
CITY OF KELOWNA

MEMORANDUM

Date: January 6, 2004
File No.: **DP03-0111/DVP04-0002**

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. **DP03-0111**
DVP04-0002

OWNER: Petro-Canada

AT: 520 Cawston Avenue
1265 Ellis Street

APPLICANT: R492 Enterprises (Ken Webster)

PURPOSE: TO CONSTRUCT A MIXED-USE COMMERCIAL/RESIDENTIAL DEVELOPMENT (60 RESIDENTIAL UNITS AND 562.6M² OF RETAIL SPACE)

TO VARY THE REQUIRED PARKING FOR THE COMMERCIAL COMPONENT OF THE DEVELOPMENT FROM 8 STALLS REQUIRED TO 0 STALLS PROPOSED

EXISTING ZONE: I2- GENERAL INDUSTRIAL / I4 – CENTRAL INDUSTRIAL

PROPOSED ZONE: C7 – CENTRAL BUSINESS COMMERCIAL

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 9145 be considered by Council;

AND THAT Final Adoption of Text Amendment Bylaw No. 9144 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP03-0111 for Lot 2, ODYD Plan 3585 and Lots 10,11,12, ODYD Plan 1303, Ellis Street and Cawston 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. 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;

AND THAT Council NOT authorize the issuance of Development Variance Permit No. DVP04-0002; Lot 2, ODYD Plan 3585 and Lots 10,11,12, ODYD Plan 1303 , located on Ellis Street and Cawston Avenue, Kelowna, B.C.;

AND FURTHER 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 is seeking Council approval of a development permit for the form and character of a proposed mixed-use commercial/residential building at the north-east corner of Ellis Street and Cawston Avenue. The applicant is also seeking to vary the parking requirements for the commercial portion of the development.

The applicant has also proposed to rezone the subject property from the I2-General Industrial zone and I4 – Central Industrial zone to the C7-Central Business Commercial zone in a related application.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of November 25th, 2003 it was resolved:

THAT the Advisory Planning Commission support Rezoning Application No. Z03-0056, 520 Cawston Avenue & 1265 Ellis Street; Lots 10, 11, & 12, Plan 1265, & Lot 2, Plan 3585, Sec. 25, Twp. 25, ODYD, R492 Enterprises Ltd., to rezone the property from the I2 – General Industrial and I4 – Central Industrial to the C7 – Central Business commercial zone.

4.0 BACKGROUND

The subject properties are currently vacant. They were previously occupied by a Petro-Canada gas station. Petro-Canada is currently the registered owner of the subject properties.

4.1 The Proposal

The applicant is seeking Council approval of a development permit for the form and character of a proposed mixed-use commercial/residential building at the north-east corner of Ellis Street and Cawston Avenue. Furthermore the applicant is seeking to vary the parking requirements for the commercial portion of the development.

The applicant is also proposing to rezone the subject property from the I2-General Industrial zone and the I4 – Central Industrial zone to the C7-Central Business Commercial to accommodate a proposed mixed-use commercial/residential development.

The proposed building will be 4.5 storeys in height and will be constructed in a style which complements the new library.

At grade the building will accommodate 562.6m² of commercial space fronting onto both Ellis Street and a portion of Cawston Avenue. At grade the applicant is also proposing to accommodate 60 parking spaces under the building. Access to the parking area will be via Cawston Avenue.

The proposed building is articulated at the corner of Ellis Street and Cawston Avenue so as to provide a patio area for the commercial units. The entrance to the building is located on Ellis Street. The cornice line above the entrance area is broken to distinguish it from the remainder of the building.

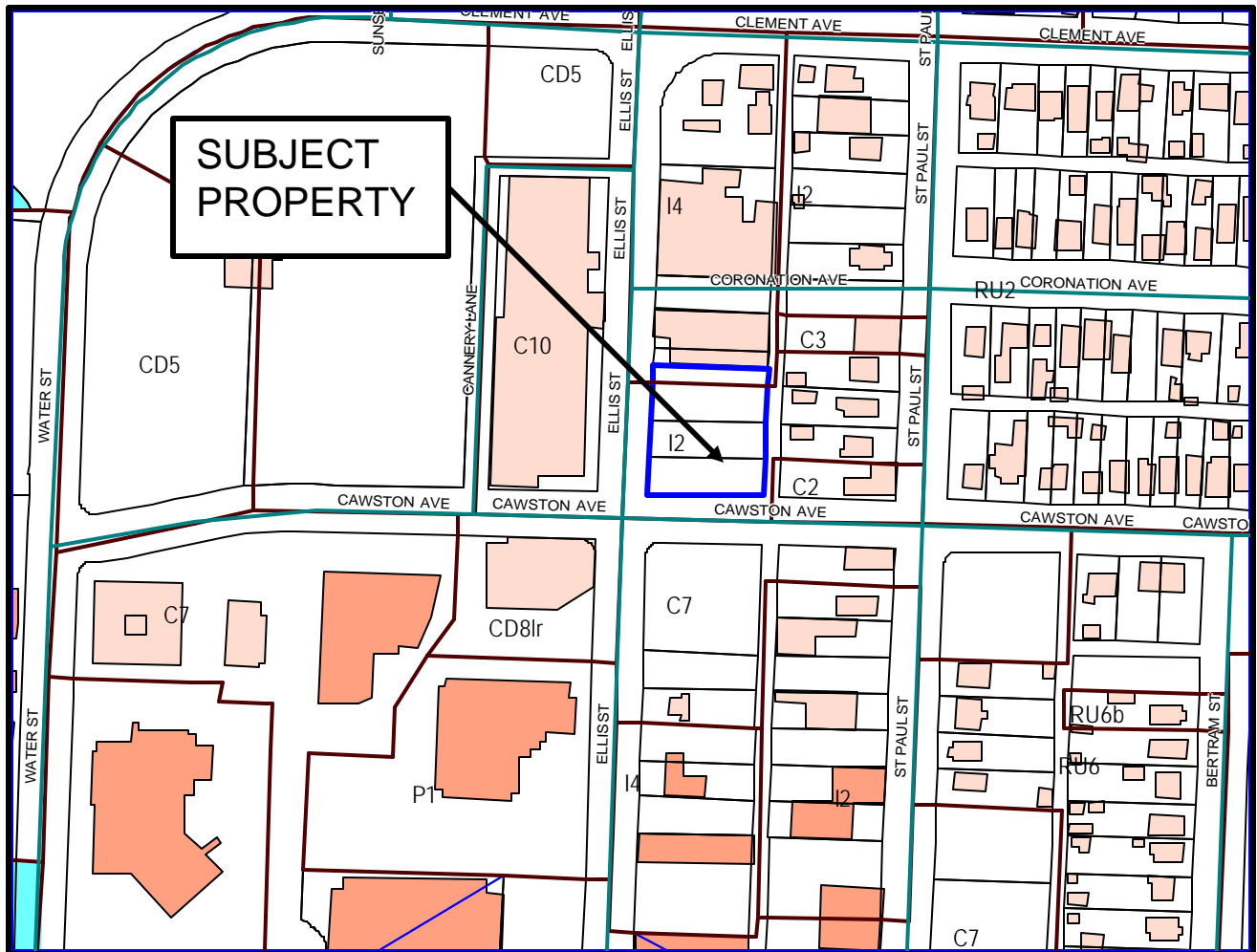
Floors 2-4 will comprise the residential component of the development. The applicant is proposing 20 units on each floor for a total of 60 residential units. The proposed units on the second and third floors range in size from 71.3m² to 107m². The units on the fourth floor range in size from 90m² to 150m² and are larger in size due to the addition of upper mezzanine areas.

Each residential unit on the west, south and east (3rd and 4th storeys of eastern elevation) facing elevations will have a small patio area while the 2nd storey units on the east elevation will share a much larger private patio area.

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

CRITERIA	PROPOSAL	C7 ZONE REQUIREMENTS
Lot Area (m ²)	2407m ²	200m ²
Lot Width (m)	45.26m	6.0m
Lot Depth (m)	53.32m	30.0m
Residential Floor Area (Net)	7068m ²	N/A
Commercial Floor Area (Net)	562.2m ²	N/A
Commercial Parking	0 stalls	8 stalls
Residential Parking	60 stalls ^①	60 stalls
Storeys (#)	4.5 storeys	22m
Private Open Space	700m ² (approx.) (Not including any rooftop patio type areas)	600m ² (approx.)
Bicycle Parking (not shown on site plan)	30 class 1 stalls 6 class 2 stalls	30 class 1 stalls 6 class 2 stalls
Setbacks (m)		
- Front	0.0m	0.0m
- Rear	0.0m	0.0m
- Side (e)	0.0m	0.0m
- Side (w)	0.0m	0.0m

①Note: The applicant will seek a development variance permit to address the shortfall of required parking.



4.4 Existing Development Potential

The subject properties are currently zoned I2 – General Industrial and I4 – Central Industrial. The purpose of the I2 – General Industrial zone is to provide for general industrial uses. The purpose of the I4 – Central Industrial zone is to recognize the historical mix of uses reflected in the fringe area of the central business district.

4.5 Current Development Policy

4.5.1 Kelowna Official Community Plan

The future land used designation for the subject property identified in the Official Community Plan is commercial.

a) Commercial Development Objectives:

- Urban Centre Focus: Encourage new retail, service, office, hotel/motel, and entertainment facilities to locate within the urban centres, in accordance with the provisions of Map 6.2 and the policies of Chapter 6.
- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should provide visual interest and human scale.
- All development should contribute to a sense of community identity and sense of place.
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation.
- All development should promote safety and security of persons and property within the urban environment (CEPTED).

b) Residential Development Objectives:

- Density Profile: Support a land use approach where residential densities increase as proximity to the core of Urban Centres increases as shown on Future Land Use Map 19.1.
- Apartments and Townhouses: Encourage development to contribute to the City's goal of, over the 1994 – 2013 timeframe, having 67% of new residential units be in the form of apartments, townhouses (and cluster housing), or other multiple unit buildings.

- Housing Variety: Encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna's diverse population and satisfies a range of life cycle and lifestyle choices.
- Mixed Use: Encourage commercial projects within urban centres to include a residential component wherever appropriate.

4.5.2 Kelowna Strategic Plan (1992)

- Support a pattern of urban development which ensures there will be a full range of housing types, densities, sizes and prices/rents;
- Develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas.
- In its planning for new urban areas, the City will emphasize a density of development higher than presently occurring in the City to allow for more efficient use of land. The City will, however, allow for differing densities and scale of development in new urban areas to provide for choice in urban environments and to protect environmentally sensitive areas.
- Encourage a closer integration of residential, commercial, and employment oriented uses within existing and proposed future urban areas.
- Encourage a broader range of land uses within the City's downtown core area including multiple family residential uses and mixed use developments.

4.5.3 Kelowna Downtown Plan (1999)

The City of Kelowna will:

- Support retail and office related uses as the principal uses in the Downtown while encouraging the incorporation of residential development.
- Support residential units above street level as a component of mixed-use developments including the adaptive re-use of upper floor of existing buildings to residential occupancies.
- Continue to strive for a distribution and balance of housing types and tenures throughout Kelowna to accommodate the needs of a diverse range of population groups within the community.

5.0 TECHNICAL COMMENTS

5.1 Works and Utilities Department

5.1.1 Domestic Water and Fire Protection

The existing water distribution and fire protection system in this vicinity is sufficient to support the proposed development.

The developer's consulting mechanical engineer will determine the domestic and internal fire protection requirements of this proposed development and establish the required size of the new service. The disconnection and removal of the existing small diameter water services and the tie-in of the new service will be by City forces at the developer's expense.

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.

5.1.2 Sanitary Sewer

(a) The proposed development site is serviced with a 100mm-diameter sanitary service. The developer's consulting mechanical engineer will determine the requirements of this development.

(b) Only one sanitary service is permitted and all unused services must be removed by City forces at the applicant's cost. A larger sanitary sewer service will be required.

5.1.3 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.

a) On-site parking stalls must be constructed to a paved standard including on-site drainage disposal. The on-site drainage system may be connected to a new lane piped drainage system with an overflow service.

5.1.4 Road Improvements

a) Cawston Avenue:

Cawston Avenue has been urbanized but requires the construction of a new monolithic sidewalk, from the existing wheelchair ramp at the Ellis Street intersection, to the existing sidewalk at the lane. It will be necessary to relocate, underground, or adjust existing facilities.

Existing driveway letdowns to Cawston Avenue must be removed. This work will require removing existing curb and gutter sections and it will be necessary to relocate or adjust existing facilities.

Ornamental street lighting must be installed fronting on the proposed development

The estimated cost of this construction for bonding purposes is \$10,000.00 not including utility pole removal.

b) Ellis Street:

Ellis Street has been fully urbanized and no further work is anticipated at this time.

Damage to existing curb and sidewalk sections will likely occur during the excavation and construction period. Replacement of damaged works will be at the developer's expense.

c) Public Lane

The lane fronting the development site will require upgrading to a paved commercial standard including a piped drainage system in conjunction with required lane widening. The estimated cost of this construction for bonding purposes is \$17,300.00

5.1.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

Lot consolidation is required.

Dedicate 0.75m lane widening along the lane frontage to provide one half of the required widening for a future 7.50m commercial lane.

Grant statutory-rights-of-way without charge, if required for utility services.

Dedicate a 6.00m radius corner rounding of the Ellis Street and Cawston Avenue intersection.

5.1.6 Electric Power and Telecommunication Services

a) This development is located within an urban centre. The electrical and telecommunication services to this building as well as the 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. This includes the removal and undergrounding of the overhead wiring on Cawston Avenue.

5.1.7 Street Lighting

a) 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.

5.1.8 Engineering

a) 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.

5.1.9 Development Cost Charge Reduction Consideration

Not applicable.

5.1.10 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 and drainage works.

5.1.11 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 geotechnical assessment to verify the site suitability for development, unstable soils, etc.

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

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

5.1.12 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.

5.1.13 Bonding and Levy Summary

Bonding

Cawston Ave sidewalk	\$10,000.00
Lane reconstruction	<u>\$17,300.00</u>
Total Bonding	<u>\$27,300.00</u>

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.

5.1.14 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. The on-site drainage system may be connected to the constructed piped drainage system with an overflow service.

b) 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.

c) Provide bicycle-parking space in a visible location at the front of the building.

5.1.15 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 Inspection Services Department

If there is a firewall introduced through the building, the residential portion may be frame construction based on the maximum building area of 1800m². The building would still have to be sprinklered.

5.3 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Engineered fire flows will be required and should determine hydrant requirements.

5.4 Public Health Inspector

Detailed plans are required if any food premises and/or swimming/swirl pools are proposed at the site.

5.5 Shaw Cable

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

5.6 RCMP

No comment.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department supports the proposed development permit, however, has concerns with regards to the proposed variance for parking. The mixed-use concept which this proposal adopts is one which staff is encouraging in the downtown area and the form and character complement other new development in the cultural district. The applicant has indicated that parking will be provided at a 1 to 1 ratio for the residential units, however, a variance is being sought for all of the required commercial parking (eight stalls). The Planning and Corporate Services Department does not support the proposed parking variance. Staff consider cash-in-lieu to be a more appropriate alternative in this case and will not set a precedent by supporting a parking variance in an area where cash-in-lieu is an option.

The applicant is currently making minor revisions to the proposed development in order to accommodate the required lane widening and corner rounding. Due to the size of the corner rounding required and the orientation of the building the applicant has been required to enter a dispute resolution process with the Works and Utilities Department. The applicant will have a full set of revised plans for Council's consideration at the public hearing.

7.0 ALTERNATE RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 9145 be considered by Council;

AND THAT Final Adoption of Text Amendment Bylaw No. 9144 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP03-0111 for Lot 2, ODYD Plan 3585 and Lots 10,11,12, ODYD Plan 1303, Ellis Street and Cawston 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. 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP04-01; Lot 2, ODYD Plan 3585 and Lots 10,11,12, ODYD Plan 1303 , located on Ellis Street and Cawston Avenue, Kelowna, B.C.;

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

Table 8.1: Parking Schedule: Commercial Uses in the C7 Zone;

Vary the commercial parking from 8 stalls required (562.6m² Commercial at 1.3 stalls per 100m² GFA) to 0 stalls proposed;

AND FURTHER 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.

Andrew Bruce
Development Services Manager

Approved for inclusion ☐

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

RM/AB/rs
Attach.

FACT SHEET

1. **APPLICATION NO.:** DP03-0111/DVP04-0002
2. **APPLICATION TYPE:** Rezoning and Development Permit
3. **OWNER:** Petro-Canada
· **ADDRESS** 1184 PCCW
· **CITY** Calgary, Alberta
· **POSTAL CODE** T2P 3E3
4. **APPLICANT/CONTACT PERSON:** R492 Enterprises Ltd. (Ken Webster)
· **ADDRESS#** #205-251 Lawrence Avenue.
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 6L2
· **TELEPHONE/FAX NO.:** 763-6600
5. **APPLICATION PROGRESS:**
 Date of Application: September 19, 2003
 Date Application Complete: October 30, 2003
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded: N/A
 Staff Report to APC: November 4, 2003
 Staff Report to Council: December 17, 2003
6. **LEGAL DESCRIPTION:** Lot 2, ODYD Plan 3585
 Lots 10,11,12, ODYD Plan 1303
7. **SITE LOCATION:**
 The subject property is located on the northe corner of Ellis Street at Cawston Avenue.
8. **CIVIC ADDRESS:** 520 Cawston Avenue
 1265 Ellis Street
9. **AREA OF SUBJECT PROPERTY:** 2407m²
10. **AREA OF PROPOSED REZONING:** 2407m²
11. **EXISTING ZONE CATEGORY:** I2-General Industrial
12. **PROPOSED ZONE:** C7-Central Business Commercial
13. **PURPOSE OF THE APPLICATION:** TO CONSTRUCT A MIXED-USE
 COMMERCIAL/RESIDENTIAL DEVELOPMENT
 (60 RESIDENTIAL UNITS AND 562.6M² OF RETAIL SPACE)

 TO VARY THE REQUIRED PARKING FOR THE
 COMMERCIAL COMPONENT OF THE DEVELOPMENT
 FROM 8 STALLS REQUIRED TO 0 STALLS PROPOSED

14. MIN. OF TRANS./HIGHWAYS FILES NO.: N/A
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations