
CITY OF KELOWNA
MEMORANDUM

Date: July 27, 2004
File No.: DP04-0068/DVP04-0069

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DP04-0068/ **OWNER:** 565401 BC Ltd.
DVP04-0069

AT: 1015 Richter Street **APPLICANT:** Lyle Isenor

PURPOSE: TO CONSTRUCT A TWO STOREY 1,304M² INDUSTRIAL
BUILDING ON THE SUBJECT PROPERTY

TO VARY THE FRONT YARD SETBACK FROM 6.0M
REQUIRED TO 1.5M PROPOSED

EXISTING ZONE: I4 – CENTRIAL INDUSTRIAL

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP04-0068 for Lot A, Sec. 30, Twp. 26, ODYD Plan 1014, located on Richter 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP04-0069, Lot A, Sec. 30, Twp. 26, ODYD Plan 1014, located on Richter Street, Kelowna, B.C.;

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

Section 15.4: I4 – Central Industrial: 15.4.5(c):

Vary the front yard setback from 6.0m required to 1.5m 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.

2.0 SUMMARY

The applicants are proposing to construct a two storey light industrial building to measure 1,304m². The applicants are also seeking a variance to Zoning Bylaw No.8000 to achieve a reduction of the required front yard setback.

3.0 BACKGROUND

3.1 The Proposal

The proposed light-industrial type building will sit at the front of the subject property fronting onto Richter Street. The parking for the proposed development will be located at the rear of the property and will be accessed via the rear/north side lane network. The building itself will have 6 units all oriented and accessed from the sidewalk on Richter Street as well as access from the parking lot at the rear of the building. The northernmost unit is the largest of the proposed light industrial units and will house Cecil's Perogies. The applicant has provided additional area on the second floor of the building to allow for a mezzanine area should any of the tenants require it.

The form and character of the proposed building will not be out of character with the industrial character of the neighborhood. The applicant has proposed a flat roofed building that will be finished in earth tones. The applicant is proposing to vary the cornice line in steps, and apply the proposed colour scheme to split rib concrete block in order to provide architectural detail on the buildings Richter Street and lane frontages.

The applicant will be providing bike racks along the Richter Street frontage of the subject property.

To accommodate the desired siting for the proposed development the applicant is seeking to vary the front yard setback from 6.0m required to 1.5m proposed. The applicant will provide some low-level soft landscape features within the 1.5m setback.

The application meets the requirements of the I4-Central Industrial zone as follows:

CRITERIA	PROPOSAL	I4 ZONE REQUIREMENTS
Lot Area (m ²)	1,527m ²	1300m ²
Lot Width (m)	41.78m	40.0m
Lot Depth (m)	36.6m	30.0m
Building Coverage (%)	43.3%	N/A
Total Site Coverage (Buildings and Parking) (%)	96%	N/A
Gross Floor Area (m ²)	1,304m ²	4,581m ²
Floor Area Ratio (FAR)	0.85 (Includes future mezzanine areas)	3.0
Parking Spaces	26	24
Bicycle Parking	4 x Class 2	4 x Class 2
Height (m)	8.5m	18.0m
Setbacks (m)		
- Front	1.5m ^①	6.0m
- Rear	19.2m	0.0m
- Side (n)	0.0	0.0m
- Side (s)	0.0	0.0m

①Note: The applicant is seeking to vary the front yard setback from 6.0m required to 1.5m proposed.

3.2 Site Context

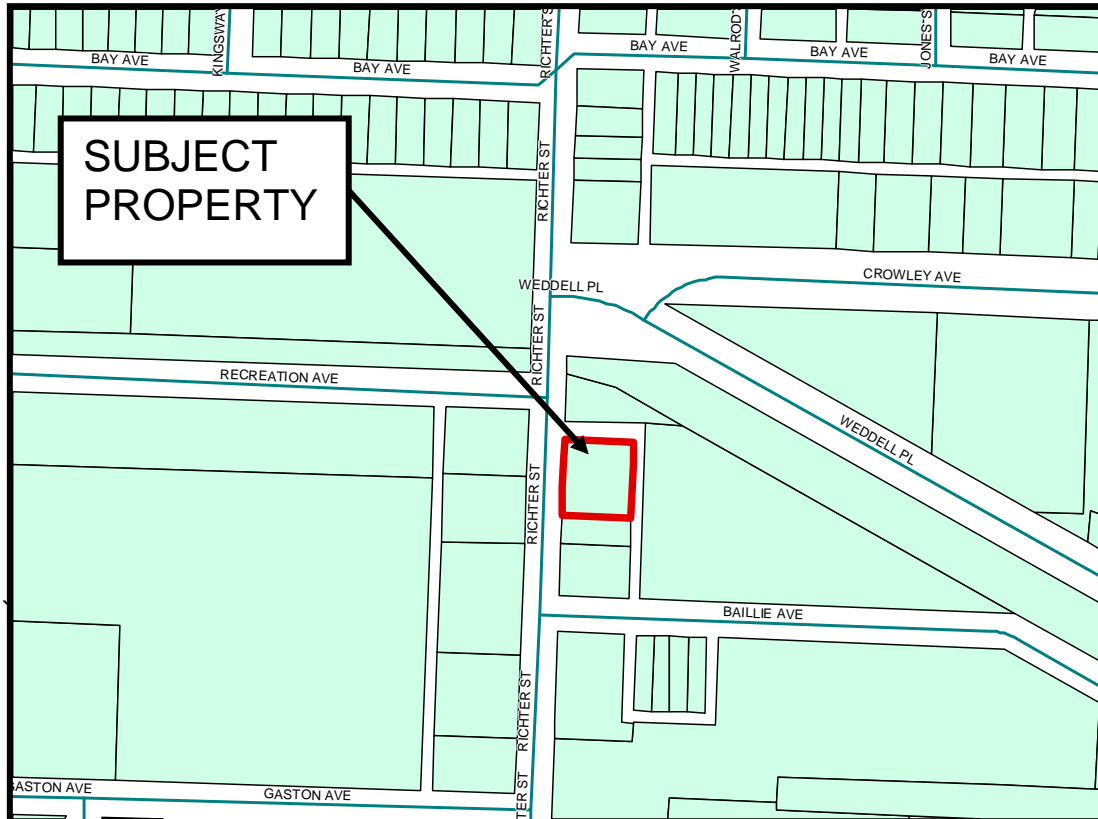
The subject property is located on east side of Richter Street between Weddell Place and Bailey Avenue.

Adjacent zones and uses are:

North - I4 – Central Industrial – Light Industrial Uses - various
 East - I2 – General Industrial – Point to Point Trucking
 South - I4 – Central Industrial – Transport Company
 West - I4 – Central Industrial – Power Pole Station

3.3 Site Location Map

Subject Properties: 1009/1015/1019 Richter Street



3.4 Existing Development Potential

The property is zoned

3.5 Current Development Policy

3.5.1 Kelowna Official Community Plan

The Official Community Plan Future Land Use Designation for the subject property is Industrial. The proposed development is in general accordance with this future land use designation.

The project is generally consistent with the Development Permit Guidelines for Industrial Development set out in Chapter 10 of the OCP with the exception that the development does not provide outdoor lunch areas and green space as encouraged by the guidelines.

Positive aspects of the project include parking behind the building, access from a lane, and surface-mounted lighting on three elevations that enhances surveillance of the building and immediate vicinity. Additionally, the building provides a reasonable level of scale and visual interest, and uses materials appropriate to its context.

4.0 TECHNICAL COMMENTS

The application was circulated to various internal departments and technical agencies and the following comments were received.

4.1 Inspection Services Department

Handicapped parking not to code (min of 3.7 m is req.). The H/c stall to be relocated as close as possible to the access into the Building so that all units have easy access .4' side walk in back of the building is not accessible (with 3' door swing and 2' car overhang).

*The applicant has indicated that these comments can be addressed at the building permit stage.

4.2 Works and Utilities Department

The Works & Utilities Department have the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit or the subdivision approval, but are outlined in this report for information only.

4.2.1 **Domestic Water and Fire Protection**

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

Two of the existing lots are serviced with small diameter copper water services which are substandard. One adequate metered water service must be provided to meet current by-law requirements. The applicant will be responsible for the cost to provide this upgrade. Decommissioning and removal of the existing water services and watermain tie-ins for the new service will be by City forces and at the applicant's cost. The estimated cost of this construction for bonding purposes is \$ 6,000.00

4.2.2 **Sanitary Sewer**

The existing 150mm AC sanitary sewer system in the rear lane was installed in July 1956 and may not be adequate to support the proposed development. The system is shallow and has been inactive for some time.

The condition of this main will need to be assessed by the City. If required, replacement of the existing main will be at the developer's cost.

The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and location of the new service. The existing domestic service to lot 45 will need to be abandoned and replaced with a larger service at the preferred location complete with a terminal manhole. We have no record of services to existing lots 43 and 44.

The estimated cost of the main replacement, terminal manhole and new service for bonding purposes is \$23,000.00

4.2.3 Storm Drainage

Richter Street. There is a storm drainage main in Richter Street fronting on this development. Improvements to the storm drainage system will be included in the road frontage improvement requirements.

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.

Provide a lot grading plan identifying the minimum basement elevation (MBE), on-site drainage containment and disposal systems.

4.2.4 Road Improvements

(a) Richter Street fronting this development must be upgraded to a collector class 1 standard (SS-R5) including concrete curb and gutter, sidewalk replacement, street lighting, storm drainage system, fillet pavement, landscaping and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of construction for bonding purposes is \$ 25,000.00.

(b) The rear lane has been upgraded to a paved standard. Fillet pavement will be required along the fence line for the full frontage of this development. The estimated cost of construction for bonding purposes is \$ 2,200.00.

(c) The adjacent lane has been upgraded to a paved standard. Fillet pavement will be required along the fence line for the full frontage of this development. The estimated cost of construction for bonding purposes is \$1,800.00.

4.2.5 Road Dedication and Subdivision Requirements

Truncation of 3.00m by 3.00m at the intersection of both lanes

Grant statutory rights-of-way if required for utility services.

4.2.6 Electric Power and Telecommunication Services

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

4.2.7 Geotechnical Report

As a requirement of this application and / or prior to issue of a building permit, the applicant must provide a modified 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 pisometers 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.

4.2.8 Bonding and Levy Summary

(a) Bonding

Richter Street road frontage improvements	\$25,000.00
Lane frontage improvements	\$ 4,000.00
Service Upgrades	\$29,000.00
Total Bonding	\$ 58,000.00

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated to include engineering design and contingency protection and do not including utility service costs. Bonding for required off-site construction must be provided as a condition of building permit issuance.

The owner must also enter into a servicing agreement in a form provided by the City prior to issuance of a building permit.

4.2.9 Latecomer Provisions

Under the provisions of the Municipal Act, Latecomer provisions are available for the following items:

Replacement of the sanitary sewer main.

The consulting engineer is to prepare and submit the Latecomer information. The City will prepare the actual Latecomer Agreement(s) and forward to the owner(s) for signature. The Latecomer Agreements must be submitted for Council's adoption prior to the notice to proceed with the works and/or subdivision approval.

4.2.10 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.

4.2.11 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.

4.3 Fire Department

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

4.4 Parks Manager

All entry feature signs for the proposed development will be located on private property and not on City Boulevard.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department is generally supportive of the form and character of the proposed development. The proposal should set a relatively high standard for future re-development in this area and staff are pleased that the applicant has elected to apply for a development variance permit in order to site the building closer to the front property line.

The Works and Utilities Department has indicated that they will explore options for sidewalk/access from on City Right-of-Way in the alley between the applicant's parking area the Richter Street frontage. Any construction will be at the cost of the applicant.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

RM/AB/rs
Attach.

FACT SHEET

1. **APPLICATION NO.:** DP04-0068/DVP04-0069
2. **APPLICATION TYPE:** Development Permit/
Development Variance Permit
3. **OWNER:** 565401 BC Ltd.
 - **ADDRESS** 923 Ellis Street
 - **CITY** Kelowna, BC
 - **POSTAL CODE** V1Y 1Y9
4. **APPLICANT/CONTACT PERSON:** Lyle Isenor
 - **ADDRESS** 923 Ellis Street
 - **CITY** Kelowna, BC
 - **POSTAL CODE** V1Y 1Y9
 - **TELEPHONE/FAX NO.:** 869-8877
5. **APPLICATION PROGRESS:**
 - Date of Application:** June 21, 2004
 - Date Application Complete:** June 21 2004
 - Servicing Agreement Forwarded to Applicant:** N/A
 - Servicing Agreement Concluded:** N/A
 - Staff Report to APC:** N/A
 - Staff Report to Council:** July 22, 2004
6. **LEGAL DESCRIPTION:** Lot A, Sec. 30, Twp. 26, ODYD Plan 1014
7. **SITE LOCATION:** The subject property is located on east side Richter Street between Weddell Place and Ba Avenue.
8. **CIVIC ADDRESS:** 1015 Richter Street
9. **AREA OF SUBJECT PROPERTY:** 1,527m²
10. **AREA OF PROPOSED REZONING:** 1,527m²
11. **EXISTING ZONE CATEGORY:** I4 – Central Industrial
12. **PROPOSED ZONE:** I4 – Central Industrial
13. **PURPOSE OF THE APPLICATION:** TO CONSTRUCT A TWO STOREY
1,304M² INDUSTRIAL BUILDING
ON THE SUBJECT PROPERTY

TO VARY THE FRONT YARD SETBACK
FROM 6.0M REQUIRED TO 1.5M
PROPOSED

14. MIN. OF TRANS./HIGHWAYS FILES NO.: N/A
NOTE: IF LANDS ARE WITHIN 800 m OF A
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
- Floor plans
- Elevations
- Landscaping plan
- Sample Board