
CITY OF KELOWNA

MEMORANDUM

Date: June 12, 2006
To: City Manager
From: Planning and Corporate Services Department
Subject:

APPLICATION NO. DVP06-0078/ DP06-0079 **OWNER:** 409729 BC Ltd.

AT: 474 West Avenue **APPLICANT:** Worman Resource Inc.

PURPOSE: TO CONSTRUCT A TWO STOREY COMMERCIAL BUILDING
ON THE SUBJECT PROPERTY

TO VARY THE DRIVE-AISLE WIDTH FOR TWO WAY TRAFFIC
FROM 7.0M REQUIRED TO 3.65M PROPOSED

TO VARY THE WESTERN SIDE YARD SETBACK FROM 4.5M
REQUIRED TO 3.65M PROPOSED

TO VARY THE NUMBER OF LOADING STALLS FROM ONE
REQUIRED TO ZERO PROPOSED

EXISTING ZONE: C4 – URBAN CENTRE COMMERCIAL

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP06-0079 for Lot 2, District Lot 14, ODYD Plan 3211, located on West 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";

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0078; Lot 2, District Lot 14, ODYD Plan 3211, located on West Avenue, Kelowna, B.C.;

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

Section 8: Table 8.2:

Vary the loading stalls from 1 required to 0 proposed.

Section 8.1: Off Street Vehicle Parking: 8.1.12

Vary the required drive-aisle width for two-way traffic from 7.0 m required to 3.65 m proposed.

Section 14.4 – Urban Centre Commercial zone: 14.4.5(e):

Vary the western side yard setback from 4.5 m required to 3.65 m proposed.

AND FURTHER 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 BACKGROUND

The subject property owner was formerly the owner of the property on the northeast corner of Harvey Avenue and Water Street. The City of Kelowna was forced to expropriate this property in order to secure the required land for intersection improvements associated with the construction of the new Okanagan Lake Bridge.

3.0 SUMMARY

The applicant is proposing to construct a two storey, 294.4m² commercial building on the subject property with the five required parking stalls to be located at the rear of the building. The applicant is proposing to finish the north, south and west elevations in red brick with black aluminium window frames and sign/accent lighting. Windows will be provided on each of the north, south and west elevations at both the first and second storeys. The east elevation, which will abut another commercially zoned parcel, will be finished with concrete block. The proposed use for the building is a dental office which is a permitted use in the C4 – Urban Centre Commercial.

Due to the small size of the subject property, the applicant is proposing variances to the western side yard setback, the drive-aisle size and number of loading stalls in order to fit the proposed building on the site.

4.0 ADVISORY PLANNING COMMISSION

At the regular meeting of May 23, 2006 it was resolved:

THAT the Advisory Planning Commission supports Development Permit Application No. DP06-0079, for 474 West Avenue, Lot 2, Plan 3211, Sec. 13, Twp. 25, ODYD, by Worman Resources (Shane Worman), to obtain a Development Permit for the form and character of a 298.4 m² commercial dental building;

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP06-0078, for 474 West Avenue, Lot 2, Plan 3211, Sec. 13, Twp. 25, ODYD, by Worman Resources (Shane Worman), to obtain a

Development Variance Permit to vary the side yard setback from 4.5 m to 3.5 m;
to vary the required drive aisle width for 2 way traffic from 7.0 m to 3.65 m.

5.0 ZONING CHECKLIST

The application meets the development regulations of the RU1 – Large Lot Housing zone as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Lot Area (m ²)	371.6m ²	40.0m
Lot Width (m)	15.25m	30.0m
Lot Depth (m)	24.38m	1300m ²
Setbacks		
Front Yard	0.0m	0.0m
Side Yard (W)	3.65m ①	4.5m
Side Yard (E)	0.0m	0.0m
Rear Yard	11.3m	0.0m
Parking/Loading		
Parking Stalls	5	5
Loading Stalls	0 ②	1
Two Way Drive-Aisle Width	3.65m ③	7.0m

6.0 SITE CONTEXT

The subject property is located on the north side of West Avenue between Abbott Street and Pandosy Street. The subject property is located in the midst of an urban centre area in transition. The area in question is experiencing a high level of multiple family residential re-development (to the west).

Adjacent zones and uses are:

- North - C4 – Urban Centre Commercial
- East - C4 – Urban Centre Commercial
- South - C4 – Urban Centre Commercial
- West - RU1 – Large Lot Housing – Single Family Dwelling

6.1 Site Location Map

Subject Property: 474 West Avenue



7.0 DEVELOPMENT POLICY

7.1 Official Community Plan – Section 6.0 – Urban Centres

Guidelines for Development

Access

- Design facilitates pedestrian access.

Relationship to the Street

- Building is to be located on the front property line.
- Building façade incorporates large windows.

Parking

- Parking is located at the rear of the building.

Signs

- Signage is located in a location which is easily read by pedestrians.

Walls

- End walls visible to the public are finished to provide an attractive appearance.

8.0 TECHNICAL COMMENTS

This application was circulated to various City Department and external technical agencies and the following comments were received:

6.1 Works and Utilities

The Works & Utilities Department have the following comments and requirements associated with this 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.

6.1.1 Domestic Water and Fire Protection

The existing lot is serviced with a 19mm copper water service. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development. If determined to be inadequate, the applicant, at his cost, will arrange for the removal of the existing service and the

installation of one larger metered water service. The estimated cost of this construction for bonding purposes is \$7,500.00.

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.

6.1.2 Sanitary Sewer

The existing lot is serviced with a 100mm-diameter sanitary sewer service. The developer must engage a consulting mechanical engineer to determine the requirements of this development. Service changes, if required, will be at the applicants cost.

An inspection chamber (IC) must be installed on all sanitary services as required by the sewer-use bylaw. The estimated cost of this construction for bonding purposes is \$500.00.

6.1.3 Storm Drainage

The developer must engage a consulting civil engineer to provide a storm water management plan for this 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 a lot grading plan, minimum basement elevation (MBE), storm water service and/or on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service at the developer's cost, with approval from the City drainage engineer.

Storm drainage systems and overflow service for the site will be reviewed and approved by Engineering when a site servicing design is submitted.

The estimated cost of the overflow service for bonding purposes is \$4,000.00

6.1.4 Road Improvements

West Avenue fronting this development has been upgraded to a full urban standard. The existing access to West Avenue will need to be removed and a new commercial driveway access constructed at the proposed location. This work will require curb, gutter, boulevard treatment, sidewalk and ramp removal and replacement. The work must be constructed to City of Kelowna Standards. Re-locate utility appurtenances to accommodate this construction.

The estimated cost of the road improvements for bonding purposes is \$12,000.00, which includes a bonding escalation. This estimate does not include power pole anchor removal.

6.1.5 Electric Power and Telecommunication Services

The electrical services to this development 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.

6.1.6 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.

6.1.7 Development Permit and Variance Issues

The requested side yard setback and drive aisle width variances do not compromise Works and Utilities servicing requirements. However, two-way circulation in the drive aisle will not work.

6.1.8 Road Dedication and Subdivision Requirements

Grant statutory rights of way if required for utility services.

Provide 3.00m Road Reserve along the westerly property boundary for a possible future lane.

6.1.9 Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

Area ground water characteristics.

Site suitability for development, unstable soils, etc.

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.

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

6.1.11 Bonding Summary

Bonding

West Ave. frontage improvements	\$ 12,000.00
Service upgrades	\$ 12,000.00

Total Bonding \$ 24,000.00

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 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 4th reading of the zone amending bylaw or issuance of a building permit.

6.1.11 Site Related Issues

Adequate off-street parking must be provided. Parking modules must meet zone size requirements.

6.1.12 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.

6.2 Telus, Shaw Cable, Parks, Public Health Inspector, Fortis BC, Fire Department, Inspection Services Department

No concerns.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed development permit and associated development variance permit applications. The property owner was forced to move as a result of a city initiated road improvement project and staff is attempting to facilitate this relocation. When the variances are considered only in the context of the development of this property it may appear as though the property is being over built; however, the drive aisle access will eventually double in size at such time as the residential property to the west re-develops and provides the other half of a required lane dedication. In the meantime, staff feel that traffic to the site will be of a small volume and should not trigger any safety concerns despite the size of the drive-aisle.

As the proposed use of this building is a dental office, staff is also willing to support the variance for a loading stall as this type of use will not generally require large trucks to load and unload on site.

The form and character of the building is generally acceptable and consistent with urban centre development guidelines contained in Chapter 6 of the Official Community Plan; however, staff encourage that the applicant consider removing some of the brick on the second storey of the south facing façade in favour of some coloured stucco detailing which could be used to give more vibrancy to this façade and also complement the eclectic mix of colour and architecture that is spreading in the Pandosy Urban Centre.

Shelley Gambacort
Current Planning Supervisor

Approved for inclusion

☐

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

RM/SG/rs
Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Subject property map
- Site plan
- Rendering
- Proposed Building Elevations