
CITY OF KELOWNA

MEMORANDUM

Date: February 17, 2006
File No.: Z05-0079/OCP05-0017

To: City Manager

From: Planning & Corporate Services Department

Subject:

APPLICATION NO. Z05-0079 / OWNER: ATM PROPERTIES LTD
OCP05-0017 INC. NO. BC0703187

AT: 1641 COMMERCE AVE. APPLICANT: AS ABOVE

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE EXISTING
I1 – BUSINESS INDUSTRIAL ZONE TO THE PROPOSED C10 –
SERVICE COMMERCIAL TO PERMIT C10 USES ON THE
PROPERTY

TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND
USE DESIGNATION FROM THE EXISTING INDUSTRIAL
DESIGNATION TO THE PROPOSED COMMERCIAL
DESIGNATION

EXISTING ZONE: I1 – BUSINESS INDUSTRIAL

PROPOSED ZONE: C10 – SERVICE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP05-0017 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 7, DL 125, O.D.Y.D., Plan KAP 73825, located on Commerce Avenue, Kelowna, B.C., from the existing "Industrial" designation to the proposed "Commercial" designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated February 17, 2006, be considered by Council;

THAT Rezoning Application No. Z05-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7, DL 125, O.D.Y.D., Plan KAP 73825, located on Commerce Ave., Kelowna, B.C. from the existing I1 – Business Industrial zone to the proposed C10 – Service Commercial zone as shown on Map "B" attached to the report of Planning & Corporate Services Department, dated February 17, 2006, be considered by Council ;

AND THAT the OCP Bylaw Amendment No. OCP05-0017 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

2.0 SUMMARY

The applicant wishes to rezone the subject property from the existing I1 – Business Industrial zone to the proposed C10 – Service Commercial zone to permit the lot to be used for the C10 uses. As the Official Community Plan designates the property as “Industrial” future land use, the applicant has also made application for an OCP amendment to change the future land use designation of the property from “Industrial” to “Commercial”.

2.1 Advisory Planning Commission

The above noted applications (OCP05-0017/Z05-0079) were reviewed by the Advisory Planning Commission at the meeting of December 20, 2006 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Application OCP05-0017, to amend the Official Community Plan future land use designation from Industrial to Commercial.

THAT the Advisory Planning Commission supports Application Z05-0079, to rezone from the I1-Business Industrial zone to the C10-Service Commercial zone in order to allow for permitted uses in the C10 zone

3.0 BACKGROUND

3.1 The Proposal

The neighbourhood was rezoned (Z99-1002) and subdivided to create the associated industrial and commercial development in 2003. That development application also commenced the process of road reserves and rights of way to facilitate the creation of the “Mid-Line” road (Jenkins St.) to provide alternate access to the lots fronting Highway 97. At the time of that application, the lots fronting Enterprise Way were zoned C10 – Service Commercial, while the three lots that did not have frontage to Enterprise Way nor Highway 97 were zoned to the I1 – Business Industrial zone.

This current application seeks to rezone Lot 7, located at the north side of the intersection of Commerce Avenue, and Jenkins Street from the existing I1 – Business Commercial zone to the proposed C10 – Service Commercial zone in order that the permitted uses in the C10 – Service Commercial zone may be applied to the subject property. This change in land use has been triggered by changes in the marketplace that has a stronger demand for Service Commercial zoned development than Business Industrial zoned sites.

As the current Official Community Plan designation for the subject property is “Industrial”, there has also been an application for an OCP amendment to change the future land use designation of the subject property to “Commercial”, a designation that would support the application of the C10 – Service Commercial zone.

The proposal as compared to the C10 zone requirements is as follows:

CRITERIA	PROPOSAL	C10 ZONE REQUIREMENTS
Site Area (m ²)	5,470 m ²	1,000 m ² min.
Site Width (m)	57.4 m	40 m min.
Site Coverage (%)		60% max.
Total Floor Area (m ²)	1,649.9 m ²	
F.A.R.	0.30	FAR = 0.65 max.
Storeys (#)	2 storeys (9.8 m)	3 Storeys (12.0 m) max.
Setbacks (m)		
- Front (Jenkins)	17.8 m	2.0 m
- Rear	0.0	0.0 m
- South West Side (flanking)	17.4 m	2.0 m
- North East Side	12.3 m	0.0 m
Parking Stalls (#)	54 stall provided	2.2 stalls / 100 m ² = 40 stalls req'd

3.2 Site Context

The subject property is generally level, and is bounded by Commerce Ave. to the south west, and Jenkins St. to the south east. The site was created in 2003 when the industrial subdivision was constructed. The neighbourhood of the subject property is occupied by a variety of commercial uses which include; auto sales and service, furniture sales, appliance sales

Adjacent zones and uses are, to the:

North West	-	C10 – Service Commercial / Appliance Store
North East	-	C10 – Service Commercial / Furniture Store
South West	-	I1 – Business Industrial / Commerce Ave
South East	-	C9 – Tourist Commercial / Jenkins St.

3.3 Existing Development Potential

Proposed Development Potential

The proposed zone of C10 – Service Commercial zone permits; animal clinics – major, animal clinics – minor, amusement arcades – major, automotive and minor recreation vehicle sales/rentals, automotive and equipment repair shops, auctioneering establishments, bingo facilities, broadcasting studios, business support services, care centres – major, commercial schools, commercial storage, community recreation services, convenience vehicle rentals, drive-in food services, equipment rentals, emergency and protective services, flea markets, fleet services, food primary establishment, funeral services, gas bars, government agencies, greenhouses and plant nurseries, household repair services, liquor primary establishment - major (C10lp and C10lp/rls only), non-accessory parking, offices – construction and development industry, participant recreation services – indoor, pawnshop, private clubs, rapid drive-through vehicle services, recycled materials drop-off centres, retail stores - service commercial, service stations – minor, truck and mobile home sales/rentals, used goods stores, utility services - minor impact, vehicle and equipment sales/rentals – industrial, vehicle and equipment services – industrial, warehouse sales as principal permitted uses, and; amusement arcades – minor, food primary establishment, liquor primary establishment – minor, residential security/operator unit, retail liquor sales establishment (C10lp/rls only) as permitted secondary uses.

SUBJECT PROPERTY MAP

- 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;

- Aid it the growth and progress of Kelowna as a desirable place to do business.

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 Fire Department

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

4.2 Inspection Services Department

The submitted drawing do not provide sufficient information for comments. However the north elevation seems to be fairly close to the property line and may require a 2 hour fire resistance rating assembly. The parking must be provided based on any proposed future mezzanine. It appears that accessibility to each commercial building needs to be refined and reviewed prior to DP or Building application

4.3 Irrigation District (B.M.I.D.)

Rezoning can be approved as per water requirements. Fireflows are within the districts capabilities for this property for commercial and industrial.

4.4 Ministry of Transportation

The Ministry has reviewed the above noted rezoning application and as this property has no direct access to Highway 97, we have no objections or comments.

4.5 Parks Manager

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

2. All proposed plant material (trees, shrubs, ground covers and sod) for the boulevard to be reviewed and approved by Parks Staff prior to application approval.

3. The Applicant should contact Ian Wilson, Parks Division Urban Forester at (250)469-8842, regarding the approval of boulevard trees and their proper spacings.

4. If boulevard trees are approved by Parks Staff, the tree maintenance will be the responsibility of Parks Division. However, the Applicant will be responsible for watering

and replacement of trees during the establishment period, for at least one growing season after planting.

5. 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.

6. In an effort to conserve water, all automated irrigation systems should be designed to minimize overspraying on non-landscaped areas including City sidewalks, courtyards, parking areas, roadways, etc.

4.6 Shaw Cable

Owner/Contractor to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

4.7 Telus

Telus will provide underground facilities. Developer will be required to supply and install.

4.8 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application are as follows:

1. General.

- a) Servicing requirements were addressed in our reports under files Z99-1002 and S99-001. There are no further servicing requirement triggered by this application.
- b) Provide easements as required and register the proposed reciprocal access agreement with Lot 9 as shown on the site plan, if not already done.
- c) A detailed storm water management plan is required for the proposed development, it can be submitted at the time of the application for a building permit.
- d) The site plan does not appear to require access onto and from Jenkins Street, therefore the construction of the road, by others, is not critical to this development at this point in time.
- e) The recycling and garbage containers are readily accessible from within the site.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Corporate Services Department does not have concerns with the proposed change in land use to the C10 – Service Commercial zone. The area surrounding the subject property is zoned C10, and has been substantially built-out. At the time that rezoning application was considered in 2000, the land use patterns requested suited the market study of the day.

The subject property does not front on to a road that is identified as a “Development Permit” area. Therefore the property is not located in a Development Permit area, and does not trigger a Development Permit application for form and character. As part of the original development application, there has been a building scheme registered on title to address the form and character of the proposed site development. The original land use mix of “Service Commercial” and “Business Industrial” was supported by the Planning and Corporate Services Department in order to facilitate the development of the extension of Enterprise Way and to try and preserve some component of the City of Kelowna Official Community Plan Future Land Use designation of “Industrial”. The development has progressed to the point where there is a continued market demand for “Service Commercial” zoned land, rather than Business Industrial”. The original developers have also been able to implement a building scheme that has produced relatively well designed buildings within the C10 zone lands. The Planning and Corporate Services Department is therefore supporting this request to further designate and zone lands in this development for “Service Commercial” uses.

In light of the above, the Planning and Corporate Services Department supports this application, and recommends 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 – OCP amendment map
Rezoning Map
Site plan

AIR PHOTO

