
**CITY OF KELOWNA
MEMORANDUM**

Date: April 15, 2005
File No.: DVP05-0068
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DVP05-0068 **APPLICANT:** Tescos Inc.
(Ross Manning)
AT: 1327 St. Paul St. **OWNER:** Tescos Inc.
PURPOSE: TO VARY ZONING BYLAW NO. 8000 SECTION 8.2 – OFF-STREET
LOADING, SUCH THAT NO LOADING SPACE BE REQUIRED.
EXISTING ZONE: RU6 – TWO DWELLING HOUSING
PROPOSED ZONE: C7 – CENTRAL BUSINESS COMMERCIAL
REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Council NOT authorize the issuance of Development Variance Permit No. DP05-0068 for Lot A, District Lot 139 Plan KAP77613, located on St. Paul Street, Kelowna, B.C.;

AND THAT a variance to the following sections of the City of Kelowna Zoning Bylaw No. 8000 NOT be granted:

Section 8.2.2 – Off-Street Loading (Number of Spaces)

Vary the requirement for off-street loading, such that no loading space be required.

2.0 SUMMARY

This application seeks to vary the Zoning Bylaw requirement for off-street loading. In this case the 360 m² of commercial floor area triggers a requirement for one loading space. Due to (a) the limited land area exclusive of the building, (b) the orientation of the commercial space on the street, and (c) the relatively small commercial floor area, the Applicant requests that Council consider varying this requirement.

This application is associated with a rezoning application and a development permit application.

3.0 BACKGROUND

3.1 The Proposal

The proposed application meets all the requirements of the C7 – Central Business Commercial zone, except that there is no loading space provided, as seen in the table below:

Project details	Site area:	2,787 m ² (0.69 ac)
	Footprint:	2,468 m ²
	Commercial Floor Area:	360 m ²
	Residential Floor Area:	5,277 m ²
	Units:	44 two-bedroom units
		<u>8 one-bedroom units</u>
		52 total

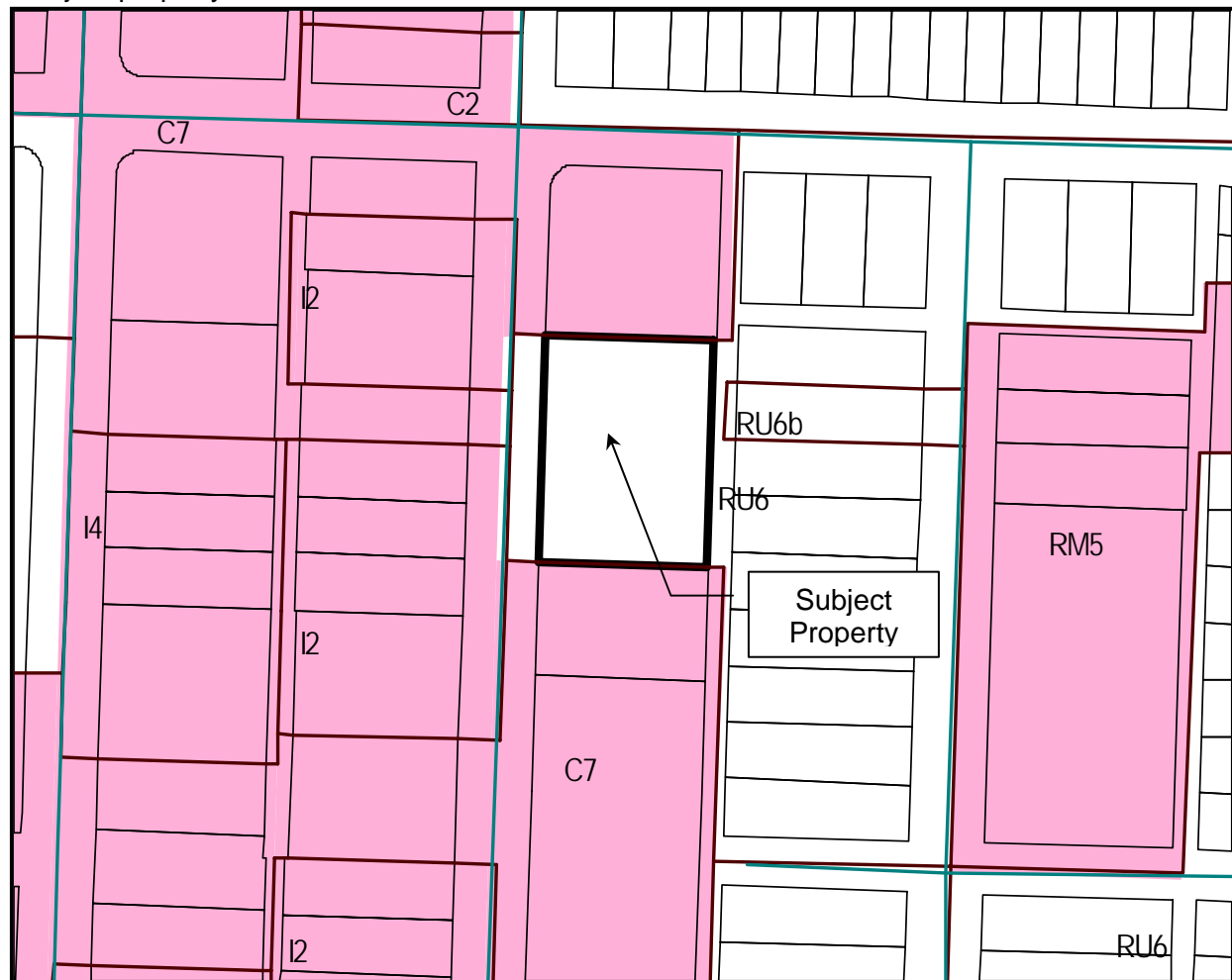
CRITERIA	PROPOSAL	C7 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	2,787 m ² (0.69 ac)	200 m ²
Lot Width	61.0 m	6.0 m
Lot Depth	45.7 m ²	30.0 m
Development Regulations		
Floor Area Ratio	2.0	9.0
Height	14.6 m	44.0 m
Building Envelope	Meets requirements	Restrictions on building envelope above 15.0 m
Front Yard	1.0 m	0.0 m
Side Yard (south)	1.4 m	0.0 m
Side Yard (north)	1.5 m	0.0 m
Rear Yard	2.3 m	0.0 m
Other Regulations		
Minimum Parking Requirements	65	<u>Residential:</u> 1 per dwelling unit <u>Commercial:</u> 1.3 per 100m ² GFA Total required: 57 spaces
Bicycle Parking	Class 1 parking space meets requirements. Class 2 parking space meets requirements.	<u>Residential</u> Class I: 0.5/unit = 11 Class II: 0.1/unit = 6 <u>Commercial</u> Class I: 0.2/100 m ² = 1 Class II: 0.6/100 m ² = 3
Private Open Space	Avg. balcony size: 9 m ² Entry plus courtyard area: 237 m ² / 39 units in upper 3 floors = 6.0 m ² additional open space + 9.0 m ² avg. = 15 m ² Main floor units have ample private open space.	10 m ² per one-dwelling bedroom; 15 m ² per two-bedroom dwelling, 15 m ² x 44 units = 660 m² 10 m ² x 8 = 80 m²
Loading Space	0 ^A	1 per 1,900 m ² GFA

^A The Applicant is seeking to vary this requirement of the Bylaw, such that no loading space be required.

3.2 Site Context

Site Location Map

Subject property: 1327 St. Paul Street



The subject property is located on the east side of St. Paul Street, south of Cawston Avenue. This side of St. Paul Street marks the eastern extent of the downtown commercial / former industrial area. More specifically, the adjacent land uses are as follows:

North-	C7 – Central Business Commercial
East	RU6 – Two Dwelling Housing RU6b – Two Dwelling Housing With Boarding or Lodging House
South	C7 – Central Business Commercial
West	I2 – General Industrial C7 – Central Business Commercial

3.3 Current Development Policy

3.3.1 City of Kelowna Zoning Bylaw No. 8000

Section 8.2.2 – Number of Spaces: The number of off-street loading spaces, including bus loading spaces, required for each use is specified in the Loading Schedule (Table 8.2).

Table 8.2 (abridged)	
Type of Development (Use)	Required Loading Spaces
Commercial Uses (except above) and Industrial Uses	1 per 1,900 m ² GFA

4.0 TECHNICAL COMMENTS

4.1 Inspection Services

No concerns.

4.2 Works and Utilities

Works and Utilities do not support a variance, which would allow the applicant to develop this project without the required loading facilities off the rear lane.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

Whether there is a loading space provided or not, it is likely that both the residential and commercial users of this building will be parking on the street to unload moving vans, or delivery trucks. This situation is likely, due to the location of the elevator and commercial space towards the front of the building, whereas the proposed loading space would be at the rear of the building. With a loading space off the lane, the movement of goods would have to follow a path through the parking structure, or significant changes to the building design would be needed to accommodate a route along either side of the building.

The proper functioning of this building will require an area to allow loading activities. Therefore, either (a) the Applicant will have to meet that requirement by providing a loading space on the subject property, or (b) Council may vary this requirement, and possibly designate a loading space on the public road right of way in front of this building.

In this case, Staff do not support a variance to this requirement because: (1) recent amendments to the C7 zone have resulted in significantly reduced parking requirements, and see no reason to relax them further, (2) eliminating the loading standard is not in the public interest, due to the impact on available street parking for other users, and (3) the precedent such a decision could set in dealing with other projects in the future is unwelcome.

However, should Council consider this application has merit, Staff has provided an alternate recommendation below to allow this variance application to be approved.

6.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DP05-0068 for Lot A, District Lot 139 Plan KAP77613, located on St. Paul Street, Kelowna, B.C.

AND THAT a variance to the following sections of the City of Kelowna Zoning Bylaw No. 8000 be granted:

Section 8.2.2 – Off-Street Loading – Number of Spaces

Vary the requirement for off-street loading, such that no loading space be required.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

NW/nw