

Memo



Date: June 10, 2010

To: City Manager

From: Community Sustainability Division

File No: Z10-0004

Applicant: Gail Temple

At: 1690-1698 Powick Rd

Owner: 0765777 BC Ltd.

Purpose: To rezone the subject property from the C10 - Service Commercial zone to the C3 - Community Commercial zone.

Report Prepared by: Andrew Browne

1.0 RECOMMENDATION

THAT Rezoning Application No. Z10-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 125 ODYD Plan 31632 Except Plan KAP72889, located at 1690-1698 Powick Rd, Kelowna, B.C. from the C10 - Service Commercial zone to the C3 - Community Commercial zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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

2.0 SUMMARY

The applicant is proposing to rezone the subject property from the C10 - Service Commercial zone to the C3 - Community Commercial zone in order to diversify the number of permitted uses for the existing structures on site. No construction or additions are proposed.

3.0 ADVISORY PLANNING COMMISSION

During the March 2, 2010 meeting of the Advisory Planning Commission, the following resolution was adopted:

THAT the Advisory Planning Commission support Rezoning Application No. Z10-0004, for 1690 - 1698 Powick Road; to rezone the subject property from the C10 - Service Commercial zone to the C3 - Community Commercial zone.

The Commission had no particular concerns or comments.

4.0 SITE CONTEXT

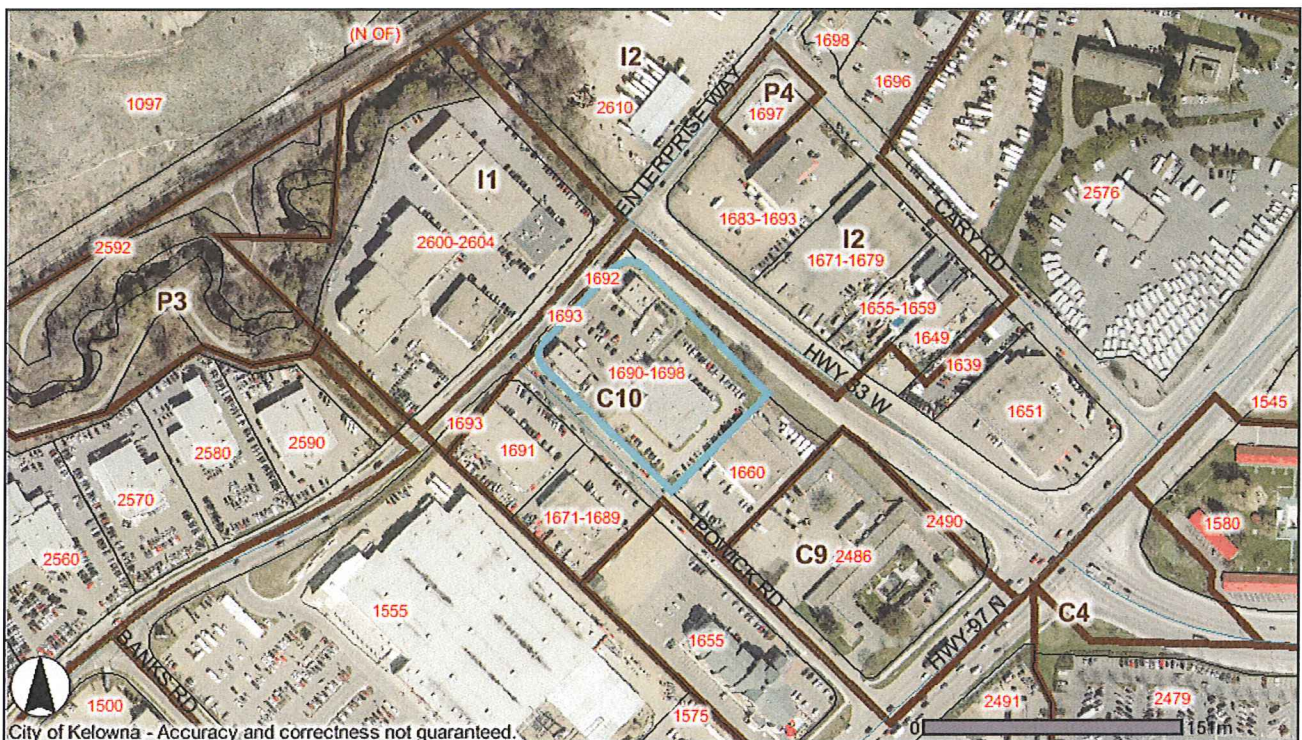
The subject property is located in the Highway Urban Centre in the Central City OCP sector alongside a variety of commercial land uses. Specifically, the adjacent zones are:

North I1 - Business Industrial & I2 - General Industrial

South C4 - Urban Centre Commercial, C9 - Tourist Commercial & C10 - Service Commercial

East I2 - General Industrial & C10 - Service Commercial

West I1 - Business Industrial & C10 - Service Commercial



5.0 THE PROPOSAL

The applicant is proposing to rezone the subject property from the C10 - Service Commercial zone to the C3 - Community Commercial zone in order to diversify the number of permitted uses for the existing structures on site. No additional construction is proposed.

The proposed development compares with the Zoning Bylaw No. 8000 requirements for the C3 - Community Commercial zone as follows:

Criteria	Proposed	C3 Zone Requirement
Lot Area	9359 m ²	1300 m ²
Lot Width	~ 105 m (excl. corner rounding)	40 m
Lot Depth	~ 59 m (excl. corner rounding)	30 m
Commercial FAR	0.29	1.0
Site Coverage	17.9%	50%
Height	1 and 2 storeys	Lesser of 15 m or 4 storeys
Front Yard (Powick Rd)	3.47 m	3 m
Side Yard (Enterprise Way)	5.97 m	2 m
Side Yard (adj. pty.)	17.4 m	0 m
Rear Yard (Hwy 33 W)	8.54 m	0 m

Auto Parking	99 stalls	<u>Offices</u> @ 2.5/100 m ² GFA = 2107.2 m ² = 53 stalls <u>Food Primary</u> @ 1/4 seats = 61 seats = 16 stalls <u>Commercial</u> @ 4.4/100 m ² GFA = 280.11 m ² = 13 stalls Total = 82 stalls
Loading	4 stalls	<u>Commercial</u> @ 1/1900 m ² GFA = 2102.7 m ² and 311.16 m ² = 2 and 1 <u>Food Primary</u> @ 1/2800 m ² GFA = 290.79 m ² = 1 Total = 4 stalls
Bicycle Parking	6 Class I stalls plus change room 16 Class II stalls	<u>Commercial</u> Class I @ 0.2/100 m ² GFA Class II @ 0.6/100 m ² GFA = 2102.7 m ² and 311.16 m ² = 5 Class I = 15 Class II <u>Food Primary</u> Class I @ 0.1/100 m ² GFA = 290.79 m ² = 1 Class I

6.0 POLICY AND REGULATION

Kelowna 2020 - Official Community Plan

The subject property is designated as Commercial for future land use. Relevant policies are included below.

Urban Centre Policies:

Employment Opportunities. Encourage increased employment opportunities within Urban Centres to support the Transportation Demand Management (TDM) strategies of Chapter 12 - Transportation, and to continue to improve the economic health of the labour force residing within and adjacent to the Urban Centres.

Commercial Policies:

Office Building Locations. Encourage office buildings providing more than 929 m² (10,000 sq. ft.) of leasable space to locate in the City Centre or the Town Centres. This policy does not include

offices integral to business park / industrial uses and “corporate offices” allowable under relevant industrial zones.

Conversion from C10. Discourage the conversion of C10 Service Commercial zoned areas to C3, C4 or C7 zoning, outside of Urban Centres. The City, depending on site-specific circumstances, may support the conversion of C10 Service Commercial zoned sites to C3, C4 or C7, within Urban Centres.

7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS


The proposed rezoning is consistent with the City of Kelowna Official Community Plan future land use designation of Commercial. As the subject property is zoned C10 - Service Commercial and is within an Urban Centre, it could be supported for rezoning to C3-Community Commercial.

The existing 2-storey office building accommodates limited office uses under the C10 - Service Commercial land use known as ‘government agencies.’ The applicant is seeking to permit a broader range of office users and to diversify their potential tenant-base.

Enhanced landscaping (3 additional street trees) along the Enterprise Way boulevard is being provided on a voluntary basis by the landowner, and this should serve to improve the area streetscape.

Land Use Management staff recommend support on the basis of consistency with the OCP, the existing building established on site, and landscape enhancements achieved as part of this zoning change.

Danielle Noble
Manager, Urban Land Use

Approved for inclusion: 
Shelley Gambacort
Director, Land Use Management

Attachments

Subject property map
Development Application File Circulation Report (2 pages)
Development Engineering technical comments
Highway urban centre map
Site plan
Site photo from above
Rationale letter from applicant w/ partial zoning comparison chart (4 pages)
Rationale letter from owner (2 pages)

Date Application Accepted

January 27, 2010 *

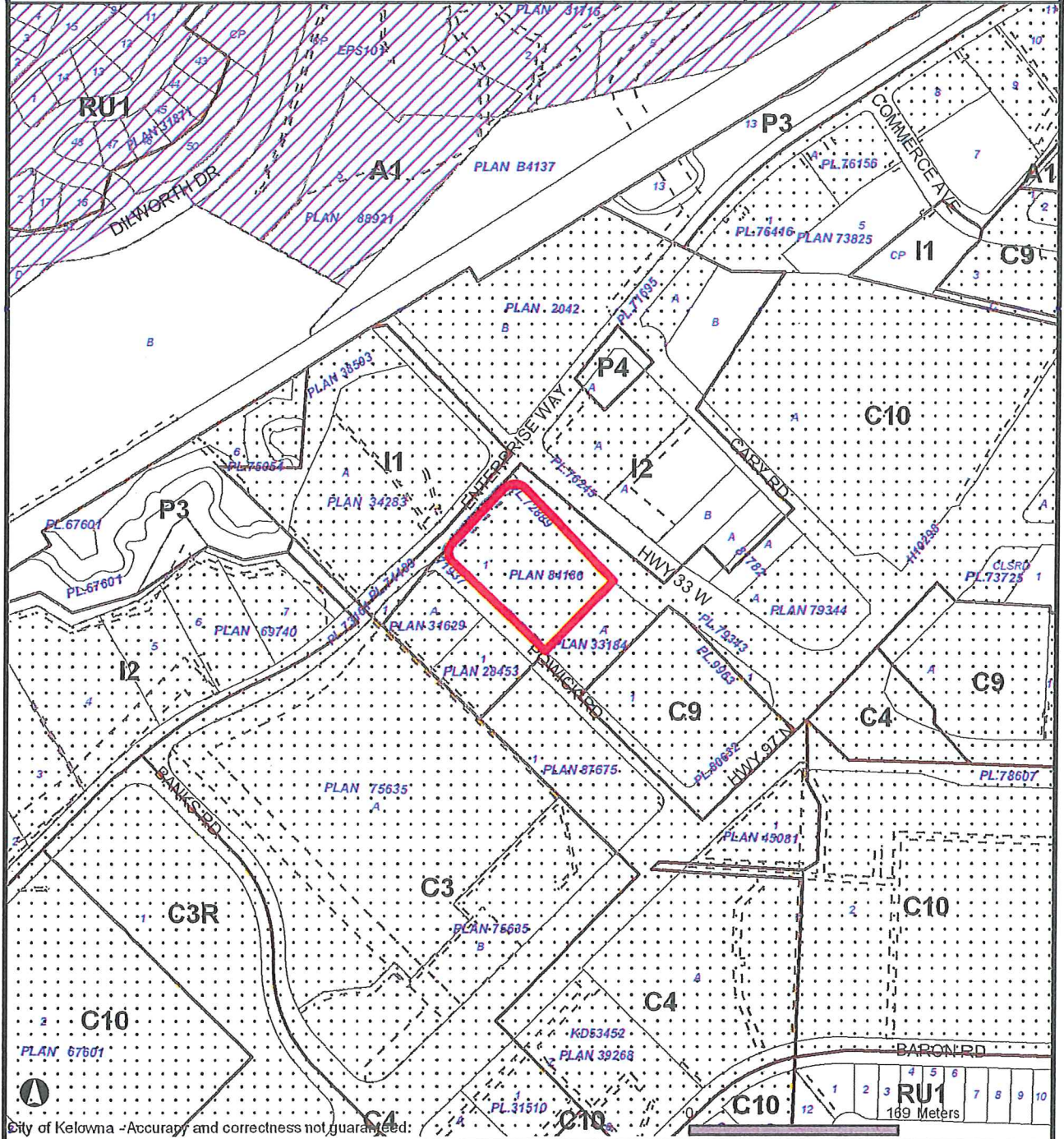
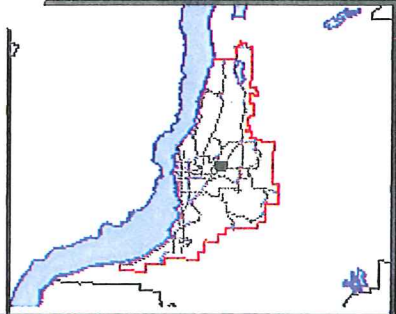
* Staff worked with the applicant toward verifying compliance with the Zoning Bylaw for the existing structures and land uses from February 24-June 10, 2010 with an intermediate APC meeting date of March 2, 2010.

Application

Z10-0004



Subject Property

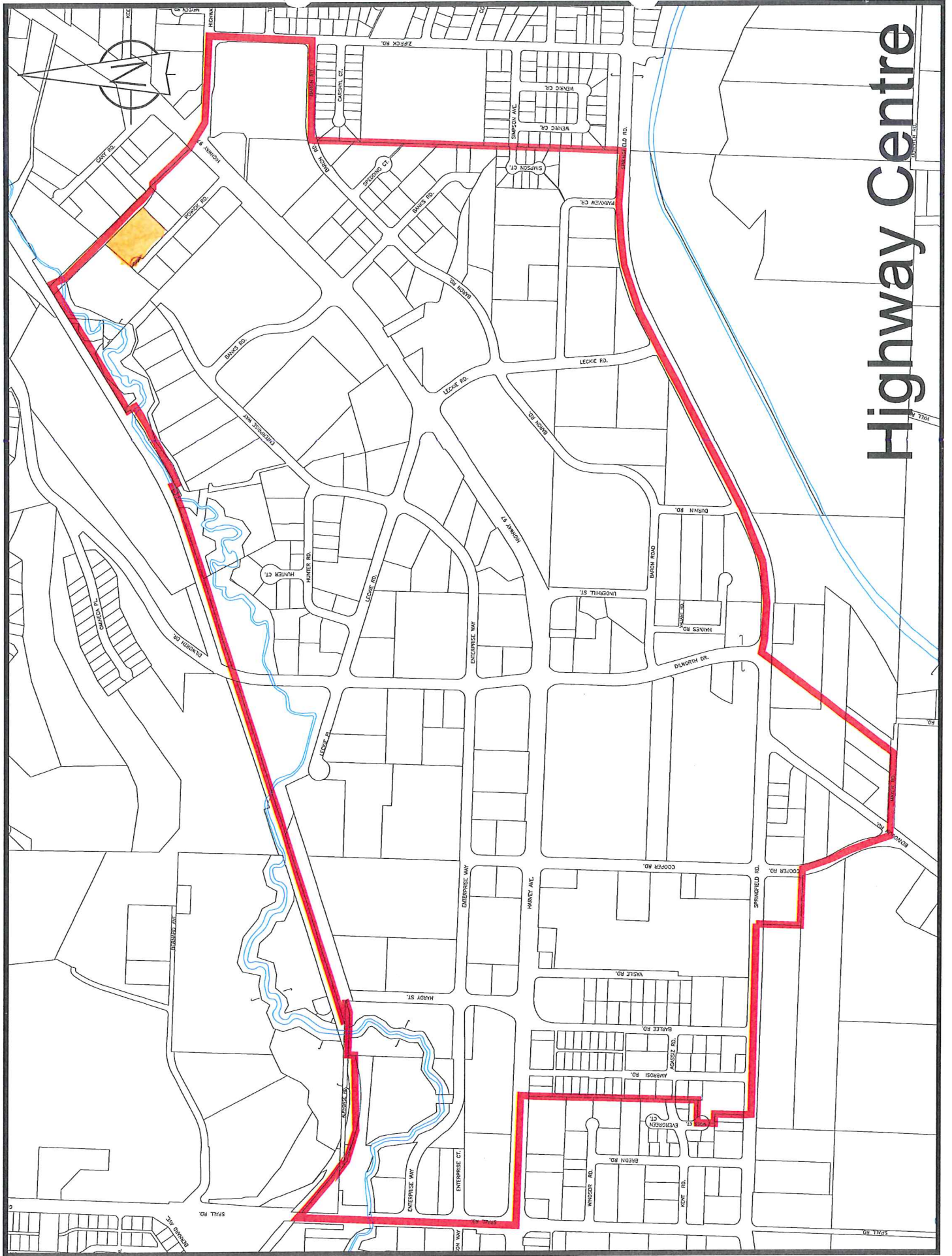


City of Kelowna - Accuracy and correctness not guaranteed.

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

2010-01-27

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.



Highway Centre

DATE	DESCRIPTION
10/1/2007	ISSUE FOR PERMITS

SITE INFORMATION:

LOT 16B, COMMERCIAL
 1600 POWICK ROAD, OFFICE BLDG., AND EXISTING DRIVEWAY, KELOWNA, B.C.
 DETAILED EXCEPT PLAN KAP72889

UNIVERSAL ADDRESS:
 1600 POWICK ROAD (HIGHWAY 33 AND ENTERPRISE WAY), KELOWNA, B.C.

PROJECT INFORMATION:
 CONCEPTUAL DESIGN AND PRELIMINARY LAYOUT FOR 2-STOREY COMMERCIAL BUILDING WITH INTEGRATED PARKING, LANDSCAPING AND EXISTING DRIVEWAY, KELOWNA, B.C.

CLIENT:
 076577 BC LTD.

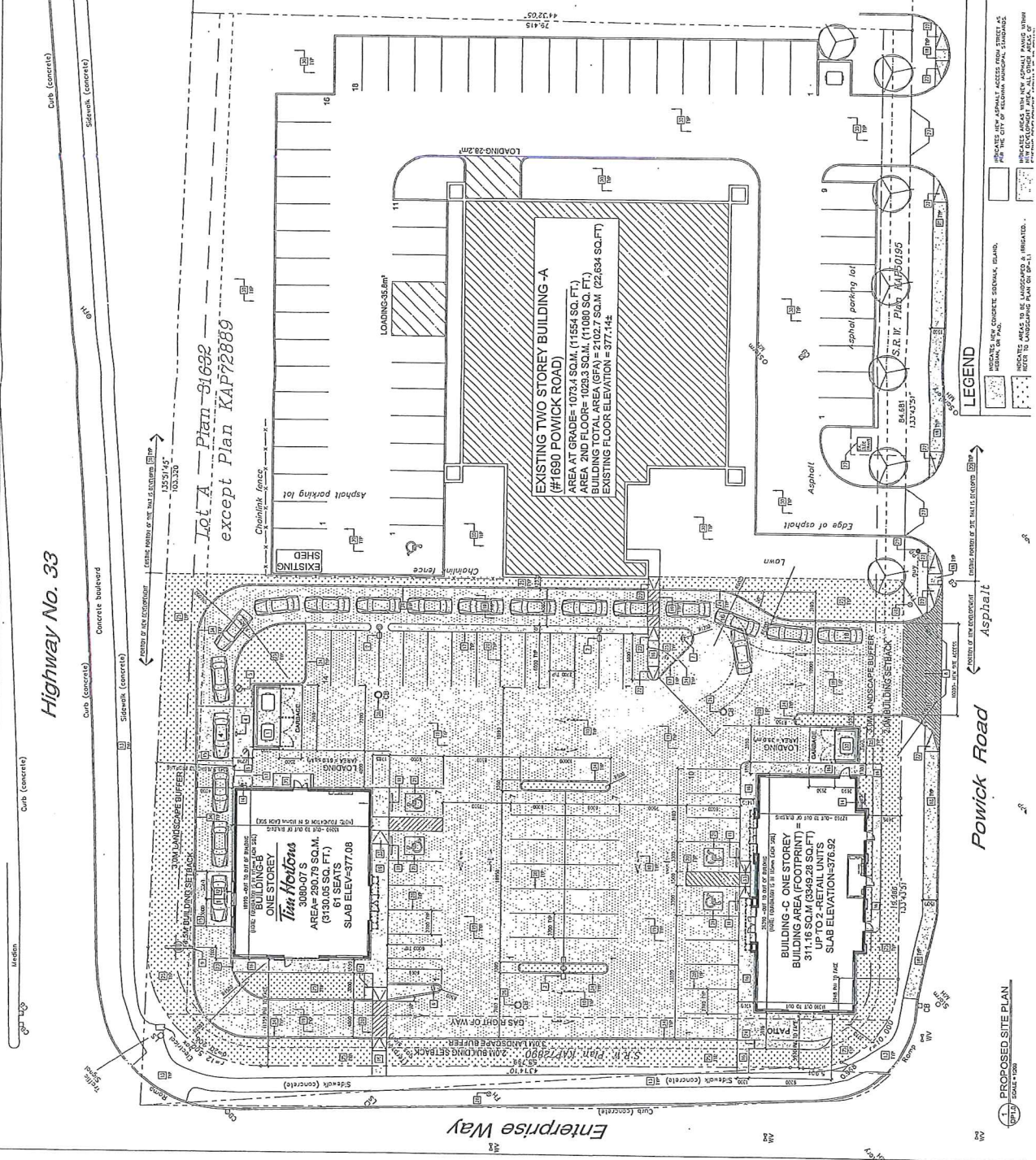
DATE:
 FEB. 21, 2007

DESIGNER:
 PLANet eARTH

PROJECT NO.:
 KAP72889

SCALE:
 AS NOTED

PROPOSED SITE PLAN



SITE PLAN NOTES:

1. EXISTING DRIVEWAY TO BE REMOVED AND RELOCATED TO SOUTH SIDE OF LOT 10.
2. NEW DRIVEWAY TO BE CONCRETE (TOP OF 3)
3. NEW DRIVE THRU SIGN BORDERS, SEE 2/P-3.
4. NEW DRIVE THRU SIGN BORDERS, SEE 2/P-3.
5. NEW DRIVE THRU SIGN BORDERS, SEE 2/P-3.
6. NEW ILLUMINATED DRIVE THRU SIGN BORDERS, SEE 2/P-3.
7. NEW ILLUMINATED DRIVE THRU SIGN BORDERS, SEE 2/P-3.
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Hwy 97

Powick Rd

Enterprise

January 13, 2010

City of Kelowna
1435 Water St.
Kelowna, BC V1Y 1J4

Attention: Shelley Gambacort and Danielle Noble
Sustainability and Development Department

Dear Shelley and Danielle,

Re: Application to Amend Zoning Bylaw 8000 from C10 to C3 for 1690 – 1698 Powick Rd.
Owner: 0765777 BC Ltd. Applicant: Gail Temple

Please find the following information regarding our application to rezone the above noted properties:

1. Zoning Bylaw Amendment Application requesting a zoning bylaw amendment to change the existing zoning (C10) to C3.
 - a. Fees payable to the City of Kelowna in the amount of \$2,178.75
 - i. Rezoning Application fee - \$1,260.00
 - ii. APC fee - \$525.00 + \$36.75 GST
2. State of Title for: 1690 – 1698 Powick Rd. – Lot A, DL 125, Plan 31632 except Plan KAP 72889, Section 28, Township 26, ODYD
3. Site Profile Waiver
4. Owner's Authorization form
5. Copy of Development Permit DP07-0070 (issued May 24th, 2007) and applicable site plan (1 11"x17" copy and 1 full size copy)
6. Letter from Marty Dohm, owner of the property.
7. Copy of the City of Kelowna OCP Highway Urban Centre map
8. 8 ½" x 11" colour photo of the site
9. Copy of the C10 Zone (Service Commercial)
10. Copy of the C3 Zone (Community Commercial)
11. Zoning Requirement Comparison Chart

Prior to 2007, the BCBC Building was the sole building on the 1690 -1698 Powick Rd. site. The site became fully developed in May of 2007 when a Tim Horton's location and additional commercial building were approved for this property. The tenants in the commercial building are Capri Insurance and Fraser Valley Wireless operating as Rogers Cellular. At the time of development application in 2007, it was a request of the City of Kelowna that all frontages (including the section in front of the BCBC

building) be upgraded to full urban standard (with sidewalks) as a condition of approval. This work was completed as requested.

Since 2007, Capri Insurance has enjoyed a successful business ideally located in close proximity to the majority of auto dealers in Kelowna. The Tim Hortons (with drive-thru) has functioned well and without incident, the Roger's Cellular store is the top grossing store in the 15 store chain of Fraser Valley Wireless and the BCBC building has continued unchanged as it has for many years as the location of a significant number of government agencies.

In the past year or so, however, there is increasing concern that the Provincial Government will choose to downsize the amount of commercial space it leases (and have indicated such) and that is the reason for the rezoning request. If the government chooses to lease less space, the owner will need to market the vacant space to other office users and unfortunately there are significant restrictions to office use under the C10 Zone. As per the attached zoning documents, under the C10 zone, office space is restricted to primarily construction and development offices and government services, and considering the government's recent indications to the landowner and the current development climate, the ability to attract a wider spectrum of office users will likely become very important to the successful continued operations of this site.

The request for rezoning is OCP consistent because the subject property is within an Urban Town Centre (see attached map) where, according to OCP policy, conversions of C10 sites to C3 may be supported:

Commercial Policies 9.1

BL9632 (Jan.9/07) added a new policy as follows:

9.1.37 Conversion from C10. Discourage the conversion of C10 Service Commercial zoned areas to C3, C4 or C7 zoning, outside of Urban Centres. The City, depending on site-specific circumstances, may support the conversion of C10 Service Commercial zoned sites to C3, C4 or C7, within Urban Centres;

And:

Institutional Policies 18.1

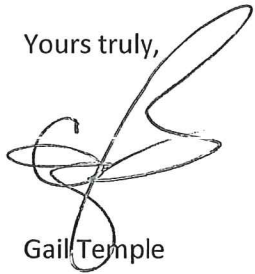
18.1.26 Mixed-Use in Government Buildings. Encourage senior government facilities within the City Centre, Town Centres or Highway Centre to provide for mixed-use developments with retail/commercial at grade.

Over the last number of years this particular area has come to function much more fully as an Urban Town Centre; there is a hotel just down Powick Road, which was just recently expanded, there is an office building under application across Enterprise, and the land south of the subject property is already zoned C3. For all intents and purposes, since the BCBC Building represents (and always has since its construction) no other use but office, the conversion from C10 to C3 will represent no tangible change in use to this site. The ability to attract a wider spectrum of office or commercial tenants could, however,

be the difference required to keep this Urban Centre site vibrant and active, and this too, is something that is in keeping with the objectives of the OCP.

In light of the fact that our rezoning request is consistent with the OCP, we respectfully request to rezone this Highway Town Centre property from C10 to C3. We have included the 2007 Development Permit and site plan for your reference, as well as a zoning requirement comparison chart, wherein we show that all requirements of C3 with respect to setback, site coverage, etc are met under the existing development of the property. In addition, all frontages have been upgraded to full urban standard as of 2007 (see photo). We look forward to your comments, and any questions can be directed to Gail Temple at (250) 215-1200. Thank you for your consideration in this matter.

Yours truly,

A handwritten signature in black ink, appearing to read 'Gail Temple', with a large, stylized flourish extending upwards and to the right.

Gail Temple
For 0765777 BC Ltd.

Zoning Requirement Comparison

C10 Zone (existing zone)	C3 Zone (proposed zone)	
Minimum lot width 30.0m, except it is 40.0m if not abutting a lane	Minimum lot width is 13.0m, except it is 40.0m if there is no abutting lane	Lesser requirement in proposed zone (have already met the more restrictive zoning requirement in C10)
Minimum lot depth is 30.0m	Minimum lot depth is 30.0m	No difference in requirement
Minimum lot area is 1000sqm	Minimum lot area is 460sqm, except it is 1300sqm if there is no abutting lane	Lesser requirement in proposed zone (have already met the more restrictive zoning requirement in C10)
Maximum floor area ratio is .65	Maximum floor area ratio is 1.0	.28
Maximum site coverage is 60%	Maximum site coverage is 50%	17.9%
Maximum height is the lesser of 12.0m or 3 storeys	Maximum height is the lesser of 15m or 4 storeys	Maximum height of developed buildings is 2 storey
Minimum front yard is 2.0m	Minimum front yard is 3.0m	Closest building to front yard frontage is 3.47m
Minimum side yard is 0.0m, except it is 2.0m when abutting a flanking street; and 4.5m from Hwy33 (Bylaw 8000 6.10.1 where designated an Urban Centre	Minimum side yard is 0.0m, except it is 2.0m from a flanking street; and 4.5m from Hwy33 (Bylaw 8000 6.10.1 where designated an Urban Centre	Closest building to side yard frontage is 6.08m. Closest building to Hwy 33 is 8.5m
Minimum rear yard is 0.0m	Minimum rear yard is 0.0m	No difference in requirement

*0765777 B.C. LTD.
250 1199 West Hastings Street
Vancouver, B.C.
V6E 3T5*

November 10, 2009

Westcorp Properties Inc.
#300- 389 Queensway Avenue
Kelowna, BC V1Y 8E6

Attention: Gail Temple
Development Manager

Dear Gail:

Re: Re-Zoning of 1690-1698 Powick Road, Kelowna, B.C.

As requested, I am providing you with an explanation as to why we want to re-zone our property located within a town centre at 1690-1698 Powick Road, from C-10 to C-3.

The current C-10 zoning allows for limited office uses, which for ease of review I have outlined below:

OFFICES, CONSTRUCTION AND DEVELOPMENT INDUSTRY means those professional offices restricted to providing service to the construction and development industries. This includes offices providing architectural, engineering, surveying, landscape architectural, and planning services.

GOVERNMENT SERVICES means development providing for crown corporation, municipal, provincial or federal government services directly to the public. This does not include protective and emergency services, detention and correction services, minor or major impact utility services, and public education services. These are uses which have significant client visitation. Typical uses include but are not limited to taxation offices, courthouses, manpower and employment offices, and social service offices.

COMMERCIAL SCHOOL means development used for training, instruction, and certification in a specific trade, skill, or service for the financial gain of the individual or company owning the school. Typical uses include but are not limited to secretarial, business, hairdressing, beauty culture, dancing, or music schools.

The rationale behind our request to rezone our property to allow all office uses applicable to the C-3 Zoning, came out of our most recent lease negotiations with the Provincial Government, who lease the entire office building at 1690 Powick Road. As part of our lease negotiations with the Government, we

O765777 B.C. LTD.
250 1199 West Hastings Street
Vancouver, B.C.
V6E 3T5

were asked to provide financing for leasehold improvements and a clause pertaining to this was included in the lease. This is done because it is the easiest way for government tenants to obtain funds for their leasehold improvements. Requesting funds from the government for leasehold improvements can take up to three years and for most ministries three years is too long to wait as their needs could change in that period of time. Since we signed the lease, the government has stopped all financing by landlords for tenant improvement work given the state of the economy. We feel that this change in policy may have a detrimental effect on our ability to renew our lease with the government. If the government tenants move out of our building, we believe it will be difficult to get them back, which then leaves our market of office tenants very small under the existing C-10 zoning.

We think it is prudent to rezone the property now as opposed to doing so should the government decide to leave. We have always taken a proactive approach in how we own and manage our investment properties and this approach has served us and the communities our properties are located in well. Another point I would like to make in support of the rezoning, is the fact that the area around Enterprise Way and Highway 33 has changed so much since this C-10 zoning was enacted on this property that this area now justifies a much broader range of office tenants.

We trust that this meets the request from the City of Kelowna in response to our application to rezone our property from C-10 to C-3.

Yours sincerely,

Marty Dohm
O765777 B.C. LTD.

Direct Line: (604) 609-6091