
Memo

DATE: April 1st, 2010
TO: City Manager
FROM: Community Sustainability Division



APPLICATION: Z10-0001 / TA10-0004 **OWNER:** T 252 Enterprises Ltd., Inc. No. 680506

AT: 435 Harvey Avenue **APPLICANT:** John Adams

PURPOSE: To rezone the subject property from C4 - Urban Centre Commercial to C3 - Community Commercial in order to permit a standalone car wash;

To consider a Text Amendment to Zoning Bylaw No. 8000 to change the wording for the Service Station, Minor definition.

EXISTING ZONES: C4 - Urban Centre Commercial

PROPOSED ZONE: C3 - Community Commercial

REPORT PREPARED BY: Alec Warrender

1.0 RECOMMENDATION

THAT Rezoning Application No. Z10-0001 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, D.L. 139, ODYD, Plan 35149 located at 435 Harvey Avenue, Kelowna, B.C. from C4 - Urban Centre Commercial to C3 - Community Commercial be considered by Council;

THAT Text Amendment No. TA10-0004 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in Schedule "A" of the report of the Land Use Management Department dated April 1st, 2010 be considered by Council;

THAT Text Amendment No. TA10-0004 and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

2.0 SUMMARY

This application seeks to rezone the subject properties from C4 - Urban Centre Commercial to C3 - Community Commercial in order to permit a standalone car wash. The purpose of this

A handwritten signature in black ink, appearing to be a stylized 'M' or similar character.

Text Amendment is to amend the “Service Station, Minor” definition in order to permit 6 wash bays where 3 are currently permitted. A Development Permit for the form and character of the proposed car wash is also under consideration.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on February 16th, 2010 the APC passed the following motion:

THAT the Advisory Planning Commission NOT support Rezoning Application No. Z10-0001, for 435 Harvey Avenue to rezone from the C4 - Urban Centre Commercial zone to the C3 - Community Commercial zone in order to permit a standalone car wash.

Comment:

The Advisory Planning Commission thought this development was not the highest and best use for this highway location.

At a meeting held on March 30th, 2010 the APC passed the following motion:

THAT the Advisory Planning Commission support Text Amendment Application No. TA10-0004, for 435 Harvey Avenue, to consider a Text Amendment to Zoning Bylaw No. 8000 to change the wording for the Service Station, Minor definition.

Comment:

The APC supports this stand alone text amendment application for this definition change, recognizing that the restriction of 3 bays is limiting and the inclusion of 6 bays allows for a more economically viable business venture for this stand alone use.

4.0 THE PROPOSAL

The purpose of this application is to rezone the subject property from C3 - Community Commercial to C4 - Urban Centre Commercial in order to accommodate the proposed car wash. The proposed car wash includes three indoor service bays and three outdoor (covered) service bays for a total of six bays. The Text Amendment portion of this application is to amend the Service Station, Minor definition in Zoning Bylaw NO. 8000 in order to permit six service bays where not more than three are currently permitted.

This Text Amendment application would impact all C3 zoned properties. (Attached: C3 properties Map). A trellis with landscaping is proposed for the elevation facing the Highway while earth toned colours will be used for the building (see attached). Significant landscaping has been provided around the perimeter of the subject property.

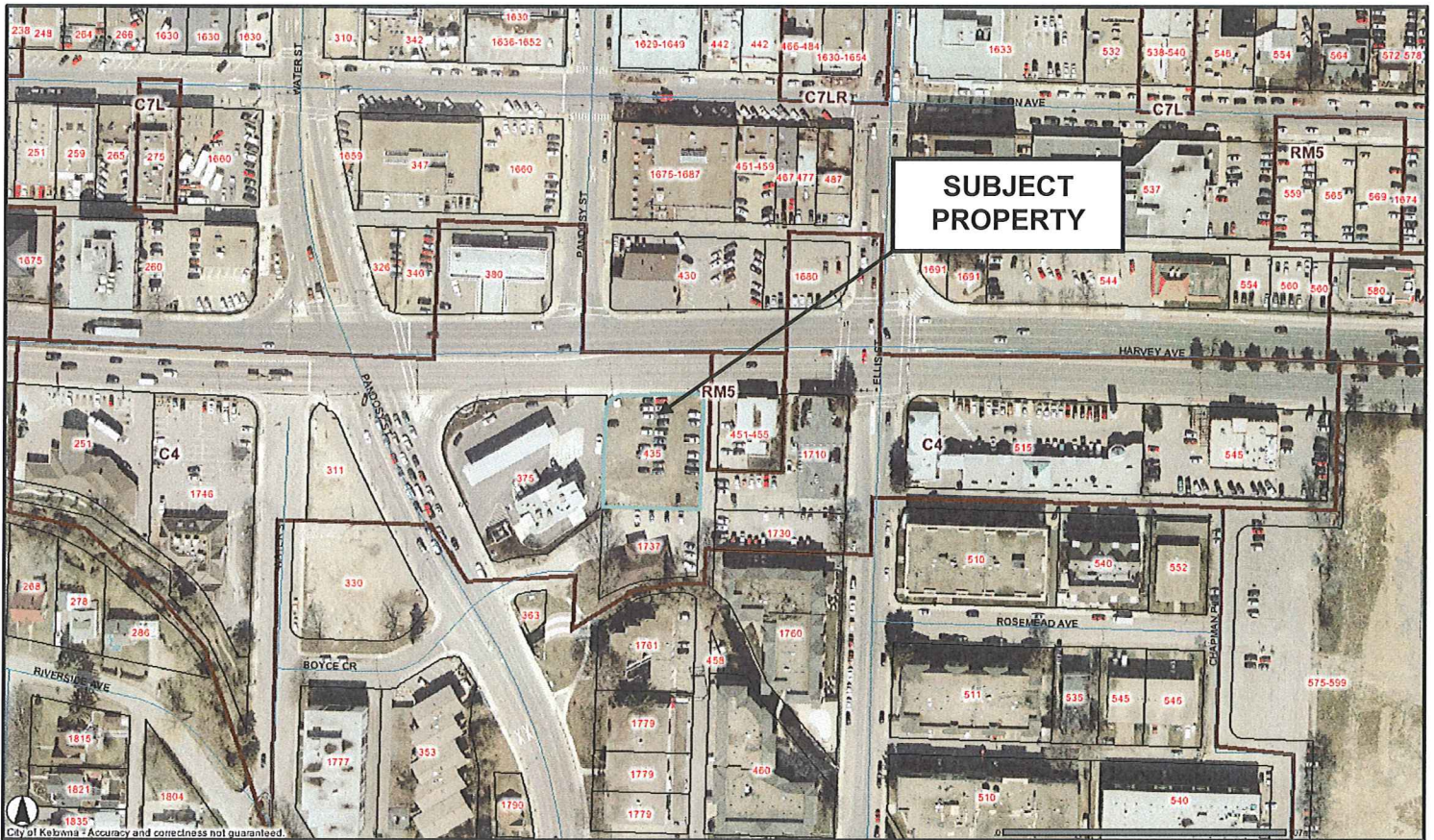
The application compares to the requirements of Zoning Bylaw No. 8000 as follows:

Zoning Bylaw No. 8000		
Criteria	Proposed	C3 Zone Requirements
Floor Area Ratio (FAR)	0.12	1.0 commercial project

Site Coverage	12%	50%
Height	6.95m	15.0m
Front yard (N)	4.5m	3.0m
Side yard (S)	0.3m	0.0m
Side yard (E)	8.0m	2.0m
Rear yard (W)	14.4m	0.0m
Other Regulations		
Vehicle Parking	Total Parking Stalls = 1 stall	1 stall (1 per employee)
Bicycle Parking	2 stalls	2 required
Loading stalls	1 stall	1 stall
Queuing stalls	2 stalls per wash bay	2 stalls per wash bay

4.1 SUBJECT PROPERTY MAP:

435 Harvey Avenue



4.2 Site Context

The adjacent land uses are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	C7 - Central Business Commercial	Commercial
West	C4 - Urban Centre Commercial	Commercial
South	C4 - Urban Centre Commercial	Commercial
East	RM5 - Medium Density Multiple Housing	Apartment

5.0 CURRENT DEVELOPMENT POLICY

5.1 Future Land Use (OCP)

The proposed zone is consistent with the “Commercial” Future Land Use as outlined in the OCP.

5.2 OCP Objectives for Commercial 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 provide visual interest and human scale.
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, and community cohesiveness).
- 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).

6.0 TECHNICAL COMMENTS

6.1 Building & Permitting

Building permit required. Engineering may be required. Exiting from bays is to be addressed, man door is required (to be addressed at this stage).

6.2 Development Engineering Branch

See Attached

6.3 Environment

This car wash facility must adhere to the design requirements for connection to the sewerage system, which are outlined within City of Kelowna Bylaw 6618-90 (Sanitary Sewer/Storm Drain Regulation Bylaw).

6.4 Fire Department

There is a hydrant on Harvey Ave. in which I cannot determine from the application if the existing hydrant is accessible. Fire Truck access is from an easement and a lane, therefore a 6M paved access is required for emergency vehicles.

6.5 Ministry of Transportation

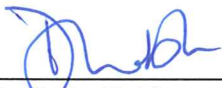
The Ministry has no objections to the proposed land-use as presented in the referral package received March 3, 2010. Please consider the appropriate site distances when planning landscaping and signage placement.

7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The subject property is designated as Commercial in the OCP and as such the proposed car wash would be in compliance with the future land use. In order to accommodate the proposed use the applicant is seeking to rezone the subject property from C3 - Community Commercial to C4 - Urban Centre Commercial. The C4 zone permits a 'gas bar' which allows a car wash as long as it is associated with a gas station, whereas the C3 zone allows a car wash as a standalone use. Although rezoning to C3 is a downgrading of the land use, the proposed use is in accordance with the Downtown Plan, 1999. In the Downtown Plan, highway commercial uses are identified as car-oriented uses including, "gas stations, family restaurants, and fast food outlets." The subject property lies within the area along Harvey Avenue identified in the Downtown Plan as appropriate for auto-oriented uses. While this is not the highest and most efficient use of this prominent highway location, the proposal has merits and will compliment the other auto-dominated uses that are within the vicinity. Access will be gained through an access agreement with the gas station to the west and the lane located to the east of the subject property.

From a land use perspective Staff have no concerns with amending the "Service Station, Minor" definition to accommodate 6 wash bays where 3 are currently permitted. The "Service Station, Minor" use is currently found in the C3, C10, I2 and I4 zones, all of these zones currently accommodate uses that are more vehicle oriented and uses with the potential to have a greater impact on surrounding properties.

A Development Permit for the form and character of the proposed car wash is also under consideration. The applicant has provided sufficient detail to a modest design, and has incorporated a significant amount of landscaping to buffer the proposed development.



Danielle Noble
Manager, Urban Land Use

Approved for inclusion:



Shelley Gambacort
Director, Land Use Management

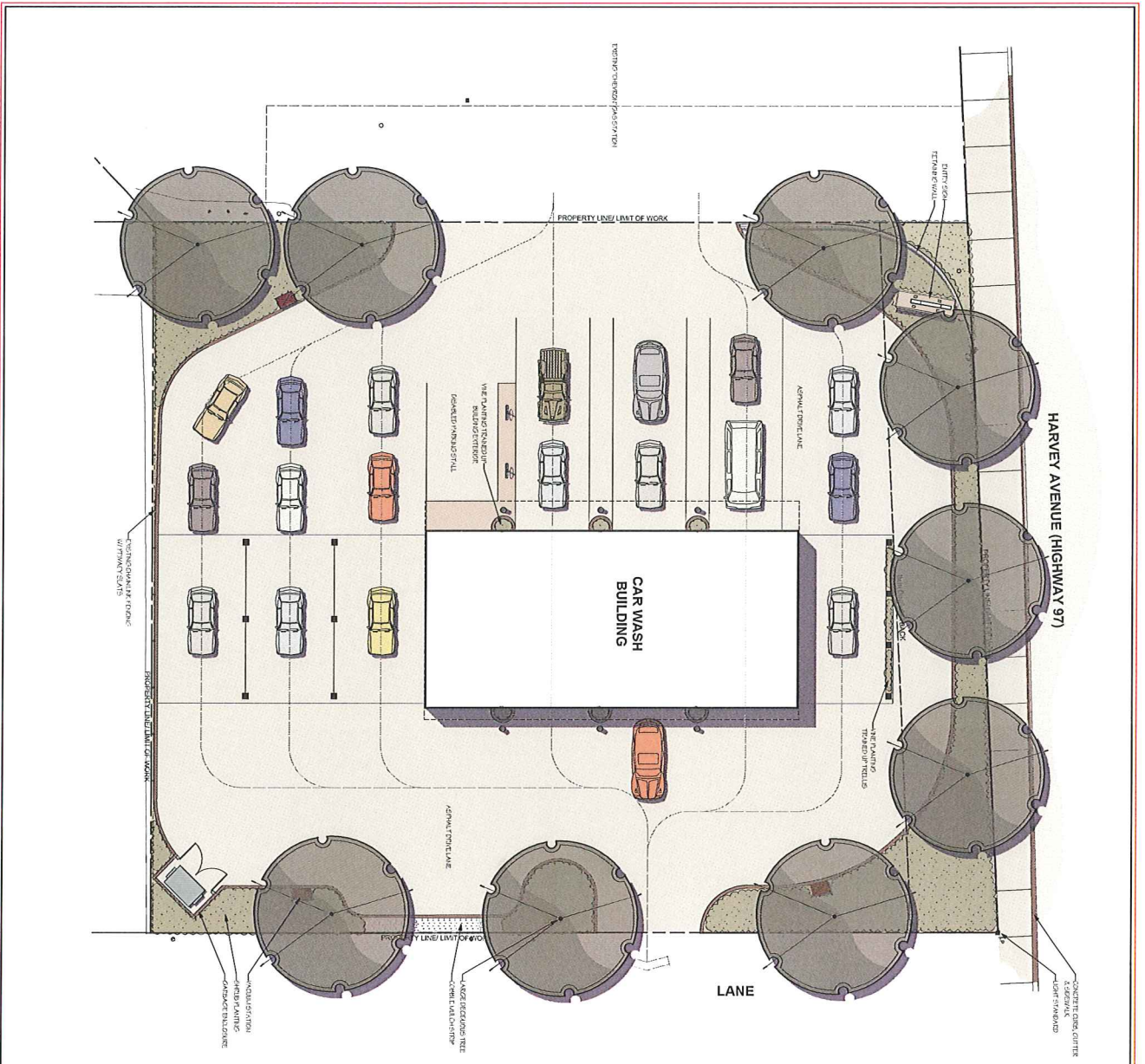
Attachments:

Subject Property Map
Site Plan
Elevations
Development Engineering Requirements

Schedule "A"

Text Amendment No. TA10-0004 - Proposed Text Amendments

Zoning Bylaw No. 8000			
No.	Section	Existing Text	Proposed Text
1	§2.3.3 General Definitions	<p>SERVICE STATIONS, MINOR means development used for the routine washing, servicing or repair of vehicles within a building containing not more than three service bays; and for the sale of gasoline, petroleum products, and a limited range of automotive parts and accessories.</p>	<p>SERVICE STATIONS, MINOR means development used for the routine washing, servicing or repair of vehicles within a building containing not more than six service bays; and for the sale of gasoline, petroleum products, and a limited range of automotive parts and accessories.</p>



PLANT LIST

REFERENCE	COMMON NAME
1	SPRING GARDENIA
2	PLANTAIN
3	PLANTAIN
4	PLANTAIN
5	PLANTAIN

- NOTES**
1. ALL PLANTING AND SOIL CONDITIONING SHALL BE LEFT TO THE CONTRACTOR'S RESPONSIBILITY.
 2. ALL SOIL AND/OR ASPHALT AREAS SHALL BE WATERED AT ALL TIMES TO PREVENT DUST.
 3. TREE AND SHRUBS TO BE REMOVED SHALL BE REMOVED WITHIN THE SPECIFIED TIME FRAME.
 4. TREE AND SHRUBS TO BE REMOVED SHALL BE REMOVED WITHIN THE SPECIFIED TIME FRAME.

Site Plan Information
 Prepared by:
 Ted Theissen & Associates Inc.
 220-1715 Dickson Ave, Kelowna, BC
 (250) 763-5220

Proposed Car Wash Facility

435 Harvey Ave
 Kelowna, BC

Issued for / Revision:

1	Review	10.02.12
2		
3		
4		
5		

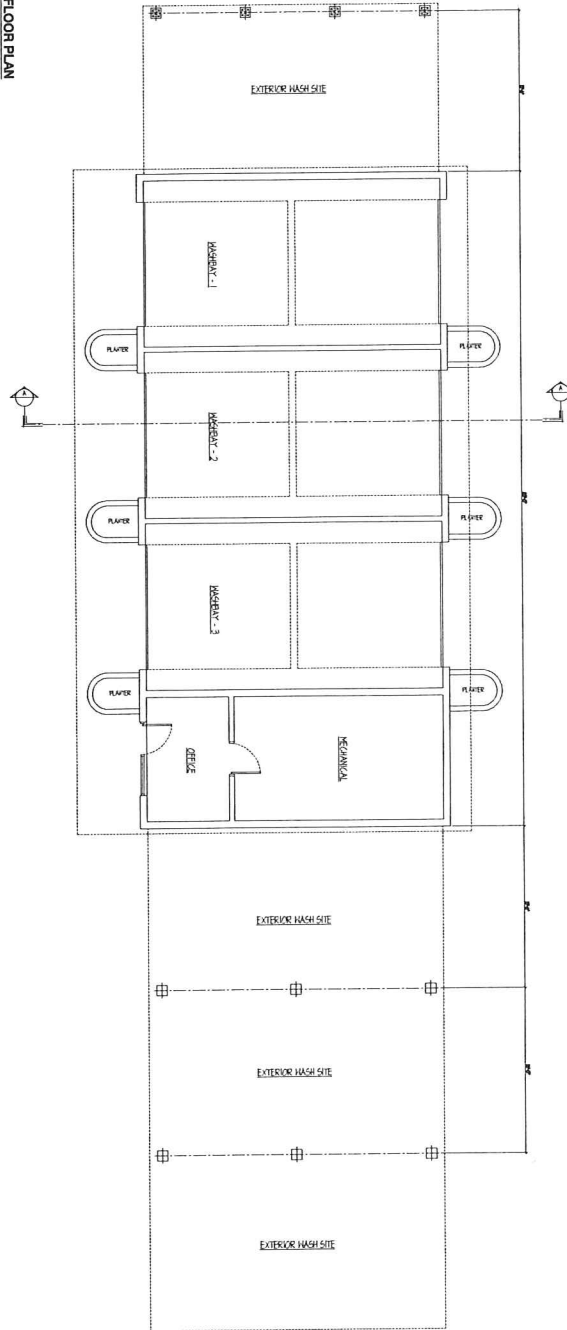
Project No: 10-008
 Design By: XS
 Drawn By: XS
 Checked By: FC
 Date: Feb. 12, 2010
 Scale: 1:100



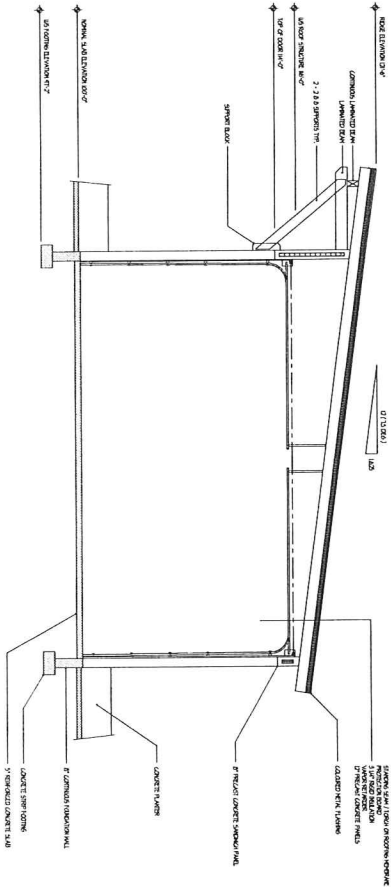
Outland
 226-1800 South Road
 Kelowna, BC V1Y 9S7
 Tel: (250) 860-2070
 www.outlandbc.ca

Landscape Plan
 1 of 1

FLOOR PLAN
SCALE - 3/8" = 1'-0"



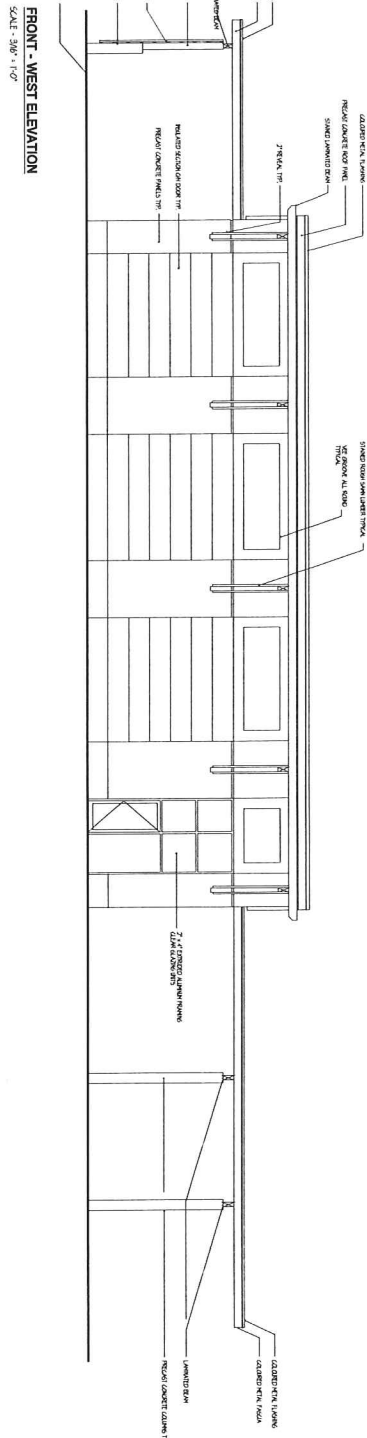
SECTION 'A' - 'A'
SCALE - 1/4" = 1'-0"



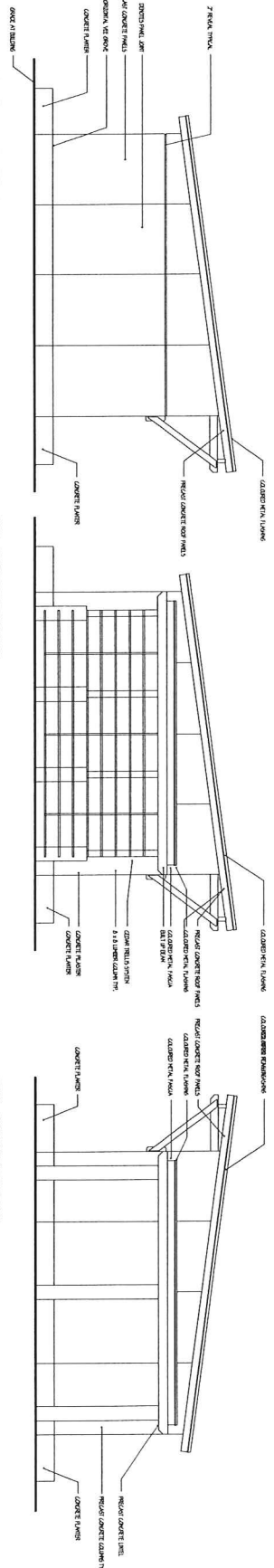
PROPOSED FLOOR PLAN
SCALE - 1/8" = 1'-0"

PROPOSED CARWASH FACILITY
435 HARVEY AVE., KELOWNA -- JOHN ADAMS

TED J. THOMAS & ASSOCIATES Ltd.
220-170 DUNCAN AVE., KELOWNA, B.C. V1Y 4S6
PHONE: 250-863-5220 FAX: 250-863-2208
E-MAIL: ted@tedjthomas.com



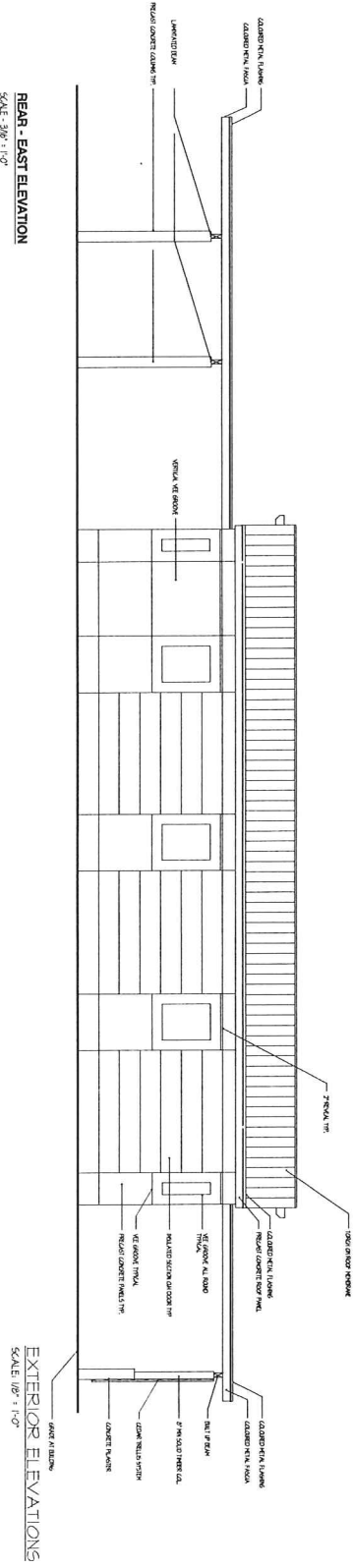
FRONT - WEST ELEVATION
SCALE - 3/8" = 1'-0"



LHS - NORTH ELEVATION
SCALE - 3/8" = 1'-0"
(TRILLS NOT SHOWN FOR CLARITY)

LHS - NORTH ELEVATION
SCALE - 3/8" = 1'-0"

RHS - SOUTH ELEVATION
SCALE - 3/8" = 1'-0"

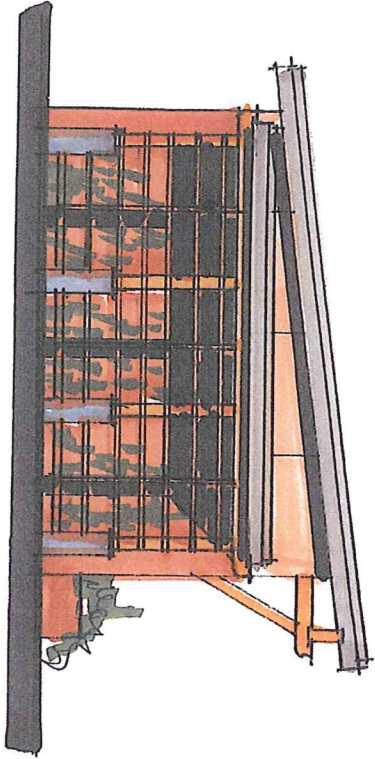


REAR - EAST ELEVATION
SCALE - 3/8" = 1'-0"

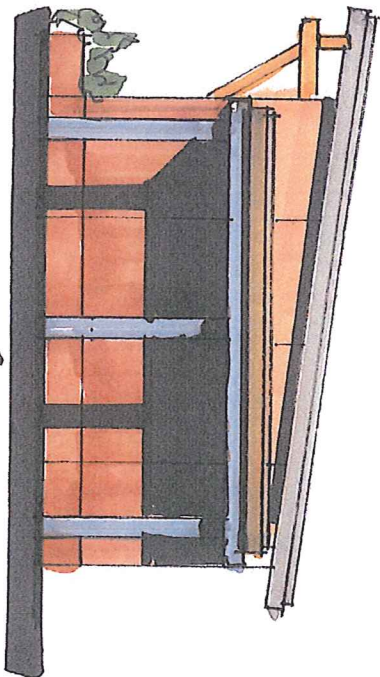
EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"

PROPOSED CARWASH FACILITY
435 HARVEY AVE., KELOWNA -- JOHN ADAMS

TED J. THOMAS & ASSOCIATES INC.
220-715 DIXIECROFT AVE.
KELOWNA, B.C. V1Y 4S6
PHONE: 250 869 5220
FAX: 250 869 2206
E-MAIL: assoc@tedj.com.ca



R.H.S. ELEVATION

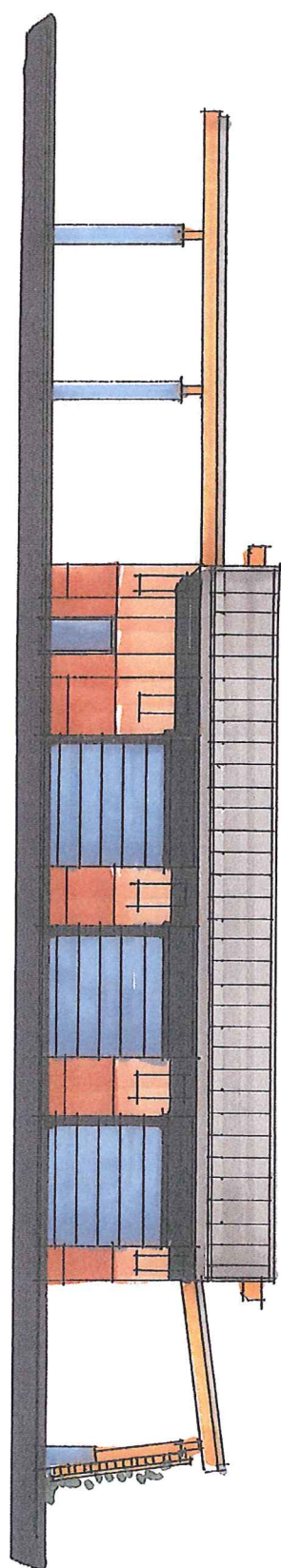


L.H.S. ELEVATION

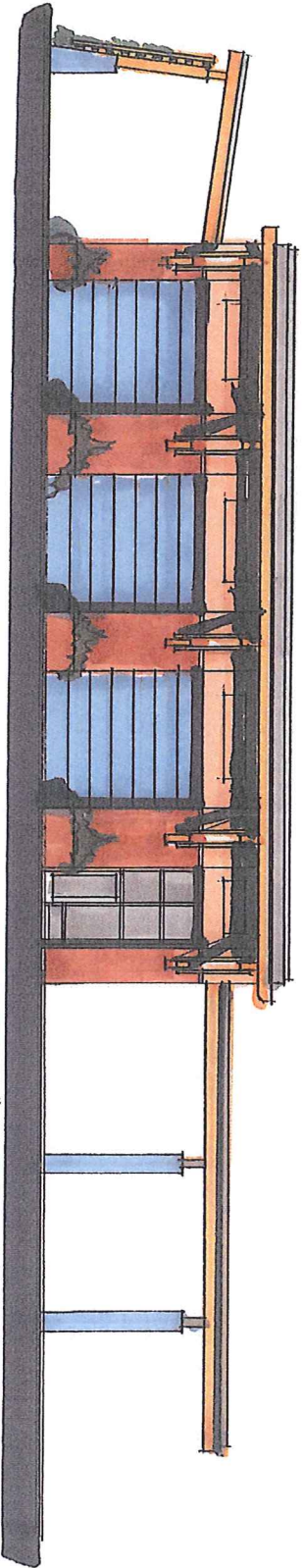
PROPOSED CARWASH

JOHN AND MICHELLE ADAMS

REAR ELEVATION



PROPOSED CARWASH
JOHN AND MICHELLE ADAMS



FRONT ELEVATION

PROPOSED CARWASH

JOHN AND MICHELLE ADAMS

CITY OF KELOWNA
MEMORANDUM

Date: February 23, 2010
File No.: Z10-0001 DP10-0008

To: Planning & Development Services Department (PMcV)

From: Development Engineering Manager

Subject: 435 Harvey Avenue Plan 35149 Lot A Carwash

Development Engineering has the following requirements associated with this development 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

These are our initial comments and are subject to MOT requirements.

1. Domestic Water and Fire Protection

- (a) Our records indicate that this development site is serviced with a 25mm-diameter copper water service from the watermain on Harvey Avenue. The developer must engage a consulting mechanical engineer to determine the flow requirements of this development and establish the service needs. It is anticipated that a larger water service will be required.
- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the decommissioning of all existing small diameter service and the installation of one new larger metered water service. The estimated cost of this construction for bonding purposes is **\$12,000.00**
- (c) 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. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

2. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs.
- (b) Our records indicate that this property is currently serviced from a main within the abutting lane with two 100mm-diameter sanitary services. Only one service will be permitted for this development.

The applicant, at his cost, will arrange for the capping of all existing unused services at the main, as well as the installation of one new larger service. The estimated cost for construction for bonding purposes is **\$6,000.00**

3. Storm Drainage

- (a) 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 drainage study should indicate the size and location of detention and treatment facilities on a Lot Grading Plan.
- (b) Our records indicate that this property is currently serviced from a main within the abutting lane with a 150mm diameter service. The on-site drainage system may utilize this existing connection as an overflow service.
- (c) Provide a Lot Grading Plan.

4. Road Improvements

- (a) Harvey Avenue: The existing driveway access which fronts this development will require modifications. The estimated cost for construction for bonding purposes is **\$6,000.00**
- (b) Lane: The lane fronting the development site will require pavement widening in conjunction with the required lane widening. The estimated cost of this construction for bonding purposes is **\$2,000.00**

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Dedicate an additional road allowance widening of 0.80m along the length of the lane to provide one half of the future 7.6m commercial width.
- (b) Road closure of the remnants of a corner rounding on the north west property corner.
- (c) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- (d) If any road dedication or closure affects lands encumbered by a Utility (such as Gas, Hydro, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this development must be installed in an underground duct system. 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 developer'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. Development Permit And Site Related Issues

Should a revision to the site access and egress be required, drawings must be submitted for approval by MOT and the City development Engineering Department. This is required to guarantee that the requirements and the limitations of access and egress requirements have been met.

9. Bonding and Levy Summary(a) Bonding

Driveway modifications	\$ 6,000.00
Lane frontage improvements	\$ 2,000.00
Service Upgrades	\$ 18,000.00

Total Bonding **\$ 26,000.00**

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 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.

10. Site Related Issues

- (a) Direct vehicular access onto Harvey Avenue will not be permitted.
- (b) An access agreement is in place with Chevron Canada. Ensure that the drive through exist is not blocked with vehicles in queue for the carwash bays.

11. 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 **\$584.85** (\$557.00 + 27.85 GST)

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