
**CITY OF KELOWNA
MEMORANDUM**

Date: February 11, 2005
File No.: DVP04-0150
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DVP04-0150 **APPLICANT:** False Creek Design
(William Chan)
AT: 2106 – 2112 Harvey Ave. **OWNERS:** WB – 133 Holdings Ltd.
(Prospera Credit Union)

PURPOSE: VARY THE MAXIMUM TOTAL GROSS FLOOR AREA FOR A FINANCIAL SERVICES BRANCH FROM 500 M² REQUIRED TO 732 M² PROPOSED, WHERE THAT FINANCIAL SERVICES ESTABLISHMENT DOES NOT HAVE A LARGER BRANCH LOCATED WITHIN THE C7 ZONE

EXISTING ZONE: C4 – URBAN CENTRE COMMERCIAL

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Council NOT authorize the issuance of Development Variance Permit No. DP04-0150 for Lot a, D.L. 127 O.D.Y.D. Plan 24849, located on Harvey Ave., Kelowna, B.C.

AND THAT variances to the following sections of Zoning Bylaw No. 8000 NOT be granted:

Section 14.4.6 (d) – Restriction on G.F.A. of Financial Services

Vary the maximum total gross floor area for a financial services branch from 500 m² to 732 m² proposed, where that financial services establishment does not have a larger branch located within the C7 zone.

2.0 SUMMARY

This application seeks to vary the maximum allowable floor area for a financial services branch where that financial services establishment does not have a larger branch located within the C7 zone. If approved, the Owner would be able to expand the “financial services” use beyond the maximum 500 m² gross floor area allowed. This additional floor area is to come from a mezzanine/2nd floor level, which is to be constructed within the existing building.

3.0 ADVISORY PLANNING COMMISSION

On its meeting of February 1, 2005, the APC passed the following motions:

THAT the Advisory Planning Commission NOT support Development Variance Permit Application No. DVP04-0150 for 2106 – 2112 Harvey Avenue, Lot A, Plan 24849, Sec. 21, Twp. 26, O.D.Y.D. by False Creek Design Group; and

THAT the Advisory Planning Commission recommends to Kelowna City Council that it should revisit the Bylaw requirement in question.

4.0 BACKGROUND

4.1 The Proposal

At this location, Propsera Credit Union currently occupies 495 m² of space with the “financial services” component of their business. They have another branch in the South Pandosy area, but do not have a branch in the City Center. Without a larger branch in the City Centre, the “financial services” gross floor area cannot exceed 500 m². They are proposing a 237 m² mezzanine/2nd floor addition to the building, which would bring the total gross floor area to 732 m², and therefore require a variance to this Bylaw requirement.

The proposed application meets the requirements of the C4 – Urban Centre Commercial zone as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	± 4,937 m ² (1.22 ac)	1300 m ²
Lot Width	± 62 m	40.0 m
Lot Depth	± 78 m ²	30.0 m
CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Development Regulations		
Floor Area Ratio	0.25	1.0
Site Coverage	22 %	max. 75%
Height	10.25 m	15.0 m or 4 storeys
Front Yard	11.25 m	0.0 m
Side Yard (south)	25.75 m	0.0 m
Side Yard (north)	20.0 m	0.0 m
Rear Yard	4.5 m	0.0 m
Other Regulations		
Section 14.4.6 (d) – Restriction on G.F.A. of Financial Services	732 m ² *	Financial Services shall have a maximum total gross floor area of 500 m² unless a larger branch of the Financial services establishment is located within the C7 zone.
Minimum Parking Requirements	72 spaces	1.75 per 100 m ² G.F.A. 1,080 m ² x 1.75/100 = 19 spaces

* The Applicant is proposing to expand the “financial services” use from the maximum allowable 500 m² gross floor area to 732 m² of gross floor area.

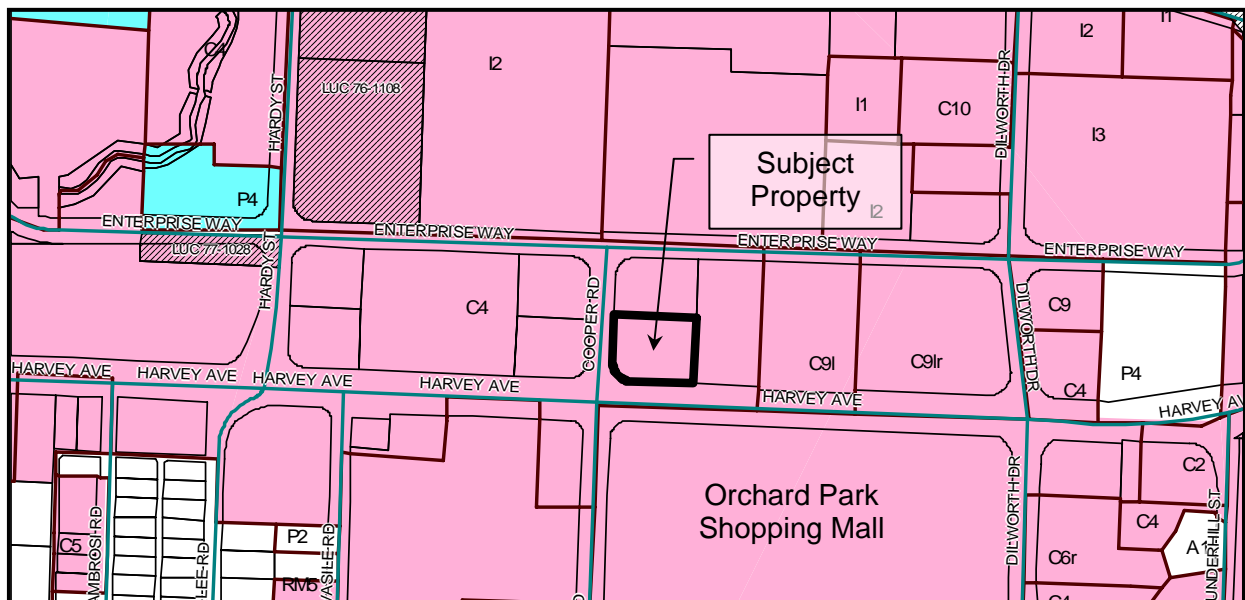
4.2 Site Context

The subject property is located in the Highway Town Center area, across from Orchard Park Shopping Mall at the northeast corner of the intersection of Cooper Road and Harvey Avenue. The surrounding area is entirely commercial in use. More specifically, the adjacent land uses are as follows:

North-	C4 – Urban Centre Commercial
East	C4 – Urban Centre Commercial
South	C4 – Urban Centre Commercial
West	C4 – Urban Centre Commercial

Site Location Map

Subject property: 2106 – 2112 Harvey Ave.



4.3 Current Development Policy

4.3.1 Kelowna 2020 – Official Community Plan

Cultural Facilities and Financial Services – Encourage cultural facilities and financial services to locate within the City Centre as outlined in the Kelowna Downtown Plan.

Encouraging Urban Centre Location – Work with the Chamber of Commerce, Economic Development Commission, the Downtown Kelowna Association and the local business community to encourage new commercial enterprises to locate within designated Urban Centres.

Assessing Market Dynamics – Seek the input of the development and business community in assessing market dynamics affecting the achievement of Urban Centre objectives;

4.3.2 Kelowna Downtown Plan

Encourage the location and retention of office-related functions within the Plan area, in particular those related to financial institutions and federal and provincial government agencies and crown corporations

Maintain the stipulation of the City of Kelowna Zoning Bylaw No. 8000 that limits the size of branches of financial service establishments outside the Central business Commercial area.

5.0 TECHNICAL COMMENTS

5.1 Fire Department

No comments.

5.2 Inspection Services

Minimum of 45 minute Fire Resistance Rating (FRR) is required for mezzanine ceiling and walls in enclosed area.

Enclosed area to be separated from the rest of the Mezzanine with minimum of 45 minutes FRR up to a maximum of 200 m². Otherwise both stairs must be completely separated from the lower floor with a 45 minute FRR.

A 20 minute fire rated door to separate enclosed area from the rest of the mezzanine is required.

The landing of the exterior stair to be redesigned to comply with BCBC.

5.3 RCMP

The north elevation calls for an outside staircase on the building. Experience has shown a staircase of this nature can allow relatively easy access to the roof by unwanted persons. I would suggest consideration be given to incorporating this stairwell to the interior of the building with an exit door at ground level.

5.4 Works and Utilities

The requested development variance permit for allowance to build-out on the second floor does not compromise Works and Utilities servicing requirements.

5.4.1 Road Improvements

Harvey Avenue in front of this development must be upgraded to a full urban standard including curb and gutter, separate sidewalk, fillet pavement, street lights, irrigated boulevard landscaping and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. This work will require curb and gutter installation, sidewalk removal and replacement. The proposed work must be approved by Ministry of Transportation and constructed to their Standards.

\$33,000.00 Performance bonding and a Servicing Agreement are in place for the above noted Works.

Frontage improvements on Harvey Avenue were deferred until the hydro poles were removed. Removal of the utility poles by Fortis.BC is now complete and the required frontage improvements can proceed.

5.4.2 Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site works, 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.

It will be the developer’s responsibility to obtain the necessary permits from M.O.T for works within the Harvey Avenue Right-of-way.

5.4.3 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.

5.4.4 Access and Manoeuvrability

As a result of the new and projected redevelopments within this city block, the Transportation Department is working towards the following ultimate access improvements:

- One Cooper Road access will be developed to serve Lots-A, B & C of Plan-24849;
- A shared Harvey Avenue access which will serve both Lot-C Plan-24849 (McDonalds) and Lot-A P-23746 (Sandman Hotel)
- A shared Enterprise Way access which will serve both Lot-B, and Lot-C P-24849 (McDonalds north end)
- A shared Enterprise Way access which will serve both Lot-A P-23746 (Sandman Hotel) and Lot-A P-42733 (Ramada Hotel).

Register a cross access agreement in favour of both Lots, B & C Plan-24849.

Although the applicant will not be required to modify the existing Cooper Road access at this time, a cross access agreement shall be registered along the northerly property line to facilitate a future common access with the neighbouring properties.

5.4.5 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 CORPORATE SERVICES DEPARTMENT COMMENTS

Staff does not support this application, because the proposal runs contrary to policies in the Kelowna 2020 – Official Community Plan (OCP) and the Kelowna Downtown Plan. Approval of a variance in this case would undermine the very rationale for these policies that are intended to encourage a concentration of financial services in the City Centre.

One of the arguments made by the Applicant in their rationale letter is that this Bylaw requirement is no longer relevant and should be changed. Should Council agree with that

argument, then a better approach would be to amend the Zoning Bylaw to remove this requirement, allowing all financial institutions the same latitude to locate their flagship branch outside the City Centre. However, Staff does not encourage amending the Bylaw, because the various City of Kelowna policy documents do not support such an endeavour. Furthermore, there are strong planning reasons why this requirement should be maintained. Abandoning it would frustrate the broader planning goals articulated in the Downtown Plan, which are the retention of office-related functions within the area, in particular those related to financial institutions and federal and provincial government agencies and crown corporations.

Should Council consider approving this application, allowing the Applicant to proceed with this mezzanine/2nd floor addition, Staff encourages the Applicant to address the following issues:

- Without an elevator, this addition is not accessible for individuals with mobility limitations;
- The RCMP has identified possible conflict with CPTED principles as they relate to the exterior staircase proposed for the north elevation (see section 5.3 of this report);
- Ensure BCBC requirements can be met as per Inspections Services comments in section 5.2 of this report;
- Address Works and Utilities requirements as per section 5.4 of this report.

7.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DP04-0150 for Lot a, D.L. 127 O.D.Y.D. Plan 24849, located on Harvey Ave., 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";

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

Section 14.4.6 (d) – Restriction on G.F.A. of Financial Services

Vary the maximum total gross floor area for a financial services branch from 500 m² to 732 m² proposed, where that financial services establishment does not have a larger branch located within the C7 zone.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

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