
CITY OF KELOWNA

MEMORANDUM

Date: February 17, 2004
File No.: DP03-0174/DVP03-0175
To: City Manager
From: Planning and Corporate Services Department
Subject:

APPLICATION NO. DP03-0174
DVP03-0175
OWNER: University Business Park Ltd
AT: 3699 Hwy. 97 N
APPLICANT: Tatum Properties Ltd.

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW A NEW COMMERCIAL BUILDING.

TO OBTAIN A VARIANCE ALLOWING OFF-STREET PARKING TO BE SETBACK 1.5 METRES FROM ANY STREET WHERE A SETBACK OF 2.0 METRES IS REQUIRED.

TO OBTAIN A VARIANCE ALLOWING 40 PARKING SPACES WHERE ONLY 18 PARKING SPACES ARE REQUIRED, THUS EXCEEDING THE MAXIMUM NUMBER OF PARKING SPACES, WHICH IS 125% OF THE MINIMUM NUMBER REQUIRED (23 PARKING SPACES)

TO OBTAIN A VARIANCE ALLOWING A REDUCED BUFFER WIDTH OF 1.5 METRES, WHERE 2.0 METRES IS REQUIRED.

EXISTING ZONE: C3 – COMMUNITY COMMERCIAL

REPORT PREPARED BY: NELSON WIGHT

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP03-0174, located on 3699 Hwy 97 N, Lot 3, Section 35, Township 26, ODYD Plan KAP57139, 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. DVP03-0175, located on 3699 Hwy 97 N, Lot 3, Section. 35, Township. 26, ODYD Plan KAP57139, Kelowna, B.C.;

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

Section 8.1.10 (c) – Parking and Loading

A variance is required to allow off-street parking to be setback 1.5 metres from any street, where a setback of 2.0 metres is required;

Section 8.1.2 – Parking and Loading

A variance is required to allow 40 parking spaces, where only 18 parking spaces are required, thus exceeding the maximum number of parking spaces, which is 125% of the minimum required (max.: 23 parking spaces);

Section 7.6.5 – Minimum Landscape Buffers

A variance is required to allow a reduced buffer width of 1.5 metres, where 2.0 metres is required.

2.0 SUMMARY

The Applicant is proposing to construct a new 794 m² commercial building on the subject property, providing 5 commercial units. The Applicant is also seeking variances for (a) reduced landscape buffer width, (b) reduced setback to parking, and (c) parking spaces in excess of maximum number permitted.

3.0 ADVISORY PLANNING COMMISSION

THAT the Advisory Planning Commission supports Development Permit No. DP03-0174, located on 3699 Hwy 97 N, Lot 3, Section. 35, Township. 26, ODYD Plan KAP57139, Kelowna, B.C., and Development Variance Permit No. DVP03-0175, located on 3699 Hwy 97 N, Lot 3, Section. 35, Township. 26, ODYD Plan KAP57139, Kelowna, B.C.

4.0 BACKGROUND

4.1 The Proposal

The subject property is located on the southeast corner of the intersection of Highway 97 North and Commercial Drive. There is road frontage on three sides of the property: Highway 97, Commercial Drive and Lansdowne Place. The proposed single-storey building consists of five commercial units, and is to be constructed using concrete tilt-up panels that give the appearance of a two-storey building. Façade colours are yellow and purple, with navy accents. All three front façades of the building (facing Hwy 97, Commercial Drive, and Lansdowne Place) bear architectural detailing that give the appearance of a two-storey building. These details include using recessed arches, reveals, and windows on the upper portions of the façades. The roof line is broken up with higher sections having ornamental cornice features. The remaining façade, which faces the adjacent property to the south, is similar to that above, containing also the service entrances for four of the five units. Three of these units have overhead doors as well.

The proposed landscaping consists of soft landscaping features that buffer the property on three sides. The Applicant is seeking a variance to reduce the required landscape buffer along Lansdowne Place and Commercial Drive, from the 2.0 meters required to 1.5 meters.

Parking for this development is proposed along the perimeter of the lot, excluding that portion abutting the property to the southwest, which is intended as a driving aisle. There are 35 standard parking spaces, four (4) small car spaces, and one (1) disabled parking stall, totaling 40 parking spaces for the site. 18 parking stalls are required by the Zoning Bylaw, and the number of stalls cannot exceed 125% of that required, which in this case would be a maximum of 23 stalls. The Applicant is seeking a variance to this rule to allow the 40 proposed parking spaces, which would be 223% of the minimum required. An additional variance is sought to limit the setback from any street to parking from 2.0 meters required to 1.5 meters proposed. The single loading space provided meets the requirements for this zone.

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

CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Site Area (m ²)	3318.5 m ²	460.0 m ²
Site Width (m)	42.0 m	40.0 m
Site Depth (m)	58.5 m	30.0 m
Site Coverage (%)	23.0%	50.0%
Total Floor Area (m ²)	794 m ²	
F.A.R.	0.23	1.0
Height (m)	10.13 m	15.0 m
Storeys (#)	1	4
Setbacks (m)		
- Front (Hwy 97)	22.26 m	3.0 m
- Rear (Landsdowne)	14.90 m	3.0 m
- Side (Commercial)	14.90 m	3.0 m
- Side (Southwest)	3.81 m	0.0 m
Signage - Fascia	1 to 2 per business frontage Below maximum size permitted.	2 per business frontage Maximum total area is 0.8 m ² per lineal meter of building frontage to a maximum of 20% of the wall it is attached to
Parking Stalls (#)	40 stalls 223% of required stalls ❶	3.0 per 100 m ² (18 required) Maximum: 125% of required (23 stalls)
Driving Aisle Width	7.32 m	7.0 m
Setback to parking	1.52 m to flanking street ❷	2.0 m from flanking street
Bicycle Stalls (#)	Class I stalls: to be accommodated within proposed units as required by tenant; Class II stalls: 5	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 28 m ²	1 stall per 1900 m ² GFA 28m ²
Landscaping	6.0 m 1.5 m ❸	4.5 m along Hwy 97 3.0 m or the required yard (in this case the setback to parking: 2.0 m).

❶ A variance is required to allow 40 parking spaces, where the maximum permitted is 125% of 18 required, or 23 spaces.

❷ A variance is required to allow off-street parking to be setback of 1.5 meters from a flanking street where a setback of 2.0 meters is required.

❸ A variance is required to allow a reduced buffer width of 1.5 meters, where 2.0 meters is required.

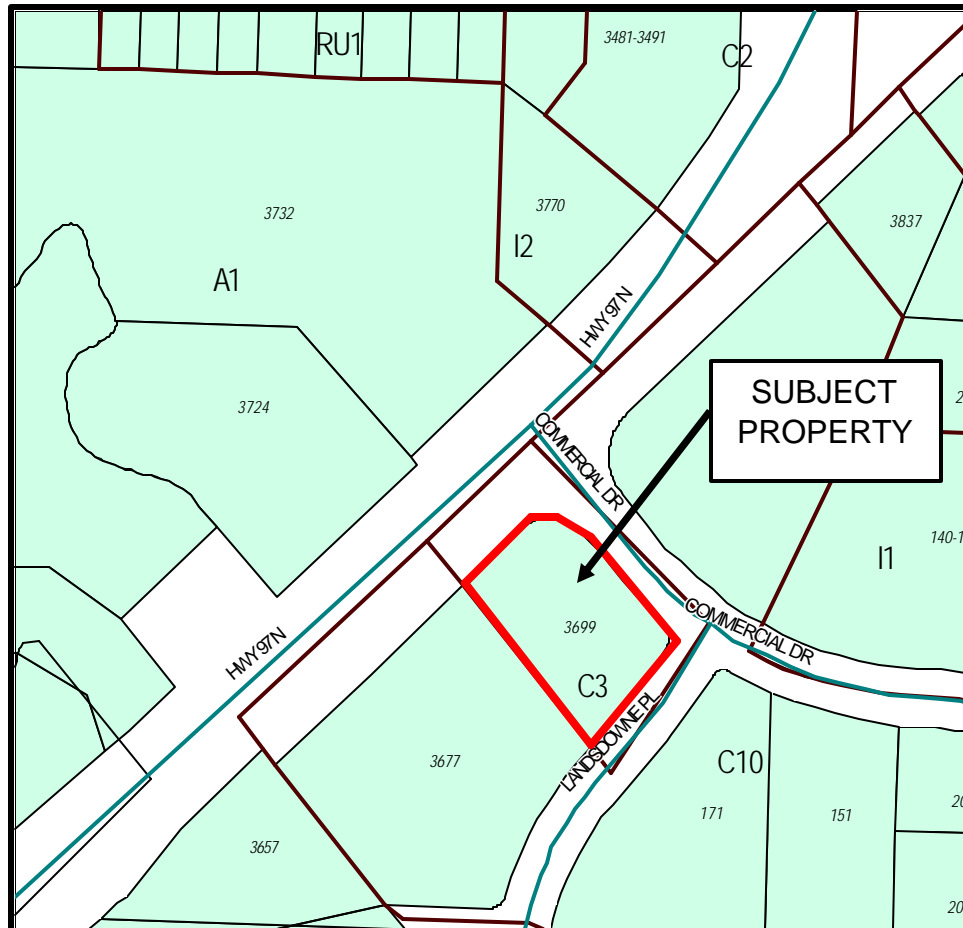
4.2 Site Context

The subject property is located at the southeast corner of Highway 97 North and Commercial Drive. Surrounding properties are largely developed for retail commercial uses serving the home construction/renovation market, among others.

Adjacent zones and uses are, to the:

North - A1 – Agricultural 1
East - C10- Service Commercial

South - C10- Service Commercial
West - C10- Service Commercial
Site Location Map



4.3 Existing Development Potential

The purpose of the C3 – Community Commercial zone is to provide a zone for the development of community commercial centers to serve more than one neighbourhood.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The proposal is consistent with the future land use designation of commercial in the Official Community Plan (OCP). OCP policies state that all projects zoned commercial or comprehensive development containing commercial uses along designated corridors are subject to “Commercial” Development Permit guidelines to ensure that the form and character of new commercial development is consistent with principles of good urban design as well as other goals and objectives of this OCP.

The objective for commercial development, as outlined in the OCP, state that 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;
- provide visual interest and human scale;
- contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, community cohesiveness)
- facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- promote safety and security of persons and property within the urban environment (CPTED).

4.4.2 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
Lot is pre-serviced as a part of original subdivision. No further requirements.
- 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 Irrigation District – BMID
The above property is within B.M.I.D. boundaries and is currently serviced with a 100mm water service.
No objections to the development of the lot subject to the following:
(1) A capital cost charge of \$1,000 for the first 100m² and \$4 per m² thereafter
(2) A connection fee of \$350 at time of building.
Fire flow is good in the area @ 3500 USGPM at 20 psi.
A meter and a backflow prevention device are required for this building.
- 5.5 Parks Manager
Boulevard maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.

Boulevard tree maintenance is the responsibility of Parks Division. However, the adjacent owner is responsible for watering and replacement of trees during the establishment period, for at least two (2) years after planting.

Shrub beds require plastic edge beside all areas abutting a City sidewalk or City land to prevent migration of mulch.

All trees in grass boulevard to use root shield barriers, min 18-inch depth beside concrete infrastructure.

- 5.6 Public Health Inspector
Sanitary sewer must be utilized.
- 5.7 RCMP
No concerns.
- 5.8 Shaw Cable
Owner/developer to supply and install an underground conduit system per Shaw Cable drawings and specifications.
- 5.9 Telus
Will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.
- 5.10 Terasen Utility Service
No concerns.
- 5.11 Works and Utilities
The Works & Utilities Department comments and requirements regarding this application are as follows:
- 5.11.1 General
- a) Provide easements as required
 - b) According to inspection services records, when the adjacent property was developed, a site plan indicated that the proposed building on the subject property should be located at 6.05 m. from the property line. The proposed setback has been reduced to approximately 3.6 m when taking into account the protrusions at the garage door openings.
 - c) A quick review of vehicle turning movements indicates that the largest vehicle type able to access or egress the proposed garages is an SU-9 type vehicles.
- 5.11.2. Geotechnical Study
- We 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 analyze 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.
- 5.11.3. Domestic water and fire protection
- a) The subject property is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID.
 - b) A water meter is mandatory as well as a sewer credit meter to measure all the irrigation water. Water meters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.
- 5.11.4. Sanitary Sewer

The subject property is currently serviced by the municipal sanitary sewer collection system. All the charges for service connection are to be paid directly to the City at the time of the request for a new connection.

5.11.5. 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.

5.11.6. Power and Telecommunication Services

The services to this development have been 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.

5.11.7. Access

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 on Commercial Drive. The estimated cost for this work, for bonding purpose, would be \$5,600.00, inclusive of a bonding contingency.

5.11.8. Street lights

Streetlights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

5.11.9. 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.

5.11.10. Bonding and Levies Summary

a) Performance Bonding

Commercial Drive access \$5,600.00

b) Levies

Engineering and inspection fee (3% of construction costs + GST) \$ 128.40

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department is supportive of the proposed development.

The proposed building will be constructed with painted concrete tilt-up panels. The façade of the building will be yellow and purple in colour. Significant architectural detail is provided with the use of several window types, recessed arches at the second level, a cornice along portions of the roofline, and steel canopies.

Lighting above the entries is acceptable from CPTED perspective. The proposed signage is to be located at the first level. Four fascia signs are proposed on the north and east elevation with two fascia signs proposed on the west elevations. No signage is proposed on the south elevation at the rear of the property.

As per Works and Utilities comments in Section 5.11.1 (b) of this report, there is approximately 3.6 m from the garage door opening on the southwest of the proposed building, to the property line. The existing building on the lot southwesterly adjacent is located approximately 6 m from the shared property line, for a total drive aisle width between the buildings of approximately 9.6 m. This 9.6 m drive aisle width would marginally allow for a maximum SU9 type vehicle to

negotiate access to or egress from one of the proposed garage entrances on this side of the building (SU-9 is a Single axle Utility vehicle 9 m. long). The Applicant should be aware of this limitation. Furthermore, because the existing reciprocal access easement protects only 6 m of this drive aisle, there is a possibility that redevelopment on the southwesterly adjacent lot would reduce the drive aisle width even further from its proposed 9 m width.

Staff is supportive of the proposed variance limiting the setback to parking requirement, and the proposed variance limiting the landscape buffer, since significant landscaping is provided both on-site and within the adjacent City boulevard.

The Applicant has explained that the additional parking spaces have been included in anticipation of possible future development, through internal renovation, creating additional floor area on a second story within any of the units. For this reason, Staff is also supportive of the proposed variance to allow parking to exceed 125% of that required.

Andrew Bruce
Development Services Manager

Approved for inclusion

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Attach.

FACT SHEET

1. **APPLICATION NO.:** DP03-0174/ DVP03-0175
2. **APPLICATION TYPE:** Development Permit
Development Variance Permit
3. **OWNER:** University Business Park Ltd
. **ADDRESS** 1606 Findlay Road
. **CITY** Kelowna, BC
. **POSTAL CODE** V1X 6B8
4. **APPLICANT/CONTACT PERSON:** Tatum Properties Ltd. Tony Gaspari
. **ADDRESS** 100 – 1698 Findlay Rd.
. **CITY** Kelowna, B.C.
. **POSTAL CODE** V1X 6B8
. **TELEPHONE/FAX NO.:** (250) 765-2904 ext. 2
5. **APPLICATION PROGRESS:**
Date of Application: December 12, 2003
Date Application Complete: n/a
Servicing Agreement Forwarded to Applicant: n/a
Servicing Agreement Concluded: n/a
Staff Report to APC: January 15, 2004
Staff Report to Council: February 17, 2004
6. **LEGAL DESCRIPTION:** Lot 3, Sec. 35, Twp. 26, ODYD Plan KAP57139
7. **SITE LOCATION:** The subject property is located at the southeast corner of Highway 97 North and Commercial Drive.
8. **CIVIC ADDRESS:** 3699 Hwy. 97 N
9. **AREA OF SUBJECT PROPERTY:** 3,319 m² (0.82 acres)
10. **AREA OF PROPOSED REZONING:** n/a
11. **EXISTING ZONE CATEGORY:** C3- Community Commercial
12. **PROPOSED ZONE:** n/a
13. **PURPOSE OF THE APPLICATION:** TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW A NEW COMMERCIAL BUILDING.
TO OBTAIN A VARIANCE TO ALLOW OFF-STREET PARKING TO BE SETBACK OF 1.5 METRES FROM A FLANKING STREET WHERE A SETBACK OF 2.0 METRES IS REQUIRED.
TO OBTAIN A VARIANCE ALLOWING 33 PARKING SPACES WHERE ONLY 18 PARKING SPACES ARE REQUIRED, THUS EXCEEDING THE MAXIMUM NUMBER OF PARKING SPACES, WHICH IS 125% OF THE MINIMUM NUMBER REQUIRED (23 PARKING SPACES).
TO OBTAIN A VARIANCE ALLOWING A REDUCED BUFFER WIDTH OF 1.5 METRES, WHERE 2.0 METRES IS REQUIRED.

14. **MINISTRY OF TRANSPORTATION FILE NO.:**
(IF LANDS ARE WITHIN 800 m OF A 2-81-20594
CONTROLLED ACCESS HIGHWAY)
15. **DEVELOPMENT PERMIT MAP 13.2** n/a
IMPLICATIONS

ATTACHMENTS

(NOT ATTACHED TO THE ELECTRONIC VERSION OF THE REPORT)

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