
CITY OF KELOWNA

MEMORANDUM

Date: January 21, 2004
File No.: Z03-0061

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z03-0061

OWNER: Scandilog Homes Ltd.

AT: 1937-1939 Harvey Ave

APPLICANT: Carl Scholl Design/
Scandilog Homes

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE C10 – SERVICE COMMERCIAL ZONE TO THE C3 – COMMUNITY COMMERCIAL ZONE.

EXISTING ZONE: C10 – SERVICE COMMERCIAL ZONE

PROPOSED ZONE: C3 – COMMUNITY COMMERCIAL ZONE

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z03-0061 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, D.L. 129, ODYD located on Harvey Avenue, Kelowna, B.C. from the C10- Service Commercial zone to the C3- Community Commercial zone be considered by Council;

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 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;

2.0 SUMMARY

The applicant is proposing to rezone the subject property from C10 – Service Commercial Zone to the C3 – Community Commercial in order to permit the commercial retail use of proposed building. The associated application for Development Permit is required to allow for the construction of a new commercial building.

3.0 ADVISORY PLANNING COMMISSION

The above-noted applications were reviewed by the Advisory Planning Commission at the meeting of November 25, 2003, and the following recommendations were passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z03-0061; 1937 & 1939 Harvey Avenue, Lot 2, Plan 18138, Sec. 20, Twp. 26, Carl Scholl Design (Carl Scholl)/ Scandilog Homes Ltd.; to rezone the property from the C10 – Service Commercial zone to the C4 – Town Centre Commercial zone;

AND THAT the Advisory Planning Commission supports Development Permit Application No. DP03-0145; 1937 & 1939 Harvey Avenue, Lot 2, Plan 18138, Sec. 20, Twp. 26; Carl Scholl Design (Carl Scholl)/Scandilog Homes Ltd. to obtain a Development Permit to allow for the construction of a new 1,064 m² commercial/retail building subject to landscaping being provided in accordance with the Zoning Bylaw requirements.

The applicant submitted revised landscaping plans providing adequate landscaping on-site and with the boulevard.

4.0 BACKGROUND

4.1 The Proposal

The subject property is located on Harvey Avenue. An access easement runs along the front property line adjacent to the highway. Access to the development will be via the access road. The applicant is seeking to rezone the property to the C3 – Community Commercial zoning in order to allow the use of the proposed new commercial building as a retail store. The proposed one storey building consists of two commercial units. The proposed building façade is to be yellow acrylic stucco with matching brown accents. The front façade of the building, fronting Harvey Avenue, will consist largely of a glass curtainwall. Window trim, doors, and canopies are to be finished with a black anodized metallic finish.

The proposed landscaping consists of four small landscaped islands adjacent to the west property line. The landscaping is also proposed on the boulevard. The area between the highway and the sidewalk will be grassed. The portion of the boulevard located between the sidewalk and the access road will contain four trees as well as numerous plantings. Adequate parking is proposed at the front and rear of the property. Bicycle parking is located at the front of the building. Adjacent to the building at the rear of the site, two loading spaces are provided.

The application meets the requirements of the proposed C3 – Community Commercial zone as follows:

CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Site Area (m ²)	3019.25m ²	460.0 m ²
Site Width (m)	39.6m	40.0m
Site Depth (m)	76.2m	30.0m
Site Coverage (%)	32.5%	50.0%
Total Floor Area (m ²)	1064.3	
F.A.R.	0.35	1.0
Height (m)	7m (11.255 to sign)	15.0 m
Storeys (#)	1	4
Setbacks (m)		
- Front (South)	9.1m	3.0 m
- Rear (North)	19.8m	0.0 m
- Side (East)	7.7m	0.0 m
- Side (West)	0.2m	0.0 m
Parking Stalls (#)	40	3.0 per 100 m ² (32 required)
Driving Aisle Width	7.5m	7.0m
Bicycle Stalls (#)	9	9 Total - 0.2 per 100 m ² GLA ; or 1 per 10 employees (Class I); 0.6 per 100 m ² GLA (Class II)
Loading Stalls (#)	1 stall 28m ²	1 stall per 1900 m ² GFA 28m ²

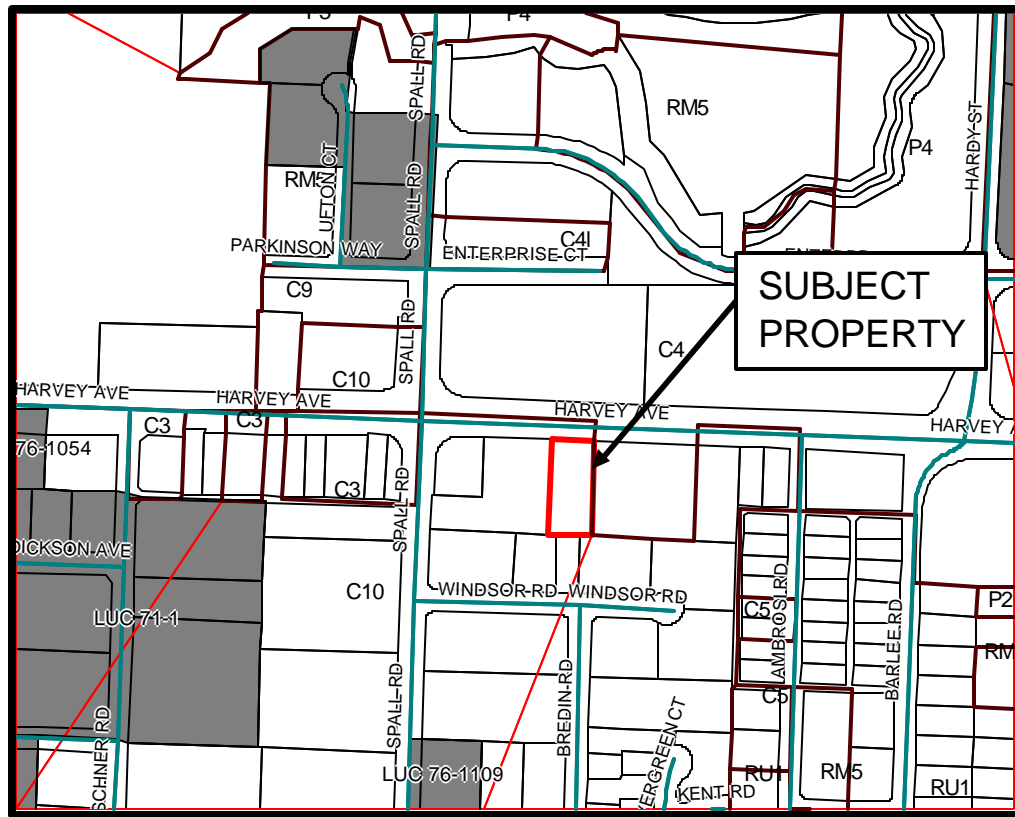
4.2 Site Context

The subject property is located on Harvey Avenue between Spall Road and Barlee Road.

Adjacent zones and uses are, to the:

North - C10- Service Commercial
 East - C10- Service Commercial
 South - C10- Service Commercial
 West - C10- Service Commercial

Site Location Map



4.3 Existing Development Potential

The purpose of the C10- Service Commercial is to designate and preserve land for the accommodation of a mix of commercial uses, including vehicular oriented areas, not provided for in other zones.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The proposal is consistent with the future land use designation as commercial in the Official Community Plan. While currently consistent with existing policies, future amendments to the OCP will seek to discourage the conversion of C10-Service Commercial zoned areas to C3- Community Commercial. Staff feel that the conversion of C10 site to C3 sites will result the relocation of C10 buildings further along the highway corridor resulting in sprawl, servicing extensions/upgrades and increased travel distances for employees and patrons. By discouraging the redevelopment of C10 for C3 uses, there will be reduced pressure for extensions of highway oriented commercial development in a linear pattern and reduce competition for businesses that should be located in Urban Centres.

5.1 City of Kelowna Strategic Plan (1992)

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.

5.0 TECHNICAL COMMENTS

5.1 Aquila Networks

Additional servicing, if required, to be underground.

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

No concerns.

5.4 Ministry of Transportation

No objection. No direct access to Harvey, all access via existing easement frontage road.

5.5 Parks Department

No planting details were provided for City BLVD. Please provide planting plan to Parks for review.

5.6 Interior Health

No comment.

5.7 RCMP

No comment.

5.8 Shaw Cable

Owner/developer to supply and install an underground conduit system as per Shaw Cable drawings & specifications.

5.9 Telus

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

5.10 Terasen

Developer should plan on using existing gas service off Harvey Ave. Plan metering facilities location accordingly.

5.11 Works & Utilities

The Works & Utilities Department have the following requirements associated with this rezoning and development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit, but are outlined in this report for information only. These are W. & U. initial comments and are subject to MOT requirements

5.11.1 Domestic Water and Fire Protection

- (a) The proposed development site is serviced with a 19mm-diameter copper water service. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development, and establish if this service can be utilized or if a larger service is required. Unused services must be removed by City Forces at the applicant's cost, and if a service change is required, it can be provided at the applicant's cost.
- (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 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 boulevard irrigation system must be integrated with the on-site irrigation system.

5.11.2 Sanitary Sewer

- (a) The proposed development site is serviced with a 100mm-diameter sanitary service. The 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.

5.11.3 Storm Drainage

- (a) 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. The on-site drainage

system may be connected to the street drainage system with an overflow service.

- (b) Provide a lot grading plan.

5.11.4 Road Improvements

- (a) Harvey Avenue along the frontage of this development site must be upgraded to a full urban standard including curb and gutter, separate sidewalk, fillet pavement, irrigated boulevard landscaping and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The proposed work must be approved by Ministry of Transportation and constructed to their Standards. The estimated cost of this construction for bonding purposes is \$18,500.00.
- (b) The existing frontage road (9.14m wide) must be fully upgraded to a paved standard including curb and gutter and landscaped boulevard. This will be a requirement of the issuance of a building permit.

5.11.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Grant statutory rights of way if required for utility services.
- (b) The existing frontage road easement (Plan A8352) must remain in place.

5.11.6 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 an underground service. 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.

5.11.7 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.

5.11.8 Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

5.11.9 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.

5.11.10 Bonding and Levy Summary

(a) Bonding

Harvey Ave frontage improvements	\$ 18,500.00
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Total Bonding	<u>\$ 18,500.00</u>
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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.

5.11.11 Development Permit and Site Related Issues

(a) The existing frontage road, which is covered by easement plan A8352, (9.14 m wide), presents a problem in its present location. There is minimal stacking distance for vehicles turning in off the highway and the driveway slope is too steep over that short distance. It is recommended that the private road be shifted 6.0 m to the south. This would permit installation of a row of parking stalls along the highway frontage boulevard and increase the entrance driveway vehicle stacking length. Although the current applicant will not be required to relocate his section of frontage road at this time, the site layout must be configured to permit this to happen in the future.

(b) The City will pursue the access road realignment with the neighbouring businesses as well as the business at the Ambrosi Street corner.

5.11.12 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.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns at this time with the proposed change in zone and permitted land uses. The Official Community Plan currently supports commercial future land uses on the subject property. While future amendments to the Official Community Plan aim to discourage the rezoning of C10 zoned properties to the C3 zoning, Staff acknowledge that the adjacent properties to the north and east are currently zoned C4 - Town Centre Commercial and provide for retail uses. The C3 – Community Commercial zoning allow for similar commercial uses. Staff are therefore supportive of the proposed rezoning.

The applicant has revised the site plan and elevation drawings to address Staff concerns with the proposed development. As the Sign Bylaw does not permit signage to be located on a roof or parapet, the applicant was required to relocate signage from the parapets. Fascia signs are therefore proposed directly above the front doors of the retail units. In addition, the applicant has revised the landscape plan to show both the proposed landscaping on-site and on the adjacent boulevard. Adequate landscaping is proposed. The applicant has also relocated the bicycle parking to the front of the property to facilitate use of customers of the retail units as well as increased the size of the required loading space to meet the minimum required size of 28 m². The proposed building designs uses different materials and architectural details, such as parapets, to provide visual interest to the buildings. The associated Development Permit application will address the form and character of the proposed development.

Works & Utilities has noted that the existing frontage road presents problems in its current location due to stacking distances to the highway and driveway slopes. While acceptable in its current location at this time, as the adjacent sites redevelop, Works & Utilities want the access road relocated 6.0 metres to the south. At that time, it is recommended that the applicant relocate the parking to the current location of the frontage road.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

FACT SHEET

1. **APPLICATION NO.:** Z02-1060
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** Scandilog Homes
· **ADDRESS** P.O. Box 716
· **CITY** Penticton, BC
· **POSTAL CODE** V1Y 1J6
4. **APPLICANT/CONTACT PERSON:** Carl Scholl Design
· **ADDRESS** 203 – 347 Leon Avenue
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 8C7
· **TELEPHONE/FAX NO.:** 763-7800/762-0072
5. **APPLICATION PROGRESS:**
 Date of Application: November 3, 2003
 Date Application Complete: December 19, 2003
 Servicing Agreement Forwarded to Applicant: n/a
 Servicing Agreement Concluded: n/a
 Staff Report to APC: November 19
 Staff Report to Council: January 20, 2003
6. **LEGAL DESCRIPTION:** Lot 2, DL 128, ODYD, Plan 18138
7. **SITE LOCATION:** on Harvey Avenue between Spall Road and Ambrosi Road
8. **CIVIC ADDRESS:** 1937-1939 Harvey Avenue
Kelowna, BC
9. **AREA OF SUBJECT PROPERTY:** 3019.25m²
10. **AREA OF PROPOSED REZONING:** 3019.25m²
11. **EXISTING ZONE CATEGORY:** C10- Service Commercial
12. **PROPOSED ZONE:** C3 – Community Commercial
13. **PURPOSE OF THE APPLICATION:** TO REZONE THE SUBJECT PROPERTY FROM THE C10 – SERVICE COMMERCIAL ZONE TO THE C3 – COMMUNITY COMMERCIAL ZONE.
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** u/k
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** Hwy

ATTACHMENTS

(not attached to the electronic version of the report)

- **Location of subject property**
- **Site plan**
- **Elevations**
- **Landscaping Plan**