
CITY OF KELOWNA

MEMORANDUM

DATE: DECEMBER 4, 2008
TO: CITY MANAGER
FROM: COMMUNITY SUSTAINABILITY DIVISION
APPLICATION NO. DP08-0228 **OWNER:** Henry & Phylis Tostenson
AT: 1155- 1157 ELLIS STREET **APPLICANT:** Bryan Ducharme
PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT FOR THE FORM AND CHARACTER OF A SPECTATOR ENTERTAINMENT ESTABLISHMENT (ARENA) WITH A 40 SEAT FOOD PRIMARY ESTABLISHMENT
EXISTING ZONE: I2 – GENERAL INDUSTRIAL
REPORT PREPARED BY: BIRTE DECLOUX

1.0 RECOMMENDATION

THAT Council **not** authorize the issuance of Development Permit No. DP08-0228 for Lot A, District Lot 139, SDYD Plan KAP53948, located at 1155 Ellis Street, Kelowna, B.C.

2.0 SUMMARY

The applicant is proposing to construct a temporary indoor sports arena to accommodate various activities including floor hockey, roller hockey, lacrosse and basketball. The facility will offer change rooms, a mezzanine for spectators as well as a liquor primary establishment with 40 seats for the use of the patrons only. A Development Permit is sought to approve the form and character of a 'CoverAll' temporary structure for the subject property.

3.0 PROPOSAL

The concept of an indoor ball hockey court to accommodate existing ball hockey leagues in Kelowna is the intention behind this proposal. The proposed use for this site is "Participant recreation services, indoor" and "food Primary establishment" which are permitted uses under the current zoning.

The structure, commonly known as a 'CoverAll' building, is intended to be a temporary use until a land assembly is achieved, not likely before a 5-10 year timeframe lapses. The building is a Coverall Low Slope building often used in agricultural operations, such as for storage, indoor equestrian arenas, or bulk agricultural crops. However, for this



use, the floor plan designates the majority of the floor space as a multi-sports surface, with the provision of change rooms, washroom facilities, office space and a lounge area on the ground level. A partial mezzanine is planned to offer spectator viewing.

The building is unique in its construction, in that it is a “tent” style structure spanning approximately 29.3m wide by 48.8 m long. This accommodates approximately 1,427 m² of indoor space which is secured on a concrete slab. As positioned, the long side of structure will face Ellis Street. The exterior of the building is a white membrane fabric with blue detailing at the base and on the sides of the structure. A timber frame trellis skirts the street side of the structure with full glass doors at the entry points. A patio extends out of the building at the northeast corner. This area is intended to be used as an outside seating area to be used by the patrons after their sports activities. In due course, the applicant intends to apply for a liquor license for the lounge area.

The application compares to the requirements of the I2 – General Industrial zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	I2 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	2428 m ² + 1,194 m ² = 3,622	4000 m ²
Lot Width	53.67 m	40 m
Lot Depth	45.24 m	35 m
Development Regulations		
Site Coverage (buildings)	58.7 %	60%
Height	10.2 m	14 m
Front Yard	15.26 m	7.5 m
Side Yard (North)	1.2 m	0.0 m
Side Yard (South)	3.68m	0.0 m
Rear Yard	.75m	0.0 m
FAR	.59	1.5
GFA	1427 m ²	

Other Requirements		
Parking Stalls (#)	10 Liquor Primary 3 Employee 22 User	Liquor Primary 1 per 4 seats 1 spot per employee on duty, plus 1 per 3 users
Loading stalls	1	1 per 2,800m ² GFA for Liquor Primary Minor 1per 1,900 m ² GFA
Bicycle Parking	Class I: 1 Class II: 5 x 5 = 25	Class 1: 1 per 25 employees Class 1I: 5 per building public entrance
Landscape buffers	Front yard 2.0 m Rear yard 0.75 m Side yard (n) 1.2m (s) 3.68 m	Front yard 3 m Rear yard 0.0 m Side yard 0.0 m

3.1 SITE CONTEXT

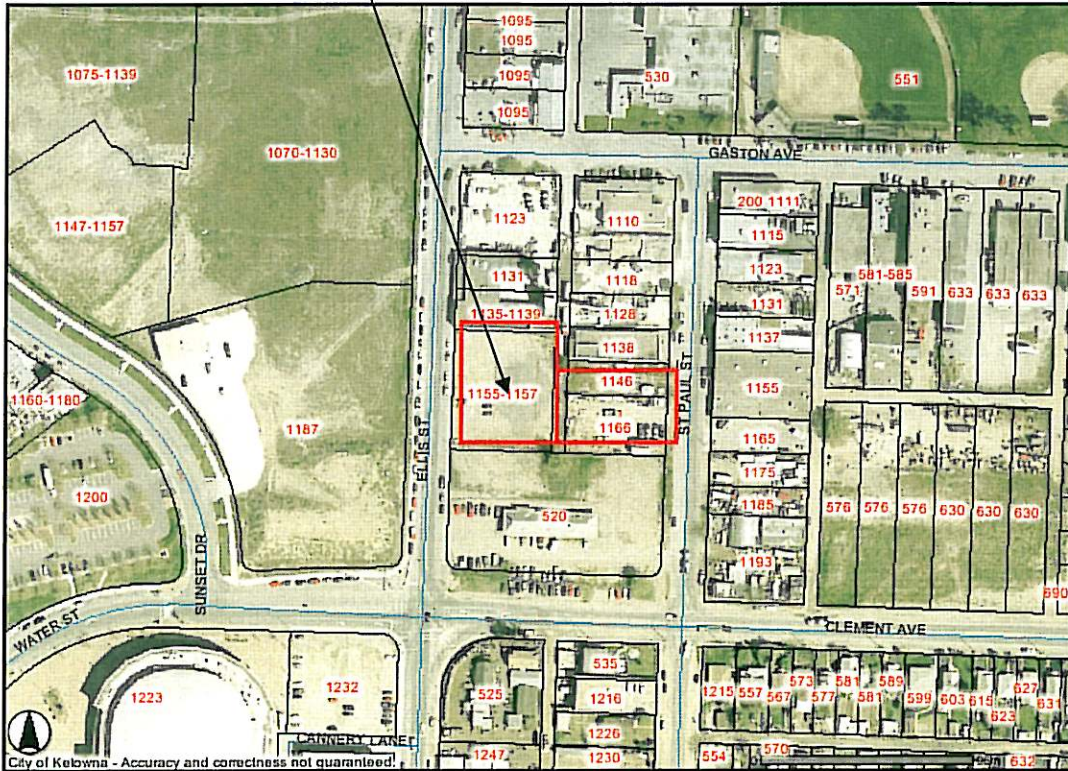
The subject property is located on the west side of Ellis Street in the north end of Kelowna, next to the historic railway station site on Ellis street. OK Ready Mix Concrete is the long-stranding neighbour to the north. Notably, Prospera Place is located less than a block away. Within the immediate neighbourhood, a variety of high-end residential/commercial developments are being constructed that will have a direct viewscape over this block.

Adjacent zones and uses are:

North	I2 – General Industrial
West	C4 – Urban Centre Commercial
South	I2 – General Industrial
East	I2 – General Industrial

3.2 SITE LOCATION MAP

Subject Property: 1155 Ellis Street



4.0 POLICY

4.1 Kelowna Official Community Plan

All projects zoned industrial or comprehensive development containing industrial uses along designated corridors on Map 6.2 are subject to “Industrial” Development Permit guidelines to ensure that the form and character of new industrial development is consistent with principles of good urban design as well as other goals and objectives of this OCP.

Land Use Intensification. Encourage more intensive industrial use of currently under-utilized industrial sites.

Compatibility. Encourage only those new industrial developments that are compatible with surrounding land uses (e.g. visual qualities, noise, odour, transportation).

Urban Centres. Encourage the private-sector provision of entertainment venues within designated Urban Centres.

Sports Tourism. Continue to develop and promote sports tourism by partnering with other agencies.

Objectives for Industrial Development

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).
- All development should minimize impacts resulting from on-site activities and processes that could negatively affect adjacent land uses.

5.0 TECHNICAL COMMENTS

5.1 Works and Utilities

As attached.

5.2 Fire Department

Require a full set of architectural plans to make comment.

The plans should include a code analysis including occupancy class and building usage.

Engineered fire flows required to determine if present hydrant location, number of hydrants, and hydrant volume will be adequate. Additional comments at the building permit application may be required.

5.3 Inspection Services

Manufacturer's specification required for building, alternate solution may be required. How will Part 10 (Green Bldg. Code) be addressed? Does building conform to 3.1.6. ie: 3.1.6.5 clearance to flammable material, 3.1.6.4.1 min. 3m clearance from flammable material and vegetation. Is flame spread rating met? How will 3.2.3 meet spatial separation etc.

The applicant has a report from B. Clarke Engineering addressing the compliance with the 2006 BCBC and spatial separation requirements to be submitted with the Building permit application.

6.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

Although the proposed land use is a permitted use within the I2 – General Industrial zoning, Staff have concerns regarding the form and character of the structure considering the proximity to the urban centre. The North Area Structure Plan projects this area to develop from an industrial base to a commercial / retail mixed use. As proposed, the form of the anticipated 'temporary' building is typically found in agricultural settings, and it is questionable whether this type of structure is suitable for a location adjacent to our cultural district and an anticipated hotel on the former Canada Lands site.

Industrial Development Permit guidelines are established to encourage revitalization within urban centres. Notably, revitalization is to be fostered through programs and infrastructure that contributes to a culturally-rich and socially-diverse environment. Additionally, that new development is to be consistent with the principles of good urban design. As proposed, this temporary structure has minimal relationship to the adjacent built forms, and further lends minimal inspiration to other developments within the industrial vicinity to be re-developed. Given that this structure is predominantly found within agricultural settings, the massing of the building is not sensitive to or compatible with the massing and rhythm of the established and re-developing neighbourhood.

Considering that the neighbouring property (OK Ready Mix) has no intention to relocate for a minimum of 10 years, creating an indoor recreation facility on the subject property bridges the industrial nature of the area to the future vision for the block. The applicant purposely choose to utilize a built form that can be relocated to a different site with minimal expense, as their intention is to plan a more permanent facility at the end of the 10 year lease. However, as referenced in the Downtown North Area Structure Plan (1999), this area should serve as the complementary component of the gateway for both pedestrian and vehicular traffic migrating north from the downtown core.

As proposed, the Director of Land Use Management does not support the Development Permit for the form and character of the building, as the proposal does not conform to the established Industrial Development Permit guidelines and/or the objectives for this sector area of the City. As this site is situated in a highly visible and pronounced location, a higher quality of building standard should be pursued, irregardless of the tenure of the lease.

However, should Council consider this application has merit, Staff has provided an alternate recommendation below.

7.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP08-0228 for Lot A, District Lot 139, SDYD Plan KAP53948, located at 1155 Ellis Street, 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. The location of signage on the building to be in general accordance with Schedule "B" and in accordance with Sign Bylaw No. 8235.
4. Landscaping to be provided on the land be in general accordance with Schedule "C";
5. 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;

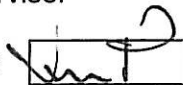
AND FURTHER THAT the applicant be required to complete the above-noted condition No. 5 within 180 days of Council approval of the development permit application in order for the permit to be issued;

AND THAT the Development Permit be issued subsequent to the requirements of Works and Utilities being completed to their satisfaction.



Danielle Noble
Urban Land Use Supervisor

Approved for Issuance



 Shelley Gambacort
Director of Land Use Management



Jim Paterson
General Manager of Community Sustainability Division.

SG/DN/bcd

Attach.

Attachments:

- Subject Property Map
- Elevations
- Conceptual coloured renderings
- Sample floor plan
- Exterior colour and materials
- Landscape Plan
- Works and Utilities Comments

CITY OF KELOWNA
MEMORANDUM

Date: October 23, 2008
File No.: DP08-0228

To: Planning & Development Services Department (BD)

From: Development Engineering Manager

Subject: 1155 Ellis St 1166 St Paul Lot A Plan 53948 Lot A Plan 64322 Sunplex Sports

The Works & Utilities Department have the following requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is John Filipenko. ASCT

1. Domestic Water and Fire Protection

- (a) The development site is presently serviced with small diameter water services. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development. Only one service is permitted for each lot. 1166 St Paul Street is serviced with a small diameter (13-mm) copper water service, which is substandard. Adequate metered water service must be provided for each lot to meet current by-law requirements. The applicant, at his cost, will arrange for the disconnection of existing unused services at the mains and if required, the installation of larger water services. The estimated cost of this construction for bonding purposes is **\$10,000.00**
- (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.
- (c) Site servicing issues will be further reviewed and comments related to site servicing will be addressed when a detailed Site Servicing Plan is received.

2. Sanitary Sewer

- (a) The development site is presently serviced with 100mm-diameter sanitary sewer services. The developer must engage a consulting mechanical engineer to determine the requirements of this development. Only one service will be permitted for each lot. The applicant, at his cost, will arrange for the disconnection of abandoned services at the main and if required, the installation of one larger service. If existing sanitary services are retained, an inspection chamber (IC) must be installed on the service at the owner's cost. The estimated cost of this construction for bonding purposes is **\$5,000.00**

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), and on-site drainage containment and disposal systems.
- (b) It will be necessary for the developer to construct some storm drainage facilities (drywell catch basin) within the lane fronting the proposed development. The cost of this construction is included in the roads item.

4. Road Improvements

Ellis Street

The frontage is urbanised and no further improvements are required. The two existing accesses are indicated as being utilized.

St Paul Street:

St. Paul Street must be upgraded to a full urban standard including a monolithic concrete sidewalk, landscaped boulevard complete with underground irrigation system, removal of a curb letdown and construction of a new driveway access, re-location or adjustment of existing utility appurtenances if required to accommodate this construction. The estimated cost of the road improvements for bonding purposes is **\$10,000.00**

Public Lane

The lane fronting this development must be constructed to a paved commercial standard complete with drainage facilities including a catch basin and drywell. The cost of this construction for bonding purposes is **\$11,000.00**

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Dedicate a 0.75m lane widening along the rear of Lot A Plan 53948 to provide the required widening for a 7.60m commercial lane.
- (b) Dedicate a 0.75m lane widening along the rear of Lot A Plan 64322 to provide the required widening for a 7.60m commercial lane.
- (c) A section 219 covenant must be registered linking the two lots. The agreement must include a clause to the effect that it is not to be cancelled without the consent of the Approving Officer for the City of Kelowna. This agreement must be registered as a priority charge.
- (d) Register a cross access agreement in favour of Lot A Plan 68638 to allow access to the existing Ellis Street access driveways. This agreement need only cover the obligation of the current application. The access driveways and proposed parking layout is currently configured to permit the future sharing of driveways to operate.
- (e) Grant statutory-rights-of-way without charge, if required for utility services.

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 underground ducting. 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

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.

8. Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, and in conformance with the City of Kelowna Subdivision Development & Servicing Bylaw No. 7900, the owner is eligible to apply for latecomer protection for the following:

(a) Lane improvements.

9. Geotechnical and Environmental Report

As a requirement of this application and/or prior to issue of a building permit, the following will be required:

(a) A geotechnical assessment to verify the site suitability for development, unstable soils, etc.

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

(c) Provide an environmental site profile to identify any site contamination, which may be the result of former land uses.

10. 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.

11. Bonding and Levy Summary

(d) Bonding

Service upgrades	\$15,000.00
St Paul St. Frontage Improvements	\$10,000.00
Lane construction	\$11,000.00
Total Bonding	<u>\$36,000.00</u>

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, 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.

12. Development Permit and Site Related Issues

- (a) Development Services requires that the developer install an ENTRANCE ONLY sign at the southerly access on Ellis Street and an EXIT ONLY sign at the northerly access driveway.
- (b) Replace the proposed out-swing entrance / exit gate to the lane with a gate that will not impede vehicular traffic within City right of way.

13. 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 Total Off-Site Construction Cost plus GST) in the amount of **\$809.55** (\$771.00 + 38.55 GST)

Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf

ADDRESS MAP

DP08-0228



Subject Property



City of Kelowna - Accuracy and correctness not guaranteed.

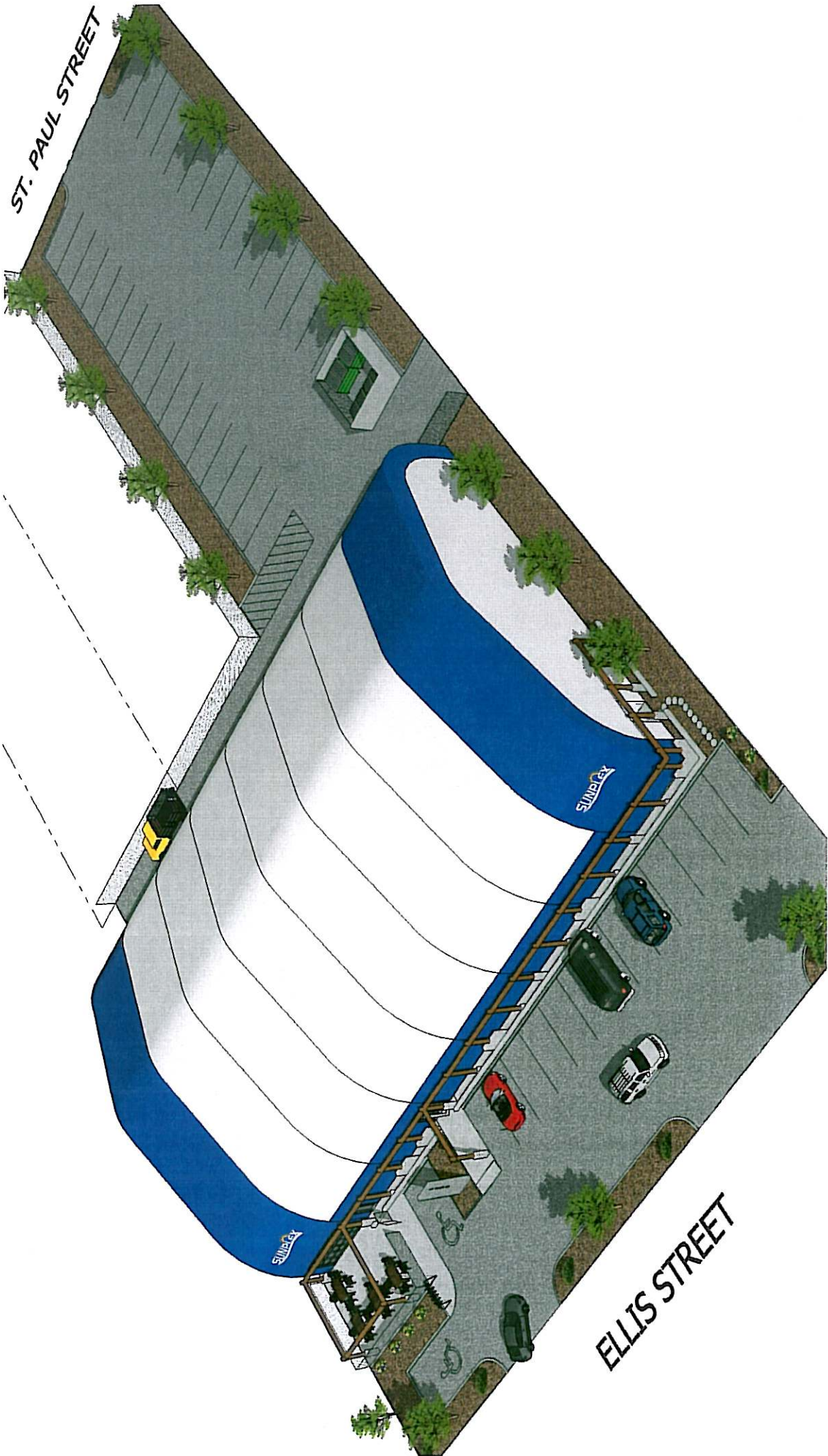
Map: 847 x 913 m -- Scale 1:5,000

2008-10-07

Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

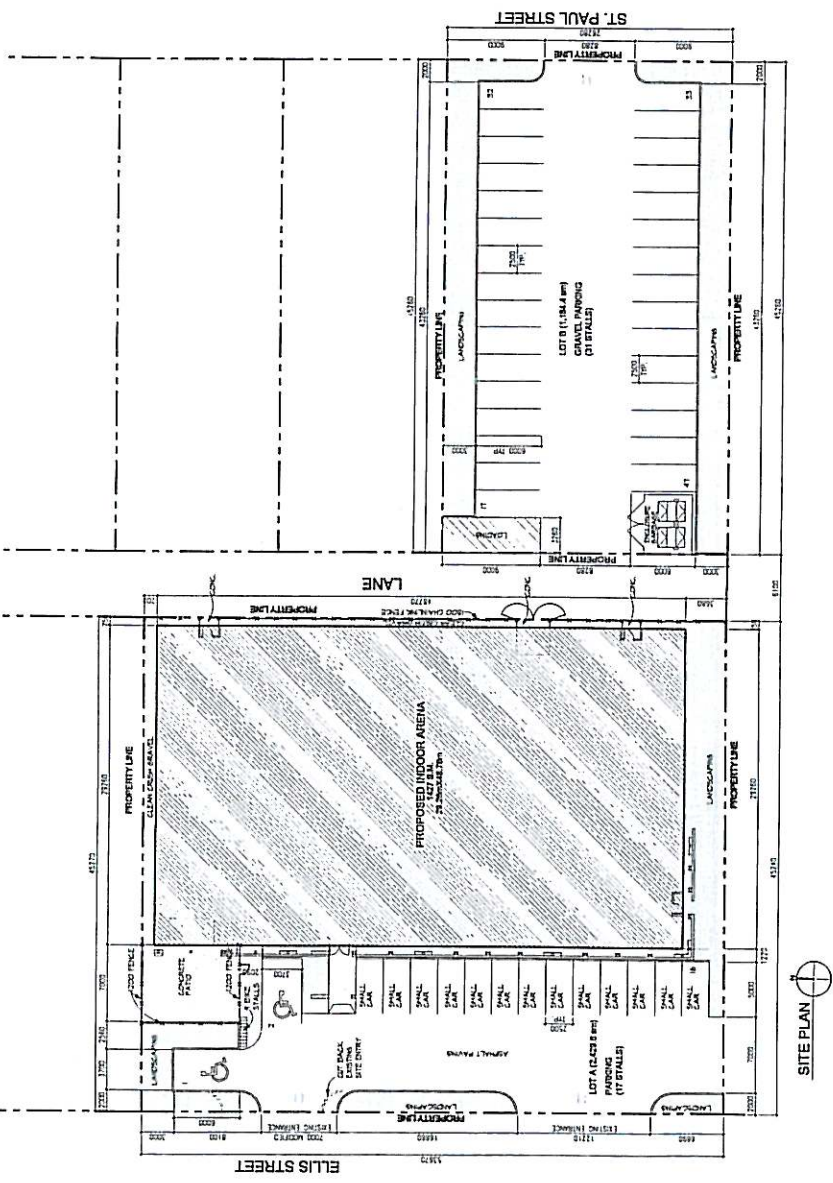


ST. PAUL STREET



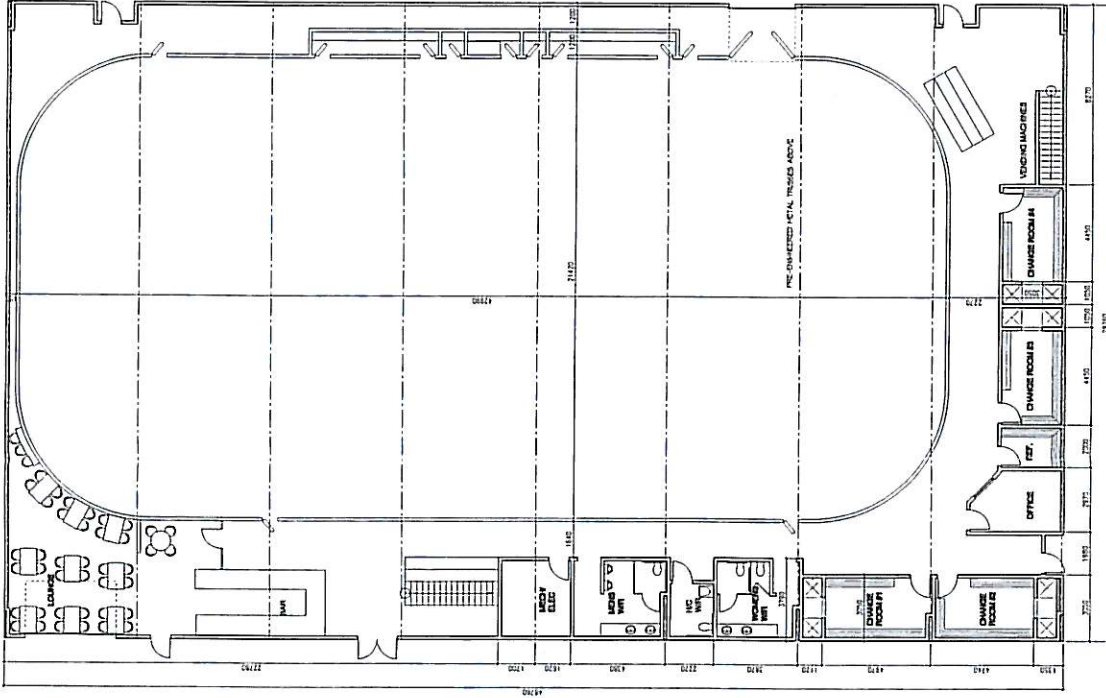
ELLIS STREET

LEGAL DESCRIPTION	
LOT 162 PLAN 12465, D.L. OD.Y.D. LOT 364 PLAN 4496, D.L. OD.Y.D. CIVIC ADDRESSES 1155 ELLIS STREET, KELLOWNA B.C.	
ZONING	
I2 & I4 - GENERAL INDUSTRIAL & CENTRAL INDUSTRIAL PERMITTED USE: INDOOR PARTICIPANT RECREATION & NON-ACCESSORY PARKING	
FLOOR AREAS:	15864 (167 sq m)
SYNOPSIS:	
MINIMUM LOT WIDTH	45.7 m
MINIMUM LOT AREA	4200 sq m
MINIMUM FRONT SETBACK	15.2 m
MINIMUM SIDE SETBACK	15.2 m
MINIMUM REAR SETBACK	15.2 m
MINIMUM FRONT YARD	7.6 m
MINIMUM SIDE YARD	0.9 m
MINIMUM REAR YARD	0.9 m
MINIMUM FRONT DRIVEWAY	15.2 m
MINIMUM SIDE DRIVEWAY	15.2 m
MINIMUM REAR DRIVEWAY	15.2 m
MINIMUM FRONT DRIVEWAY	0.9 m
MINIMUM SIDE DRIVEWAY	0.9 m
MINIMUM REAR DRIVEWAY	0.9 m
STALLS REQUIRED	STALLS PROVIDED
STANDARD STALLS	48
ACCESSIBLE STALLS	2
TOTAL STALLS	50
LANDSCAPE BUFFERS	
FRONT YARD	2.5 m
REAR YARD	3.0 m
SIDE YARD	1.5 m (1/2 SIDE YARD)

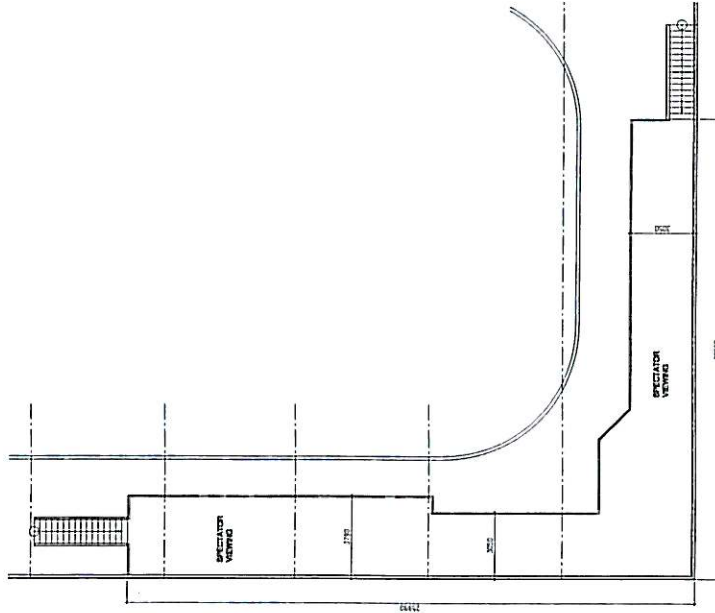


SITE PLAN

SCHEDULE B-2
 This forms part of development
 Permit # **DP08 - 0228**



MAIN FLOOR PLAN



MEZZANINE FLOOR PLAN

A-2 | Project Kelowna Sunplex Sports Arena | Kelowna, B.C. | Date September 25, 2008 | Project No. 08390 | Scale 1:100 | **DP**



SCHEDULE B-1

This forms part of development

Permit # DP000-0228

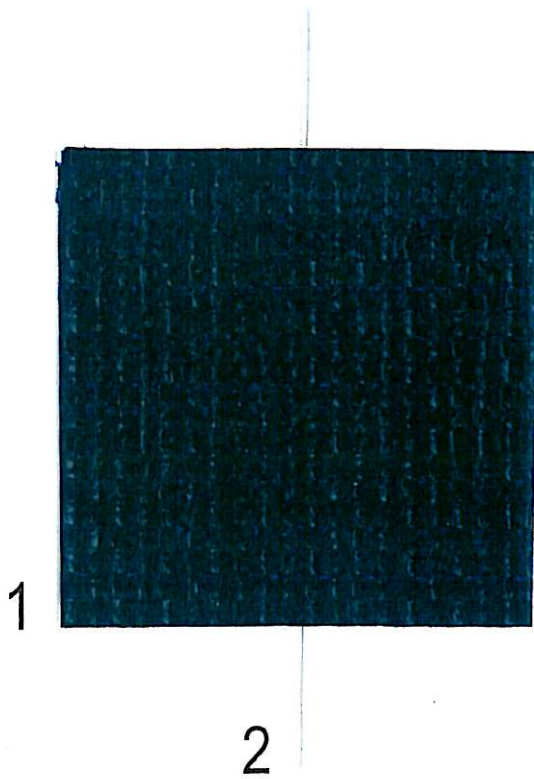


SCHEDULE B-3

This forms part of development

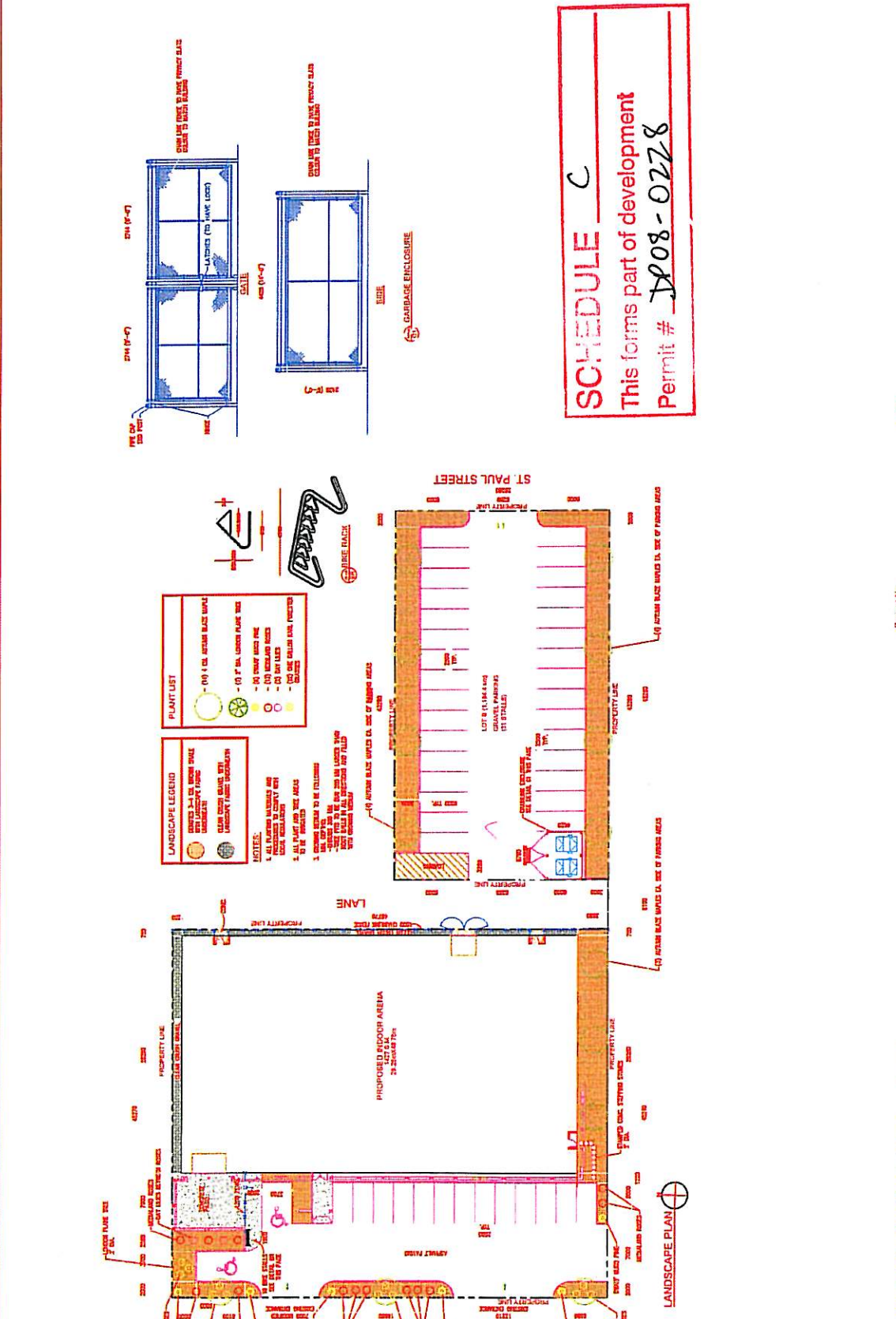
Permit # DP08-022B

KELOWNA SUNPLEX



LEGEND

1. Cover-All DuraWeave® FR Colour: Blue
2. Cover-All DuraWeave® FR Colour: White



LANDSCAPE LEGEND

- 1 - 100' W. ALUMINUM BLAZE MARKER
- 2 - 50' W. ALUMINUM BLAZE MARKER
- 3 - 25' W. ALUMINUM BLAZE MARKER
- 4 - 12.5' W. ALUMINUM BLAZE MARKER
- 5 - 6.25' W. ALUMINUM BLAZE MARKER
- 6 - 3.125' W. ALUMINUM BLAZE MARKER
- 7 - 1.5625' W. ALUMINUM BLAZE MARKER

PLANT LIST

- 1 - 100' W. ALUMINUM BLAZE MARKER
- 2 - 50' W. ALUMINUM BLAZE MARKER
- 3 - 25' W. ALUMINUM BLAZE MARKER
- 4 - 12.5' W. ALUMINUM BLAZE MARKER
- 5 - 6.25' W. ALUMINUM BLAZE MARKER
- 6 - 3.125' W. ALUMINUM BLAZE MARKER
- 7 - 1.5625' W. ALUMINUM BLAZE MARKER

DATE: DECEMBER 03 2008

Project No. 08390
Drawing LANDSCAPE PLAN

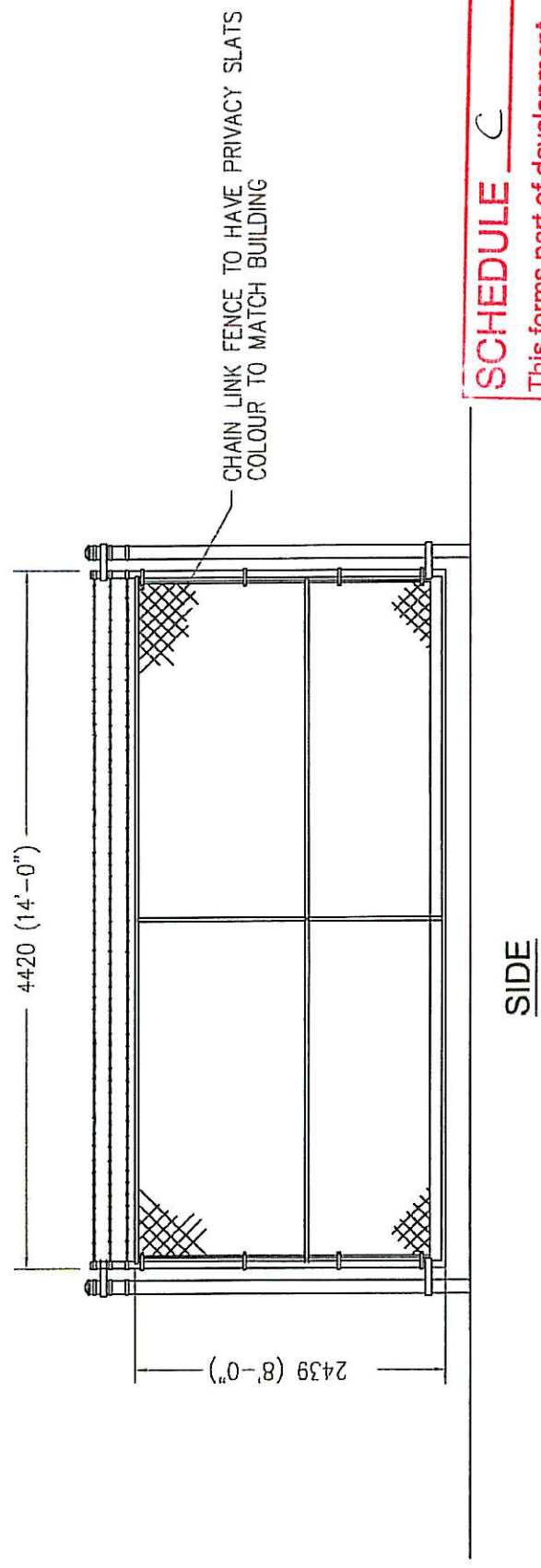
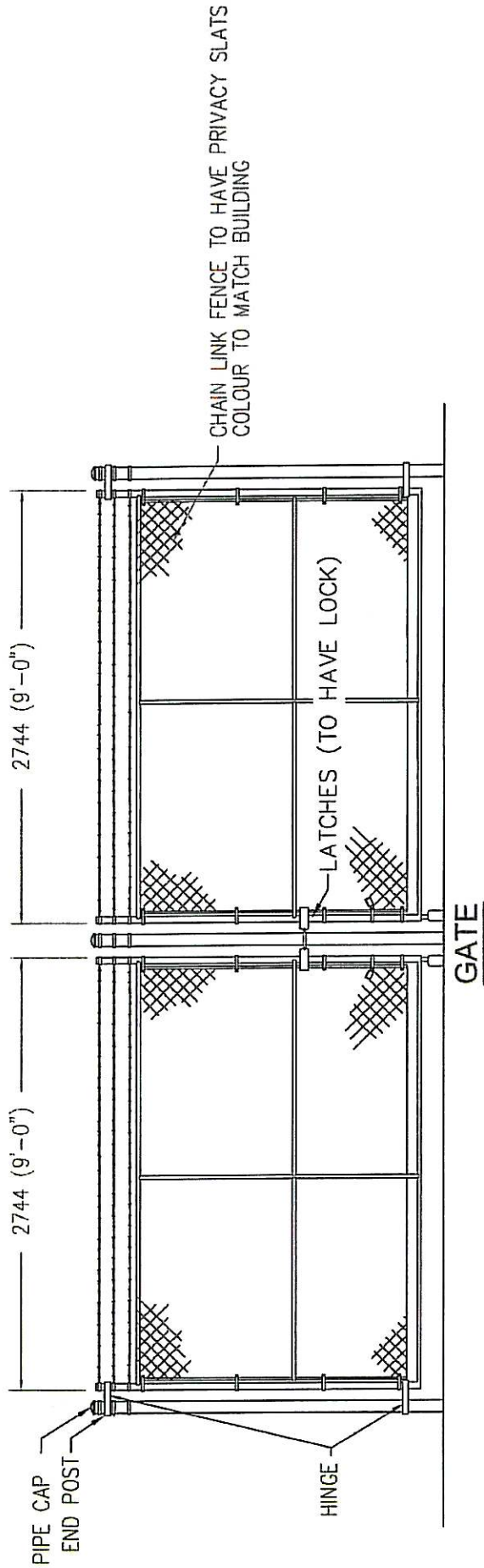
Schedule C
This forms part of development
Permit # D08-0278

L-1

Project Kelowna Sunplex Sports Arena
Drawing LANDSCAPE PLAN

Scale 1:200

Project No. 08390
Drawing LANDSCAPE PLAN



SCHEDULE C
 This forms part of development
 Permit # 1806-0228