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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** September 19, 2005  
**File No.:** DP05-0148/DVP05-0149

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

APPLICATION NO. DP05-0148/DVP05-0149    OWNER:    Blanleil Holdings Ltd.,  
AT: 1810 Spall Road    APPLICANT:    Inc. No. 667319  
Kim McKechnie

PURPOSE:    TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW A NEW  
COMMERCIAL BUILDING.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW  
PARKING WITHIN THE REQUIRED 2.0 M SETBACK.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A SITE  
COVERAGE OF 51.6% WHERE ONLY 50% IS PERMITTED.

EXISTING 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 Council authorize the issuance of Development Permit No. DP05-0148 for Lot 1, DL 129, ODYD, Plan 4738 except Plans 41097 and KAP75942 by, located on Spall Road, 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 register a cross access agreement with Lot 2 Plan 4738, Lot A Plan 44897, Lot CP Plan K574, Lot 6 Plan 4738, and Lot 7 Plan 47177 providing access to the front of the property;
7. The applicant be required to remove the restrictive covenant requiring a 2.0m buffer from the title of the subject property;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP05-0149; Lot 1, DL 129, ODYD, Plan 4738 except Plans 41097 and KAP75942, located on Spall Road, Kelowna, B.C.;

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

**Section 14.3.5(c): C3 – Community Commercial: Development Regulations: Site Coverage:**

Vary the maximum site coverage from a maximum of 50% permitted to 51.6% proposed.

**Section 8.1.10(c): Parking and Loading: Location for Non-Residential Use Classes:**

Vary the required setback 2.0m setback from parking adjacent to front property line and parking adjacent to a street.

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 is proposing to construct a new commercial building on the subject property.

**3.0 ADVISORY PLANNING COMMISSION**

The above-noted applications were reviewed by the Advisory Planning Commission at the meeting of August 25, 2005, and the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP05-00148, for 1810 Spall Road, Lot 1, DL 129, ODYD, Plan 4738 except Plans 41097 and KAP75942 by Kim McKechnie to obtain a Development Permit to allow for the construction of a new commercial building.

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP05-00149, for 1810 Spall Road, Lot 1, DL 129, ODYD, Plan 4738 except Plans 41097 and KAP75942 by Kim McKechnie to obtain a Development Permit to allow for the construction of parking within the required 2.0 m setback and to allow a site coverage of 51.6% where 50.0% is permitted.

**4.0 BACKGROUND**

**4.1 The Proposal**

The proposed development, including the site layout and building design and colours, is intended to coordinate and compliment that of the existing two storey building located on the property directly to the west. The base of the building is to consist of split face concrete block to be painted red while the upper portion of the building is to be painted beige. The parapet of the

building is to be painted with a band of red with a band of blue above. Blue canopies are also proposed above the windows on the front and side elevations. The applicant thus uses colours and materials to break up the vertical height of the building. A total of two fascia signs are proposed with one facing each street frontage.

The parking area, located in front of the building, will be accessed via an easement on the adjacent properties. Prior to issuance of the development permit, the applicant will be required to ensure that the appropriate easements are registered on title of the adjacent properties. A total of nine parking spaces are proposed. As the applicant is proposing to allow parking to be located within 2.0m of the front and side property lines, a variance is required. Some buffering between the property line and the parking is proposed with planting beds located between the parking spaces and the property line. The applicant is also proposing to landscape the boulevard with grass and three London Plane trees. In addition, adjacent to the building and parking spaces, a variety of plantings including fuchsia rose, mugho pines, creeping cotton easter, and goldflame spirea are proposed.

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> )	723.0m <sup>2</sup>	460.0 m <sup>2</sup>
Site Width (m)	14.5m	40.0m
Site Depth (m)	56.5m	30.0m
Site Coverage (%)	51.6%*	50.0%
Total Floor Area (m <sup>2</sup> )	472.8m <sup>2</sup>	
F.A.R.	0.65	1.0
Height (m)	7.3m	15.0 m
Storeys (#)	2	4
Setbacks (m)		
- Front (South)	18.0m	3.0 m
- Rear (North)	2.7m	0.0 m
- Side (East)	0.15m	0.0 m
- Side (West)	0.08m	0.0 m
Parking Stalls (#)	9 spaces	3.0 per 100 m <sup>2</sup> (100 m <sup>2</sup> ) = 3.0 spaces 2.0 per service bay = 4.0 0.5 per 100m <sup>2</sup> = 0.5 Total = 8 spaces
Driving Aisle Width	7.3m	7.0m
Setbacks to Parking	0.0m*	2.0 m to front yard and/or flanking street
Bicycle Stalls (#)	4 spaces*	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) Total 4 spaces
Loading Stalls (#)	1 space (within building)	1 space per 1900 m <sup>2</sup> GFA 28m <sup>2</sup>

\* A variance will be required to allow a site coverage of 51.6% where only 50.0% is permitted.

\* A variance will be required to allow parking to be located within the required 2.0m setback.

\* The applicant will be required to add bicycle parking.

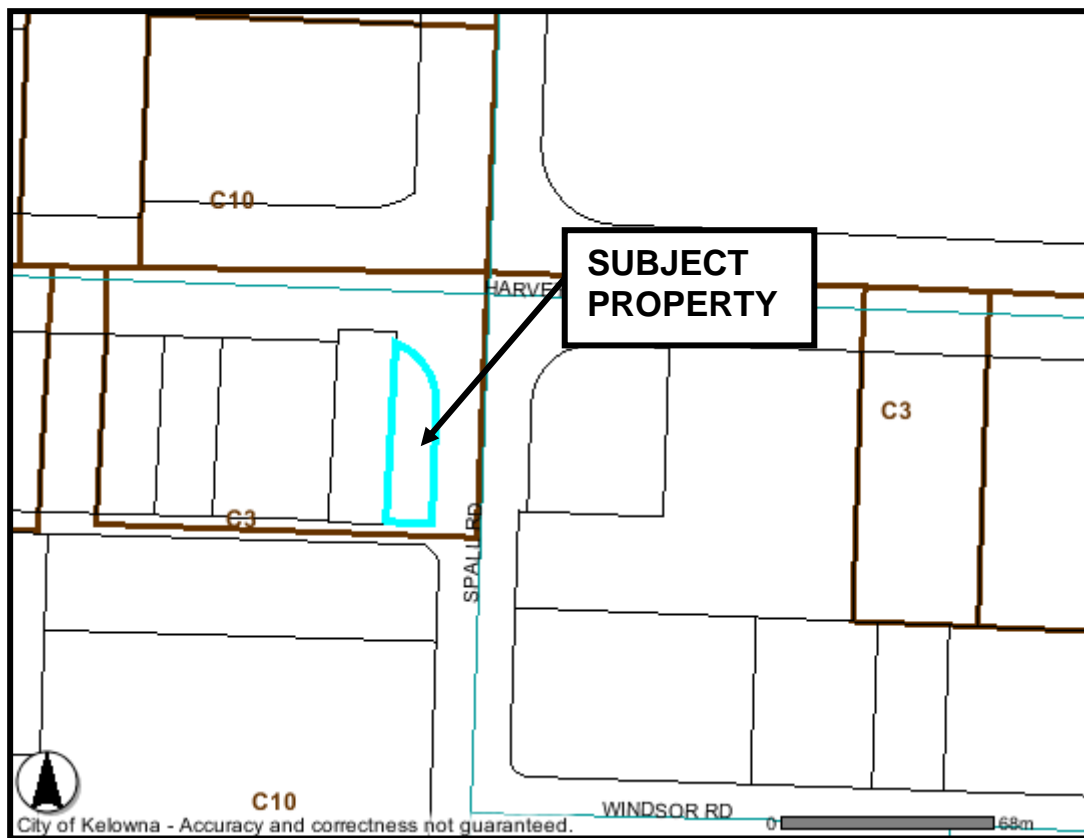
#### 4.2 Site Context

The subject property is located on the south-west corner of Spall Road and Harvey Avenue

Adjacent zones and uses are, to the:

- North - C10- Service Commercial
- East - C4- Urban Centre Commercial
- South - C10- Service Commercial
- West - C3- Community Commercial

#### Site Location Map



#### 4.3 Existing Development Potential

The purpose of the C3- Community Commercial is to provide a zone for the development of community commercial centers to serve more than one neighbourhood.

#### 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.

4.4.2 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 Fire Department

Fire department access and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw

5.2 Fortis

No response.

5.3 Inspection Services

A fire separation with a min of 2 hours fire resistance rating is required for the exterior wall proposed to be constructed on 0.00 m site yard setback. It is preferred to designate stall # 5 for H/C instate of 6. Designer to assure that the proposed Mezzanine is in compliance to section 3.2.1 of BCBC, and the required number of the parking and washroom(s) for mezzanine are incorporated into the calculation.

5.4 Parks

The owner will be responsible to weed, water and mow the boulevard adjacent to the property. The owner will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

All plant material (trees, shrubs, ground covers and sod) used in the boulevard to be reviewed and approved by Parks Staff.

Street trees contribute to the livability of a street and improve the character of the neighbourhood. They can modify the microclimate and foster a sense of comfort and safety for drivers and pedestrians. The Parks Division encourages the Applicant to consider the planting of street trees within the boulevard consistent with the City of Kelowna's Urban Forestry Tree Planting Guide (Please contact Parks Staff to discuss further).

Boulevard tree maintenance will be the responsibility of Parks Division. However, the adjacent owner will be responsible for watering and replacement of trees during the establishment period, for at least one growing season after planting.

Trees in boulevards less than 3.0m in width shall be installed with root barriers such as "Deep Root" brand, or City-approved equal, installed per the manufacturer's instructions.

All entry feature signs for the proposed development will be located on private property and not on the City's boulevard lands and be in compliance with the City's Signage Bylaw No. 8235.

In an effort to conserve water, all automated irrigation systems will be design to minimize over-spraying on non-landscaped areas including City sidewalks, courtyards, parking areas, roadways, etc.

5.5 Interior Health  
No comment

5.6 RCMP  
No comment.

5.7 Shaw Cable  
Owner/developer to supply and install an underground conduit as per specifications.

5.8 Telus  
No response.

5.9 Terasen  
No comment.

5.10 Works & Utilities  
The Works & Utilities Department has the following requirements associated with this development application.

1. Domestic Water and Fire Protection

- (a) The existing lot is serviced with a 25mm diameter copper water service which should be adequate for the proposed application. Curb stop relocation and service upgrades if required, will be at the applicant's cost.
- (b) A water meter is mandatory for this development and must be installed inside the proposed building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws.
- (c) The boulevard irrigation system must be integrated with the on-site irrigation system.

2. Sanitary Sewer

- (a) The existing lot is serviced with a 100mm-diameter sanitary sewer service, which should be adequate for the proposed application. An inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw.

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for this site. The storm water management plan must also

include provision of a lot grading plan, minimum basement elevation (MBE), storm water service and/or on-site drainage containment and disposal systems.

- (b) Storm drainage systems and if required, an overflow service connection for the site will be reviewed and approved by Engineering when a site servicing design is submitted.

4. Road Improvements

- a) Harvey Avenue has been urbanized but requires the completion of the landscaped boulevard complete with an underground irrigation system.
- (b) Spall Road fronting this development has been urbanized but requires construction of a landscaped boulevard complete with an underground irrigation system, the upgrade of a street light complete with underground wiring duct system, and removal, re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.
- (c) The estimated cost of this construction for bonding purposes is \$ 5,000.00
- (d) The rear lane has been urbanized to a paved standard.
- (e) The Developer is advised that City of Kelowna will be restricting the access to the rear lane and onto Spall Road, to right in right out turns only.

5. Road Dedication and Subdivision Requirements

- (a) Register a cross access agreement with Lot 2 Plan 4738, Lot A Plan 44897, Lot CP Plan K574, Lot 6 Plan 4738, and Lot 7 Plan 47177.

6. Electric Power and Telecommunication Services

- (a) 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.

7. Engineering

- (a) 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 a consulting civil engineer.

8. Geotechnical Report

- (a) As a requirement of this application and / or prior to issue of a building permit, 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:
  - (b) Area ground water characteristics.
  - (c) Site suitability for development; i.e. unstable soils, etc.

- (d) 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, analyze soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
  - (e) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
9. Survey Monuments and Iron Pins
- (a) 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.
10. Bonding and Levy Summary
- (a) Bonding
  - (b) Road frontage improvements \$ 5,000.00
- Total Bonding \$5,000.00
- (c) The owner must also enter into a servicing agreement in a form provided by the City prior to issuance of a building permit.
11. Development Permit and Site Related Issues
- (a) Relocate the existing “mailbox” placed on this site. Please contact the Canadian Post Corporation, Delivery Services, P.O. Box 2110, Vancouver, B.C. V6B 4Z3 (604) 662-1381 in this regard.
  - (b) The on-site parking area must be paved complete with a drainage collection system installed. 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.
  - (c) Provide a wheel chair access ramp from the parking area to the sidewalk, building entrance level.
  - (d) Works and Utilities have no objection to the proposed side yard setback variance provided there is no sight-line obstruction created at the Spall Road / Lane intersection and that no existing nearby utilities within the road right-of way are affected.



- (e) Reverse movements from the future building access location show on the Site Plan (OH Knockout Door) will impede vehicle movements accessing the lane from Spall Road. The existing pole anchor and proposed recycle and garbage bin locations also conflict with the future building access door.
- 12. Administration Charge
  - (a) 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.

#### 4.0 PLANNING AND DEVELOPMENT 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 proposed building design uses different materials and colours to provide visual interest to the building and provide some consistency and coordination with the adjacent commercial development. In addition, while a variance is required to the setback to parking, landscaping is to be provided serving to create an adequate buffer between the street and parking. The applicant has reconfigured the parking adjacent to Harvey Avenue such that the parking spaces are generally in line with those on the abutting property. The applicant is encouraged to ensure that a handicap parking space is located adjacent to the building. Prior to issuance of the development permit, the applicant will be required to register a cross access agreement with the abutting properties allowing access to the front of the subject property.

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Andrew Bruce  
Development Services Manager

Approved for inclusion ☐

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

**ATTACHMENTS**

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

- **Location of subject property**
- **Air Photo**
- **Site plan**
- **Landscape Plan**
- **Elevations**