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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** July 6, 2005  
**File No.:** DP03-0145

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

APPLICATION NO. Z03-0061 OWNER: Jabs Development Ltd.

AT: 1937-1939 Harvey Ave APPLICANT: Jabs Development Ltd.

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE  
CONSTRUCTION OF A NEW COMMERCIAL BUILDING.

EXISTING ZONE: C10 – SERVICE COMMERCIAL ZONE

PROPOSED ZONE: C3 – COMMUNITY COMMERCIAL ZONE

REPORT PREPARED BY: KEIKO NITTEL

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0 RECOMMENDATION**

THAT Municipal Council authorize an extension to Rezoning application No. Z03-0061 (Bylaw No. 9163);

THAT Final Adoption of Zoning Bylaw No. 9163 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. 03-0145 for Lot 2, DL 128, ODYD, Plan 18138, located on Harvey Avenue, 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 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;
5. Signage is to be in accordance with Sign Bylaw No. 8235.

6. The applicant be required to provide confirmation of registration of easement agreements providing the subject property with access to Windsor Road in accordance with Schedule "D".

AND 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 applicant's proposal to rezone the subject property from C10 – Service Commercial Zone to the C3 – Community Commercial (Bylaw No. 9163) received second and third readings on February 24, 2004 after the Public Hearing held on the same date. The applicant is now ready to proceed with adoption of the zone amending bylaw as well as the review of the associated Development Permit to allow for the construction of a new commercial building.

## 3.0 ADVISORY PLANNING COMMISSION

The above-noted applications were reviewed by the Advisory Planning Commission at the meeting of November 25, 2003, and the following recommendations were passed:

AND THAT the Advisory Planning Commission supports Development Permit Application No. DP03-0145; 1937 & 1939 Harvey Avenue, Lot 2, Plan 18138, Sec. 20, Twp. 26; Carl Scholl Design (Carl Scholl)/ Scandilog Homes Ltd. to obtain a Development Permit to allow for the construction of a new 1,064 m<sup>2</sup> commercial/retail building subject to landscaping being provided in accordance with the Zoning Bylaw requirements.

The applicant submitted revised landscaping plans providing adequate landscaping on-site and with the boulevard.

## 4.0 BACKGROUND

### 4.1 The Proposal

The subject property is located on Harvey Avenue. An access easement runs along the front property line with driveway access from adjacent highway located in front of the property. Access to the rear of the property will be via a 6.0m one way easement located between the proposed building and the existing building on the property to the east. Existing easements on adjacent properties provide access off the site onto Windsor Road.

The applicant is seeking to obtain a development permit to allow the construction of a new commercial building. The proposed one storey building consists of several commercial units with storage space located at the rear. As warehousing is not a permitted use within the C3 zone, the "warehouse area" (as labeled on the plans) may only be used as storage for the building's tenants. The proposed building façade is to be taupe stucco with red and blue accent colours. Window trim, doors, and lighting are to be finished with a black anodized metallic finish. Fascia signage is proposed on the building facades. In addition, a freestanding sign is proposed within the parking area. Sign permits will be required prior to the erection of the signage. At that time verification will be required to ensure all signage meets the provisions of the Sign Bylaw.

The proposed landscaping consists of a landscape islands within the parking area plant shrubs. Oregon grape will also be planted along the west property line. Landscaping is also proposed on the boulevard. The area between the highway and the sidewalk will be grassed. The portion

of the boulevard located between the sidewalk and the access road will contain three trees as well plantings of centennial rose, mugho pine, and burning bush. Adequate parking is proposed at the front and rear of the property. Bicycle parking is located at the front of the building. Adjacent to the building at the rear of the site, a loading space is provided.

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

CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	3381.6m <sup>2</sup>	460.0 m <sup>2</sup>
Site Width (m)	39.6m	40.0m
Site Depth (m)	76.2m	30.0m
Site Coverage (%)	42.5%	50.0%
Total Floor Area (m <sup>2</sup> )	1403.26	
F.A.R.	0.43	1.0
Height (m)	10.4m	15.0 m
Storeys (#)	1	4
Setbacks (m)		
- Front (South)	9.84m	3.0 m
- Rear (North)	2m	0.0 m
- Side (East)	7.7m	0.0 m
- Side (West)	0.2m	0.0 m
Parking Stalls (#)	50	3.0 per 100 m <sup>2</sup> = 43 spaces required
Driving Aisle Width	7.3m	7.0m
Bicycle Stalls (#)	12	12 Total - 0.2 per 100 m <sup>2</sup> GLA ; or 1 per 10 employees (Class I); 0.6 per 100 m <sup>2</sup> GLA (Class II)
Loading Stalls (#)	1 stall 28m <sup>2</sup>	1 stall per 1900 m <sup>2</sup> GFA 28m <sup>2</sup>

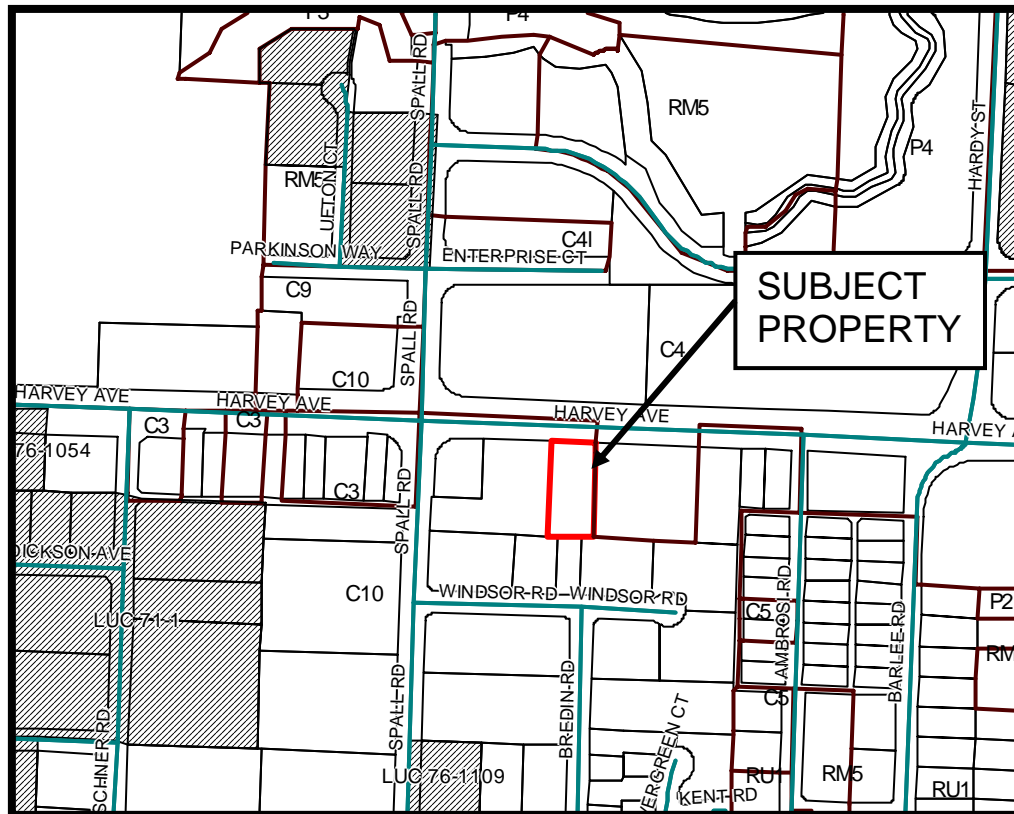
#### 4.2 Site Context

The subject property is located on Harvey Avenue between Spall Road and Barlee Road.

Adjacent zones and uses are, to the:

North - C10- Service Commercial  
 East - C10- Service Commercial  
 South - C10- Service Commercial  
 West - C10- Service Commercial

### Site Location Map



### 4.3 Existing Development Potential

The purpose of the C10- Service Commercial is to designate and preserve land for the accommodation of a mix of commercial uses, including vehicular oriented areas, not provided for in other zones.

### 4.4 Current Development Policy

#### 4.4.1 Kelowna Official Community Plan

The proposed development is subject to “Commercial” Development Permit guidelines to ensure that the form and character of new commercial development. The proposed development is generally consistent with principles of good urban design as well as other goals and objectives of this OCP.

#### 5.1 City of Kelowna Strategic Plan

One of the goals of the Strategic Plan is to aid in the growth and progress of Kelowna as a desirable place to do business. Objectives for include: to foster a strong, stable and expanding economy; to aid in the growth and progress of Kelowna as a desirable place to visit, shop and tour; to increase the diversity of employment opportunities; and to commit to continued sound fiscal management.

5.0 TECHNICAL COMMENTS

- 5.1 Aquila Networks  
Additional servicing, if required, to be underground.
- 5.2 Fire Department  
Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. For fire access we require 6M width through out the easement.
- 5.3 Inspection Services  
No concerns.
- 5.4 Ministry of Transportation  
No objection. No direct access to Harvey, all access via existing easement frontage road.
- 5.5 Parks Department  
No planting details were provided for City BLVD. Please provide planting plan to Parks for review.
- 5.6 Interior Health  
No comment.
- 5.7 RCMP  
No comment.
- 5.8 Shaw Cable  
Owner/developer to supply and install an underground conduit system as per Shaw Cable drawings & specifications.
- 5.9 Telus  
TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.
- 5.10 Terasen  
Developer should plan on using existing gas service off Harvey Ave. Plan metering facilities location accordingly.
- 5.11 Works & Utilities  
The Works & Utilities Department have the following requirements associated with this rezoning and development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit, but are outlined in this report for information only. These are W. & U. initial comments and are subject to MOT requirements

5.11.1 Domestic Water and Fire Protection

- (a) The proposed development site is serviced with a 19mm-diameter copper water service. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development, and establish if this service can be utilized or if a larger service is required. Unused services must be removed by City Forces at the applicant's cost, and if a service change is required, it can be provided at the applicant's cost.
- (b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.
- (c) The boulevard irrigation system must be integrated with the on-site irrigation system.

5.11.2 Sanitary Sewer

- (a) The proposed development site is serviced with a 100mm-diameter sanitary service. The service may be retained for the proposed development if it is suitable. If a larger sanitary sewer service is required, it can be provided at the owner's cost.

5.11.3 Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service.
- (b) Provide a lot grading plan.

5.11.4 Road Improvements

- (a) Harvey Avenue along the frontage of this development site must be upgraded to a full urban standard including curb and gutter, separate sidewalk, fillet pavement, irrigated boulevard landscaping and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The proposed work must be approved by

Ministry of Transportation and constructed to their Standards. The estimated cost of this construction for bonding purposes is \$18,500.00.

- (b) The existing frontage road (9.14m wide) must be fully upgraded to a paved standard including curb and gutter and landscaped boulevard. This will be a requirement of the issuance of a building permit.

#### 5.11.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Grant statutory rights of way if required for utility services.
- (b) The existing frontage road easement (Plan A8352) must remain in place.
- (c) Register a cross access agreement for a common driveway along the easterly boundary line with Lot 1, Plan 5542.

#### 5.11.6 Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the 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.

#### 5.11.7 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.

#### 5.11.8 Geotechnical Report

As a requirement of this application and building permit approval 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:

- (a) Area ground water characteristics, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements etc.

(c) 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, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

(d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

(e) Additional geotechnical survey may be necessary for building foundations, etc.

#### 5.11.9 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.

#### 5.11.10 Bonding and Levy Summary

##### (a) Bonding

Harvey Ave frontage improvements	\$ 18,500.00
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Total Bonding	<u>\$ 18,500.00</u>
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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 4<sup>th</sup> reading of the zone amending bylaw or issuance of a building permit.



5.11.11 Development Permit and Site Related Issues

(a) The existing frontage road, which is covered by easement plan A8352, (9.14 m wide), presents a problem in its present location. There is minimal stacking distance for vehicles turning in off the highway and the driveway slope is too steep over that short distance. It is recommended that the private road be shifted 6.0 m to the south. This would permit installation of a row of parking stalls along the highway frontage boulevard and increase the entrance driveway vehicle stacking length. Although the current applicant will not be required to relocate his section of frontage road at this time, the site layout is configured to permit this to happen in the future.

(b) The City will pursue the access road realignment with the neighbouring businesses as well as the business at the Ambrosi Street corner.

5.11.12 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

The proposed development is generally consistent with the Guidelines for Commercial Development, as outlined in the Official Community Plan. The Planning and Corporate Services Department is therefore supportive of the proposed development. The applicant has revised the site plan to ensure that the proposed development meets requirement of Zoning Bylaw No. 8000. The proposed building design uses different materials and architectural details, such as columns and cultured stone, to provide visual interest to the buildings. In addition, adequate landscaping is to be provided on site providing a buffer between the street and parking. Staff, however, note that a defined pedestrian pathway to the sidewalk would create a good pedestrian linkage to the proposed building.

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Andrew Bruce  
Development Services Manager

Approved for inclusion

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

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

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