site.

The floor plan for the proposed building indicates that proposed building is divided into two spaces. The west 1053 m<sup>2</sup> is anticipated to be used for the automotive parts sales and distribution centre for Miller & Wyatt Ltd., a local automotive supplier with outlets located in both the Downtown and Rutland town centres. It is anticipated that these smaller operations will be consolidated into this new larger location. The remaining 349 m<sup>2</sup> is anticipated to be used for lease space.

The floor plan for Miller & Wyatt Ltd. indicates washrooms and a meeting / lunch room located on the ground floor at the southwest corner of the building. The mezzanine level is designed with offices and storage space.

The proposed building is designed as a concrete building constructed with tilt-up concrete panels. The front elevation indicates store front glazing located at regular intervals along the entire front of the proposed building. The front elevation also includes horizontal design elements that are located above the ground floor windows and above the mezzanine level windows, and run the entire length of the front elevation. The front of the building includes two areas that have a raised parapet height that provide for glazed entry area. The area above the entry store front glazing are designed to be finished with glazed “spandrel” opaque glass panels. The remaining three building elevations are proposed to be constructed of tilt up concrete panels, and finished with same painted finishes as the front of the building.

The proposal as compared to the C10 zone requirements is as follows:

CRITERIA	PROPOSAL	C10 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	4,815 m <sup>2</sup>	1,000 m <sup>2</sup>
Site Width (m)	114 m	40 m min.
Site Coverage (%)	29%	60%
Total Floor Area (m <sup>2</sup> )	1,402.8 m <sup>2</sup>	max. 3,129.7 m <sup>2</sup> @ FAR = 0.65
F.A.R.	0.29	0.65 max
Storeys (#)	1 storey	3 storeys (12.0 m)
Setbacks (m)		
- Front	4.5 m	2.0 m
- Rear	18.5 m	0.0 m
- North Side	3.6 m	0.0 m
- South Side	6.1 m	4.5 m abutting a residential zone
Parking Stalls (#)	37 stalls provided	2.2 stalls per 100 m <sup>2</sup> GFA 1403/100x2.2=31stalls x 125%=39
Loading Stalls (#)	1 loading provided	1 per 1900 m <sup>2</sup> GFA

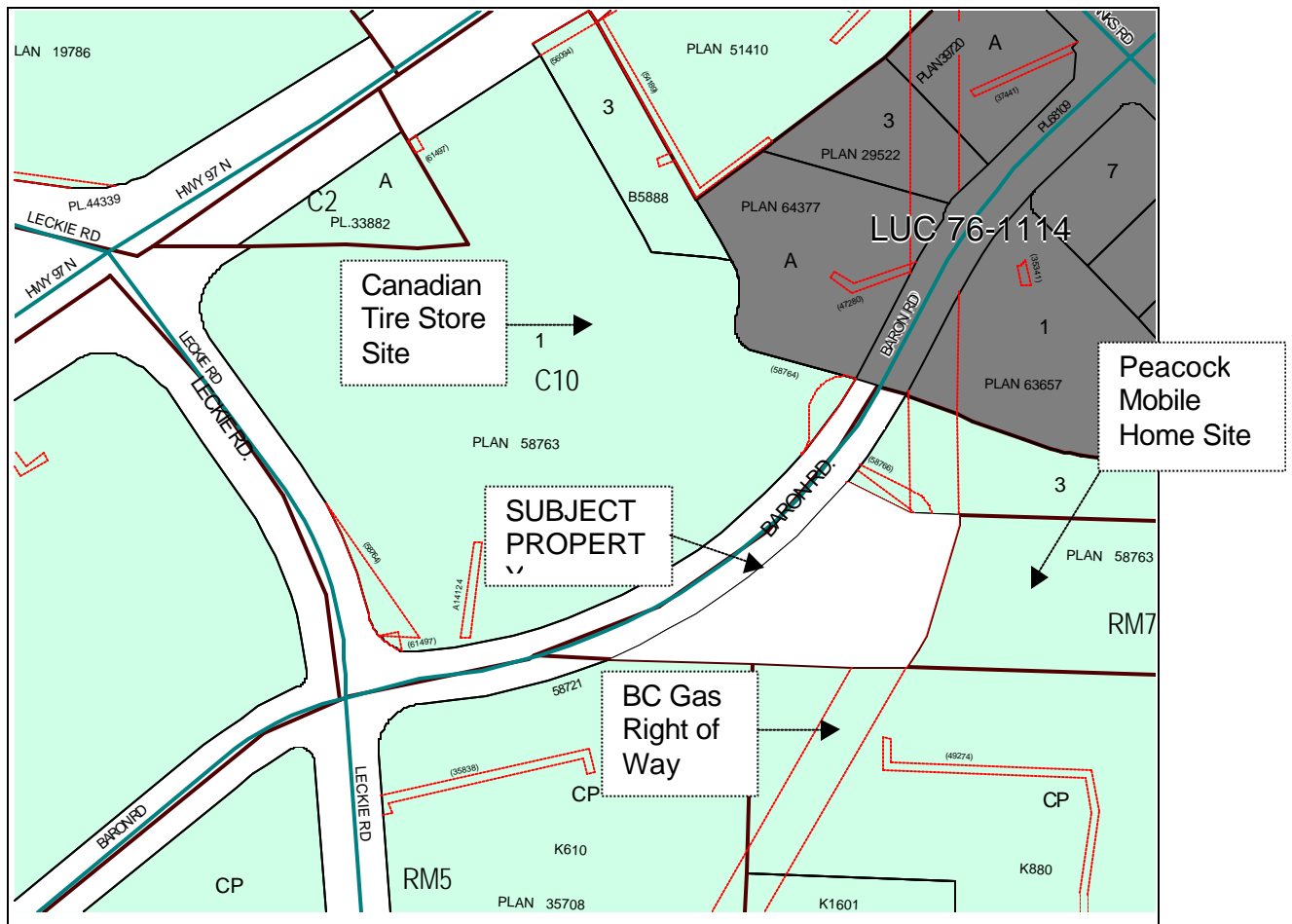
### 3.2 Site Context

The subject property is generally flat and level. The lot has a major natural gas transmission line and associated right of way located adjacent to the east property line.

Adjacent zones and uses are, to the:

- North - C4 – Town Centre Commercial – vacant lot
- East - RM7 – Mobile Home Park – Mobile Home Park uses
- South - RM3 – Low Density Multiple Housing - row housing  
RM5 – Medium Density Multiple Housing - apartment housing
- West - C10 – Service Commercial/Baron Rd, Canadian Tire Store

#### SUBJECT PROPERTY MAP



### 3.3 Existing Development Potential

The existing zoning of C4 – Town Centre Commercial allows for; amusement arcades – major, animal clinics, apartment hotels, business support services, care centres – intermediate and major, commercial schools, congregate housing, custom indoor manufacturing, eating and drinking establishments – major and minor, emergency and protective services, financial services, funeral services, gas bars, government services, group homes – major, health services, hotels, motels, non-accessory parking, offices, participant recreation services – indoor, personal service establishments, private clubs, public libraries, recycled materials drop-off centres, religious assemblies, retail stores – convenience and general, spectator entertainment establishments, temporary shelter services, used goods stores, utility services – minor impact, and beer/wine stores as principal permitted uses, and amusement arcades – minor, apartment housing, card centre – minor, and home based businesses – minor as permitted secondary uses.

### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

The proposed zone is consistent with the “Commercial” Future Land Use designation of the City of Kelowna Official Community Plan.

The proposed building form and character are consistent with the Official Community Plan which also includes general 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 buildings shall be designed in a manner which appropriately addresses adjacent uses and structures,
- 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.

#### 3.4.2 City of Kelowna Strategic Plan (1992)

The application is consistent with the Strategic Plan, as follows:

“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.”

#### 4.0 TECHNICAL COMMENTS

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

##### 4.1 Aquila Networks Canada

Pending

##### 4.2 B.C. Gas

Gas is available in the area. A main extension review will be done when 10 wk min. notice is given by development representative.

##### 4.3 Fire Department

Engineered fire flows required.

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

##### 4.4 Inspection Services Department

The maximum size of the mezzanine in the Miller Wyatt space shall be 1134 sq. ft.

The parking calculations are high. The parking should be 2.2 stalls per 100m<sup>2</sup> (Retail Stores - Service Commercial); this would require 31 stalls. They have extra parking, but with the windows shown it appears that a second floor or mezzanines may be added. The extra stalls would permit only 2580 sq. ft. of office space.

More exit doors may be required depending on floor layouts and rack storage.

Ensure the access to the trailer park meets the minimum fire fighters access requirements.

Automatic doors required for retail tenants over 500 m<sup>2</sup>.

##### 4.5 Ministry of Transportation

No Objections

##### 4.6 Public Health Inspector

No objection provided that community sewer & water are utilized.

##### 4.7 Telus

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

##### 4.8 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this development application.

1. General

Provide easements as required.

2. Road improvements

- a) The frontage of the property is urbanized to a level consistent with the current Development and Servicing Bylaw. The proposed development requires the construction of a new driveway at the westerly end of the subject property. The estimated cost for this work, for bonding purpose, would be \$5,200.00, inclusive of a bonding contingency.
- b) The concept drawing submitted in support of the application shows the removal of a section of the median. The removal of any portion of the median is not supported by Works and Utilities.

3. Geotechnical.

Prior to any building construction it is recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays,

4. Domestic Water and Fire protection.

- a) The property is serviced by the City of Kelowna water distribution system and as such, all fees associated with the connection to the system will have to be determined and paid in full prior to the issuance of a plumbing permit.
- b) 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 the 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.
- c) The water system must be capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw. The applicant must provide water computations for this development to confirm the available water supply.

5. Drainage.

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.

The storm water must be detained on site by providing catch basins, drywells all interconnected by perforated pipes.

6. Sanitary Sewer.

The property is not currently serviced by the municipal wastewater collection system. A sanitary sewer service has been installed at the property line and it is a requirement of this application to connect and pay all the connection application fees.

The estimated connection cost to Sewer Service Area # 23 is \$6,900.00 (2002) per equivalent Dwelling Unit (EDU). For a commercial property the formula is one EDU per 2600 sq. ft., therefore 5.81 EDU (15,100 sq. ft. / 2600) are attributable to this development. The total cost based on the current estimated charge is 5.81 EDU x \$6,900.00 = \$ 40,089.00. The exact cost is to be determined at the time when an application for a building permit is made.

7. 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.

8. Access.

It is recommended that a reciprocal access agreement with Lot 3 plan 58763 be registered on title as a priority charge to ensure that a common driveway for both properties, to be located directly across the access to Canadian Tires, is constructed when lot 3 is developed in the future.

9. Power and Telecommunication Services.

The services to and fronting 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.

10. Levies and performance bonding.

Levies to be collected at the time of a building application.

Construction of driveway

\$5,200.00

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The subject property was created in 1996 as part of the Baron Road extension that was facilitated by the redevelopment of the Canadian Tire Store site. The subject property has a major natural gas line right of way along the east property line and an access



easement along the north property line to provide access to the existing Peacock Trailer Park located east of the subject property.

The Planning and Development Services Department does not have concerns with the application to rezone the subject property from the existing zone of C4 – Town Centre Commercial to the proposed C10 – Service Commercial zone. Baron Road is a busy parallel link to Highway 97, and the subject property is located across from the Canadian Tire Store, a property that currently is zone C10 – Service Commercial.

It is anticipated that in the future, when the property to the north develops, that the driveway access will be relocated from the existing location, to a location at the north end of Lot 3, Plan 58763, in order that this new driveway will line up with the existing driveway from the Canadian Tire property located across Baron Road.

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

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

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

PMc/pmc  
Attach.

**FACT SHEET**

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| <b>1. APPLICATION NO.:</b>   | Z02-1050  |
| <b>2. APPLICATION TYPE:</b>  | Rezoning  |
| <b>3a. OWNER:</b><br>· ADDRESS<br>· CITY<br>· POSTAL CODE  | 1931 Venture Inc. (Inc. No. 250090)<br>1-1890 Cooper Rd.<br>Kelowna, BC   |
| <b>3b. OWNER:</b><br>· ADDRESS<br>· CITY<br>· POSTAL CODE  | Orlando Ungaro<br>1497 Alta Vista Rd,<br>Kelowna, BC<br>V1Y 6K9   |
| <b>4. APPLICANT/CONTACT PERSON:</b><br>· ADDRESS<br>· CITY<br>· POSTAL CODE<br>· TELEPHONE/FAX NO.:  | Miller & Wyatt Ltd. (Brian Wyatt)<br>487 Leon Ave.<br>Kelowna, BC<br>V1Y 6J4<br>763-5111/763-7151   |
| <b>5. APPLICATION PROGRESS:</b><br>Date of Application:<br>Date Application Complete:<br>Servicing Agreement Forwarded to Applicant:<br>Servicing Agreement Concluded:<br>Staff Report to Council: | October 30, 2002<br>November 4, 2002<br>January 2, 2003<br>@<br>January 2, 2003   |
| <b>6. LEGAL DESCRIPTION:</b>   | Lot 2, DL 532, O.D.Y.D., Plan KAP58763  |
| <b>7. SITE LOCATION:</b>   | Southeast side of Baron Road,<br>Between Leckie Road and Banks Road.  |
| <b>8. CIVIC ADDRESS:</b>   | 1955 Baron Rd.  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  | 4815 M <sup>2</sup>   |
| <b>10. AREA OF PROPOSED REZONING:</b>  | 4815 M <sup>2</sup>   |
| <b>11. EXISTING ZONE CATEGORY:</b>   | C4 – Town Centre Commercial   |
| <b>12. PROPOSED ZONE:</b>  | C10 – Service Commercial  |
| <b>13. PURPOSE OF THE APPLICATION:</b>   | To Rezone The Subject Property From The C4 – Town Centre Commercial Zone To The C10 – Service Commercial Zone To Permit Automotive And Minor Recreational Vehicle Sales/Rentals As A Principal Permitted Use, |

- |     |   |            |
|-----|---|------------|
| 14. | <b>MIN. OF TRANS./HIGHWAYS FILES NO.:</b>   | 2-81-20087 |
|     | <b>NOTE: IF LANDS ARE WITHIN 800 m OF A</b> | 2-81-20088 |
|     | <b>CONTROLLED ACCESS HIGHWAY</b>            |            |
| 15. | <b>DEVELOPMENT PERMIT MAP 6.2</b>           | N/A        |
|     | <b>IMPLICATIONS</b>                         |            |

Attachments

Subject Property Map  
5 pages of site elevations / diagrams