
CITY OF KELOWNA
MEMORANDUM

Date: August 5, 2004
File No.: DP04-0045
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DP04-0045 **APPLICANT:** Peter Chataway
AT: 1324 St. Paul Street **OWNERS:** Eugene Weisbeck
Katherine Kraushar

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF A 154 m² (1,658 ft²) RESIDENTIAL UNIT ABOVE A GROUND-FLOOR COMMERCIAL UNIT.

EXISTING ZONE: I2 – GENERAL INDUSTRIAL

PROPOSED ZONE: C7 – CENTRAL BUSINESS COMMERCIAL

REPORT PREPARED BY: NELSON WIGHT

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 9270 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP04-0045 for Lot 15 D.L. 139 O.D.Y.D. Plan 645, located on St. Paul Street, 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.

2.0 SUMMARY

The Applicant is seeking to construct an addition to an existing commercial building, adding a second floor to accommodate a residential suite. The rezoning application is not required to facilitate this residential suite addition, but is being initiated at this time to bring the property into conformity with the future land use designation.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on June 8, 2004 the Advisory Planning Commission reviewed this application, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP04-0045 for 1324 St. Paul Street, Lot 15, Sec. 25, Twp. 25, ODYD, Plan 645 to construct a

second storey addition to an existing commercial building, to accommodate a single residential unit above the existing ground-floor commercial space.

4.0 BACKGROUND

4.1 The Proposal

This purpose of this application is to construct a second storey, 154 m² (1,658 ft²) addition to an existing commercial building for the purposes of a residential suite to be occupied by the business owner.

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

CRITERIA	PROPOSAL	C7 ZONE REQUIREMENTS
Lot Area (m ²)	690 m ²	200 m ²
Lot Width (m)	15.24 m	6.0 m
Lot Depth (m)	45.26 m	30.0 m
Height (m)	9.14 m	44 m
Setbacks (m)		
- Front	12.2 m	0.0 m
- Rear	13.4 m	0.0 m
- Side	0.0 m	0.0 m
To parking (front)	2.0 m	2.0 m
Other requirements		
Private Open Space	107 m ² (deck area)	Min. 15.0 m ² of private open space per dwelling with more than 1 bedroom
Parking Stalls (#)	6 spaces	1 per dwelling unit 1.3 per 100 m ² (1.3 x 2.78 = 4 stalls required)
Landscaping (front yard)	2.0 m	Level 2 – min. 30 m landscape buffer consisting of vegetation (reduced to 2.0 m as per Section 7.6.5)
Landscaping (rear yard)	Existing fence/gate	Level 3 - min. 3.0 m landscape buffer is required, consisting of vegetative buffer or a continuous opaque barrier.

4.2 Site Context

The subject property is located on the west side of St. Paul Street, between Cawston and Fuller Avenue. This side of St. Paul marks the eastern extent of the downtown commercial/industrial area. In this location the area east of St. Paul is primarily residential. More specifically, the adjacent land uses are as follows:

North-	I2 – General Industrial
East	RU6 – Two Dwelling Housing C7 – Central Business Commercial
South	I2 – General Industrial

West I4 – Central Industrial
C7 – Central Business Commercial

4.3 Site Location Map

Subject property: 1324 St. Paul Street



4.4 Existing Development Potential

The purpose of the C7 – Central Business Commercial zone is to designate and preserve land for the orderly development of the financial, retail and entertainment, governmental and cultural core of the City which shall provide for high density residential uses, and commercial uses. The present use of this property as “custom indoor manufacturing/artist’s studio” is a listed principal use within this zone. The proposed residential suite is also permitted within the C7 zone.

4.5 Current Development Policy

4.5.1 Kelowna Official Community Plan

Section 9-6 Objectives for Commercial Development:

- 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;

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- 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 (CPTED).

4.5.2 Kelowna Centre Plan

Physical Form and Character:

- Reinforce the theme of pedestrian-oriented streets and spaces;
- Level of detail and quality of materials aimed at upholding the image of a high-quality urban environment;
- Inviting building façades that, through their human scale and high degrees of visual interest, communicate a desire to be connected to the life of the street.

5.0 **TECHNICAL COMMENTS**

5.1 Fortis B.C.:

No comments.

5.2 Community Development and Real Estate Manager

No comments.

5.3 Fire Department

No comments.

5.4 Public Health Inspector

No comments.

5.5 Shaw Cable

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

5.6 Telus

No comments.

5.7 Terason Utility Service

No comments.

5.8 Works and Utilities Department

The Works & Utilities Department have the following requirements associated with this rezoning application:

5.8.1 Domestic Water and Fire Protection

The existing lot is serviced with a small diameter (13-mm) copper water service, which is substandard. Only one service will be permitted for this development. The Applicant, at his cost, will arrange for the removal of the existing service and the installation of one new larger metered water service.

Tie-ins and disconnections at the existing watermain must be by City forces and at the Applicant's cost.

5.8.2 Sanitary Sewer

The existing lot is serviced with a sanitary sewer service which may be retained for this development if it is of sufficient size. An inspection chamber (IC) must be installed on the retained 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.

Tie-ins to the mains and the capping of existing services must be by City forces and at the Applicant's cost.

5.8.3 Storm Drainage

It will be necessary for the Applicant to install a storm drainage collection system in St. Paul Street fronting on this development. The cost of these works is included in the road upgrading cost estimates.

Provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual including provision of a lot grading plan, minimum basement elevations (MBE), storm drainage overflow service for this lot and / or on-site drainage containment and disposal systems.

5.8.4 Road Improvements

St. Paul Street fronting this development must be upgraded to a full urban standard (match existing upgrade fronting Lot 11 Plan 645) including a new monolithic sidewalk, curb and gutter, piped storm drainage system including catch basins, manholes/ drywells, pavement widening, landscaped boulevard complete with an underground irrigation system, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is **\$9,500.00**.

The rear lane has been urbanized including a storm drainage system.

5.8.5 Road Dedication and Subdivision Requirements

Dedicate 0.75 m widening of the rear lane to provide one-half of the required widening to provide an eventual 7.5 m wide commercial standard lane:

This widening is to be accomplished by Road Reserve

Grant statutory rights of way if required for utility services.

5.8.6 Electric Power and Telecommunication Services

The development site is within the Urban Town Center. Electrical and telecommunication services to this site as well as the local distribution wiring must be installed in an underground duct system. The existing building and the proposed new 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.

5.8.7 Street Lighting

Street lighting has been installed on St Paul Street fronting the proposed development. Re-location or adjustments to the existing street lighting system may be required to accommodate the road upgrading construction.

5.8.8 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.

5.8.9 Geotechnical Report

As a requirement of this application and/or prior to issue of a building permit, 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:

- Area ground water characteristics,
- Site suitability for development; i.e., unstable soils, etc.
- 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, analyze soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

5.8.10 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.

5.8.11 Bonding and Levy Summary

St. Paul St. upgrading	<u>\$9,500.00</u>
Total Bonding	<u>\$9,500.00</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 issuance of a building permit.

5.8.12 Site Related Issues

- 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 drywells and perforated pipe bedded in drain rock.
- Adequate off-street parking must be provided.
- A garbage disposal bin enclosure location must be shown on the layout drawing.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The proposed addition is generally complimentary to the existing building. Furthermore, the residential use to be accommodated in this addition helps meet the objectives of the OCP as it relates to contributing to a sense of community, and enhancing the safety and security of persons and property. Furthermore, the proposed rezoning is consistent with the future land use, as per the OCP. Consequently, Staff is supportive of this rezoning application.

The Applicant has provided letters in support of the application from adjacent property owners and the North End Residents' Association (see attached letters)

Andrew Bruce

Manager of Development Services

Approved for inclusion

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

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Attach.

FACT SHEET

1. APPLICATION NO.:	Z04-0024 & DP04-0045
2. APPLICATION TYPE:	Rezoning and Development Permit
3. OWNERS:	Eugene Weisbeck and Katherine Kraushar
ADDRESS	1324 St. Paul Street
CITY	Kelowna, B.C.
POSTAL CODE	V1Y 2E2
TELEPHONE/FAX NO.:	(250) 763-5906
5. APPLICANT/CONTACT PERSON	Peter Chataway
TELEPHONE/FAX NO.:	(250) 763-1334
5. APPLICATION PROGRESS:	
Date of Application:	April 7, 2004
Date Application Complete:	June 22, 2004
Servicing Agreement Forwarded to Applicant:	n/a
Servicing Agreement Concluded:	n/a
Staff Report to APC:	June 2, 2004
Staff Report to Council:	June 23, 2004
6. LEGAL DESCRIPTION:	Lot 15 D.L. 139 O.D.Y.D. Plan 645
7. SITE LOCATION:	On the west side of St. Paul Street, in between Cawston and Fuller Avenue.
8. CIVIC ADDRESS:	1324 St. Paul Street
9. AREA OF SUBJECT PROPERTY:	690 m ²
10. EXISTING ZONE CATEGORY:	I2 – General Industrial
11. TYPE OF DEVELOPMENT PERMIT AREA:	City Centre
13. PURPOSE OF THE APPLICATION:	TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF 154 m ² (1,658 ft ²) RESIDENTIAL UNIT ABOVE A GROUND-FLOOR COMMERCIAL UNIT.
14. MIN. OF TRANS./HIGHWAYS FILES NO.: NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY	n/a
15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS	n/a

ATTACHMENTS

(not attached to the electronic version of the report)

- **Location of subject property**
- **State of Title**
- **Site Plan/Floor Plan/Elevation (1)**
- **Site Plan/Floor Plan/Elevation (2)**
- **Rear Elevation**
- **Front Elevation**
- **Landscaping Plan**
- **Colour Board**
- **Three (3) letters in support**