
CITY OF KELOWNA

MEMORANDUM

Date: June 29, 2005
File No.: (3360-20) **Z05-0019**

To: City Manager

From: Planning & Corporate Services Department

Subject:

APPLICATION NO. Z05-0019

OWNER: 564913 BC LTD.

AT: 1347 ELLIS ST.

APPLICANT: HANS NEUMANN

PURPOSE: TO REZONE A PORTION OF LOT 1, PLAN 66437 FROM THE I4-CENTRAL INDUSTRIAL ZONE TO THE C7-CENTRAL BUSINESS COMMERCIAL ZONE IN ORDER TO ACCOMMODATE A LOT LINE ADJUSTMENT TO MOVE THE SOUTH PROPERTY LINE 4.5 M TO THE NORTH

EXISTING ZONE: I4 – CENTRAL INDUSTRIAL ZONE

PROPOSED ZONE: C7 – CENTRAL BUSINESS COMMERCIAL ZONE

REPORT PREPARED BY: PAUL McVEY

THAT Rezoning Application No. Z05-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, DL 139, O.D.Y.D., Plan KAP66437, located on Ellis Street, Kelowna, B.C. from the existing I4 – Central Industrial zone to the proposed C7 – Central Business Commercial zone as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated June 29, 2005, be considered by Council;

THAT pursuant to the provisions of the City of Kelowna Development Application Procedures Bylaw No. 8140 and section 890 of the Local Government Act that the requirement for the public hearing be waived;

THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision for the lot line adjustment and access right of way for public access through plaza;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

2.0 SUMMARY

The applicant proposes to rebuild the north endwall of the existing building located on lot 2, plan 66437. However, as part of the rebuilding program, they also propose the construction of a new entrance canopy located mid-way along the building frontage, as

well as the creation of an outdoor plaza area. This proposed construction requires the moving of the north property line of Lot 2, Plan 66437 4.5 m to the north in order to provide adequate area for the entry feature and plaza area. This application proposes to rezone this additional land area from the existing I4 – Central Industrial zone to the proposed C7 – Central Business Commercial zone, a use that is supported by the City of Kelowna Official Community Plan.

2.1 Advisory Planning Commission

The above noted application (Z05-0019) was reviewed by the Advisory Planning Commission at the meeting of April 26, 2005 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0019, for 1347 Ellis Street, Lot 1, Plan 66437, Sec. 25, Twp. 25, ODYD, by Hans Neumann to rezone from the I4-Central Industrial zone to the C7-Central Business Commercial zone in order to accommodate a lot line adjustment to move the north property line 4.5 m to the north;

3.0 BACKGROUND

3.1 The Proposal

The subject properties have been developed with industrial buildings that had been used for a variety of industrial uses. In 1999, the 3 of the 4 lots occupied by the buildings had been rezoned to the C7 – Central Business Commercial zone in order to permit the conversion of the buildings to commercial uses, and to support a major façade improvement that was authorized by DP99-10,014. To date, only the ground areas of the existing buildings facing Ellis have been developed for commercial uses. The existing 2nd and 3rd floors have been left unoccupied. As well, there has been an industrial user located in the rear of the ground floor of the existing building (Myers sheet metal) that has been using that portion of the existing building.

The applicant wishes to rebuild the north endwall of the existing building located on Lot 2, Plan 66437. However, as part of the rebuilding program, they also propose the construction of a new entrance canopy located mid-way along the north building frontage. This proposed construction will then extend the building and the proposed commercial use north beyond the existing north property line of Lot 2, which is also the boundary between the existing I4 – Central Industrial zone to the north, and the existing C7 – Central Business Commercial zone to the south. It is the desire of the developer to move the northern lot line of Lot 2 Plan 66734 4.5 m to the north to accommodate the new proposed entrance canopy feature, and to create a new 9.0 m wide plaza feature adjacent to Ellis Street.

The proposed façade improvement to the north building elevation is designed to create a new building entrance and lobby area to the existing building, which will provide for access to the upper two floors. The façade changes will provide store front entrance units to 4 new separate retail areas located at grade level, as well as new glazing to the upper two floors. The proposed façade changes will generally replicate the façade improvements that were constructed on the Ellis Street façade, with the addition of brick facing to the first 2 storeys, and stucco wall finishes to the 3rd storey and a cornice design element, similar to the detail elements that have been constructed on the Ellis Street elevation. The area of the main building entrance is designed to have a canopy feature with a elevated roof structure to create a significant “landmark” to identify the

building entrance. The drawings submitted also indicate that the new façade finishes are proposed to be carried around the corner onto the Ellis Street façade, to terminate mid-way through the first bay on that façade.

Overall, the proposed renovations will have the potential to provide an additional 3,800 m² (approximately) of usable floor space. As part of the renovations, there will be substantial upgrades required in order to bring the existing building up to current safety and building code standards. There will also be the issue of off-street parking that will have to be finalized to authorize the final build-out, as the current development relies on the provision of parking on the undeveloped portion of Lot 1, Plan 68437.

The proposal as compared to the C7 zone requirements for lot 3 and the amended lot 2 is as follows:

CRITERIA	PROPOSAL	C7 ZONE REQUIREMENTS
Site Area (m ²)	1,978.7 m ²	200 m ²
Site Width (m)	43.57 m	30 m
Site Coverage (%)	100%	N/A
Total Floor Area (m ²)	5,215 m ²	N/A
F.A.R.	2.6	Max FAR = 9.0
Height (m)	11.5 m (3 storeys)	Max 44.0
Setbacks (m)		
- Front (Ellis St.)	0.0 m	0.0 m
- Rear	0.0 m	0.0 m
- North Side (rev. prop. line)	1.8 m	0.0 m
- South Side	0.0 m	0.0 m
Parking Stalls (#)	68 stalls required for total build-out ❶	All commercial uses in the C7 zone – 1.3 stalls per 100 m ²
Loading Stalls (#)	3 loading stalls req'd for total build-out	1 stall per 1,900 m ² GFA
Bicycle Stalls (#)	Class I: 11 req'd Class II: 32 req'd	Class I: 0.20 per 100 m ² GLA; or 1 per 10 employees Class II: 0.60 per 100 m ² GLA

Notes.

- ❶ The parking requirement for the conversion of the remaining ground floor area (330.6 m²) only to commercial uses will require only 5 additional parking stalls

3.2 Site Context

Adjacent zones and uses are, to the:

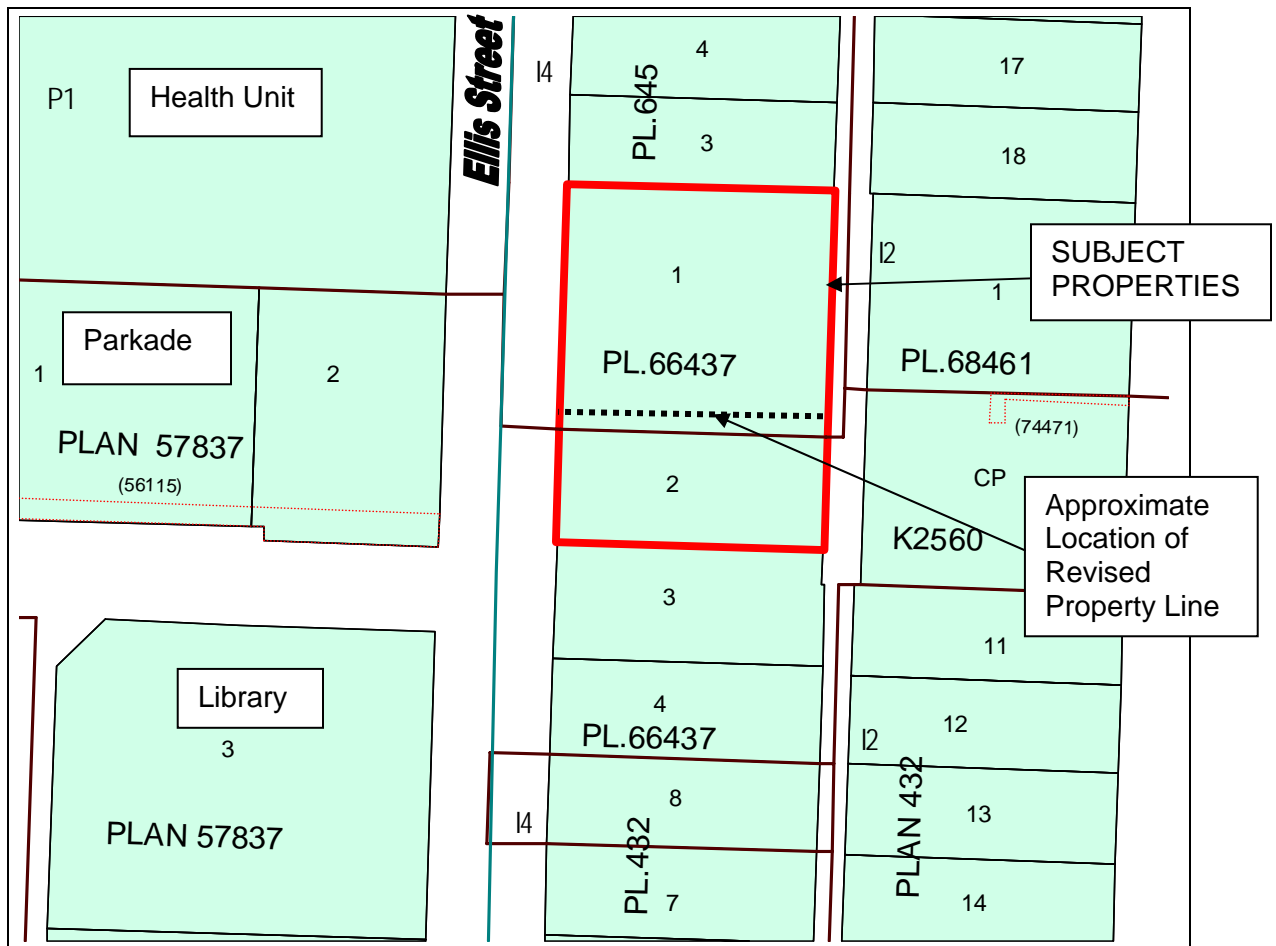
- North - I4 – Central Industrial/ Existing auto repair garage
- East - C7 – Central Business Commercial/ lane, office uses
- South - C7 – Central Business Commercial/ Retail uses
- West - C7 – Central Business Commercial/ Ellis St., library & parkade

3.3 Existing Development Potential

The current C7 – Central Business Commercial zone permits as principal permitted uses; amusement arcade – major, apartment housing, apartment hotels, boarding or lodging houses, broadcasting studios, business support services, care centres, major,

commercial schools, community recreational services, congregate housing, custom indoor manufacturing/artist's studio, emergency and protective services, financial services, food primary establishment, funeral services, fleet services, gaming facilities, government services, health services, hotels, household repair services, liquor primary establishment, major (C7lp and C7lp/rls only), liquor primary establishment – minor, non-accessory parking, offices, participant recreation services – indoor, personal service establishments, private clubs, private education services, public education services, public libraries and cultural exhibits, public parks, recycled materials drop-off centres, retail liquor sales establishment (C7rls and C7lp/rls only), retail stores – convenience, retail stores – general, spectator entertainment establishments, spectator sports establishments, temporary shelter services, used goods stores, and utility services - minor impact. This zone also permits amusement arcade – minor, care centres – intermediate, care centres – minor, home based businesses - minor as permitted secondary uses.

SUBJECT PROPERTY MAP



3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The proposed development is consistent with the Official Community Plan Future Land Use designation of “Commercial”.

3.4.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs
- embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decisions made by the City.

The City of Kelowna Strategic Plan 2004 also states as an Objective;

1. Aid in the growth and progress of Kelowna as a desirable place to do business.
2. Aid in the growth and progress of Kelowna as a desirable place to visit, shop and tour.
3. Increase the diversity of employment opportunities.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Community Heritage Commission

The following motion was passed at the CHC May 3, 2005 Regular Meeting:

THAT the Community Heritage Commission support Rezoning Application No. Z05-0019 and DP05-0054 “Ellis Street” Application for facade improvements to a building located next to a building listed on the Kelowna Heritage Register and for a lot line adjustment involving the heritage property, subject to the use of exterior colour and finish in keeping with features of the original district, as demonstrated by the Laurel Packing House, and other buildings in the area such as the Library and the Library Parkade. Incorporation of the original name (Okanagan Packers’ Packing House) on the side or front of the subject building would further acknowledge the heritage value of the building. The Commission is pleased to support downtown revitalization.

4.2 Fire Department

Fire Dept access, fire flows, and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw.

4.3 Inspection Services Department

Architect to provide full code analysis showing existing building upgrades. Architect to review exit stairs into lobby area - is this an exit lobby? Spatial calculations to be provided with code analysis. Geotech report required. Separate sign permits required.

Note; These building code issues will be dealt with at the time of the building permit application.

4.4 Ministry of Transportation

No Objections.

4.5 Policy, Research, and Strategic Planning Department

The proposed project generally conforms with the Guidelines for Development in Urban Centres in Section 6 of the OCP. Positive aspects of the proposal include the materials and detailing that convey visual interest and a sense of permanence. Also, the balance of vertical and horizontal proportions is appropriate in what is intended to be a pedestrian-oriented setting.

Moreover, two techniques work well to lead pedestrians to the access on the north side of the building and otherwise connect the spaces facing the plaza, with Ellis Street. One is the proposed plaza itself which would make an inviting gesture from Ellis Street. The other is the brick facade treatment that begins on Ellis Street but continues along the north side of the building.

The creation of a plaza in this location would leave open the possibility of a mid-block pedestrian connection between Smith Avenue and Fuller Avenue, if the requisite properties were acquired in the future.

4.6 Shaw Cable

Owner/developer to supply and install underground conduit system.

4.7 Telus

Will provide underground facilities. Developer will be required to supply and install conduit as per policy.

4.8 Works and Utilities Department

The applications for rezoning & Development Permit do not compromise Works & Utilities Department servicing requirements. An agreement must be registered to allow pedestrian traffic between the public lane and Ellis Street.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The buildings located on the subject property were converted to the existing retail uses in 1999. At that time, the intent was to construct major façade improvements for the Ellis Street façade, and convert the ground floor areas only to retail or commercial uses in

keeping with the development of the Kelowna Arts and Cultural District. At that time, only the ground floor facing Ellis Street was to be converted to commercial retail uses, while the existing upper floors were to remain vacant or used for storage purposes, and the rear of the ground floor was to remain for use by the existing industrial tenant.

This current submission for lot line adjustment, rezoning the existing industrial land to commercial, and the associated Development Permit application for the façade improvements to the north face of the existing building are consistent with the Official Community Plan Future Land Use designation for the neighbourhood, as well as following the pattern of development that has been commenced in the neighbourhood with the development of the Rotary Centre for the Arts, the Library and associated Parkade, Prospera Place, as well as new businesses that have opened in the area that are related to the Arts and Cultural district.

The City of Kelowna Development Application Procedures Bylaw No. 8140 and section 890 of the Local Government Act allow for the requirement for the public hearing be waived from the rezoning process, as this proposed application to rezone is consistent with the Official Community Plan Future Land Use designation for the subject property.

Based on the current proposal, if the development is limited to developing only the ground floor by adding 330.6 m² of commercial space, there will be an additional requirement for only 5 additional parking stalls, an amount that may be accommodated on the adjacent lands that are part of the existing covenant. At the time of the conversion of the 2nd and 3rd floors for commercial uses in the future, there will be the potential to develop an additional 3,476.5 m² floor area, which will trigger a requirement for an additional 46 parking stalls. This amount of parking will have to be addressed at that time prior to the occupancy of the 2nd and 3rd floor areas.

Staff also anticipate that as the 2nd and 3rd floors are redeveloped, further façade changes may be required to add window space, particularly on the Ellis Street and the lane elevations of the building. This façade change may have to be dealt with through a Direct Development Permit application.

In light of the above, the Planning and Corporate Services Department support this application, and recommend for positive consideration by Council.

Andrew Bruce
Manager of Development Services

Approved for inclusion

☐

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

PMc/pmc
Attach.

Attachments

(Not attached to the electronic copy of the report)

Subject Property Map

Map "A"

4 pages of site plans & building elevations diagrams