

Memo

DATE: September 24, 2010
TO: City Manager
FROM: Community Sustainability Division



APPLICATION NO. DP10-0098 **OWNER:** T 231 Enterprises Ltd., Inc. No. 658931
AT: 1677 Commerce Avenue **APPLICANT:** T231 Enterprises Ltd., dba Braemar Group
PURPOSE: To consider a Development Permit for the form and character of the proposed Highway commercial development.
EXISTING ZONES: C9 -Tourist Commercial, C10 - Service Commercial & A1 - Agriculture 1
PROPOSED ZONE: C10 - Service Commercial (Liquor Primary / Retail Liquor Sales)
REPORT PREPARED BY: Alec Warrender

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 10280 be considered by Council;

THAT the Council authorize the issuance of Development Permit No. DP10-0098 for Lot A, District Lot 125, ODYD, Plan KAP 90858, located at 1677 Commerce Avenue, Kelowna B.C., subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";
- d) 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 THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

2.0 SUMMARY

This applicant has applied to develop a vacant commercial property located on the corner of Commerce Avenue and Highway 97 North. The application under consideration is a Development Permit for the form and character of the proposed Highway commercial development.

A handwritten signature in the bottom right corner of the page.

3.0 ADVISORY PLANNING COMMISSION

The application was reviewed by the Advisory Planning Commission at the meeting of September 14, 2010 and the following recommendation was passed:

THAT the Advisory Planning Commission support Development Permit Application No. DP10-0098 for 1677 Commerce Avenue, to consider a Development Permit for the form and character of the proposed Highway commercial development.

4.0 BACKGROUND

The Advisory Planning Commission recently supported rezoning this property from the C9 -Tourist Commercial, C10 - Service Commercial & A1 - Agriculture 1 to the C10 - Service Commercial (Liquor Primary / Retail Liquor Sales), and subsequently has been through the Council Public Hearing and is sitting at 3rd reading awaiting the corresponding Development Permit.

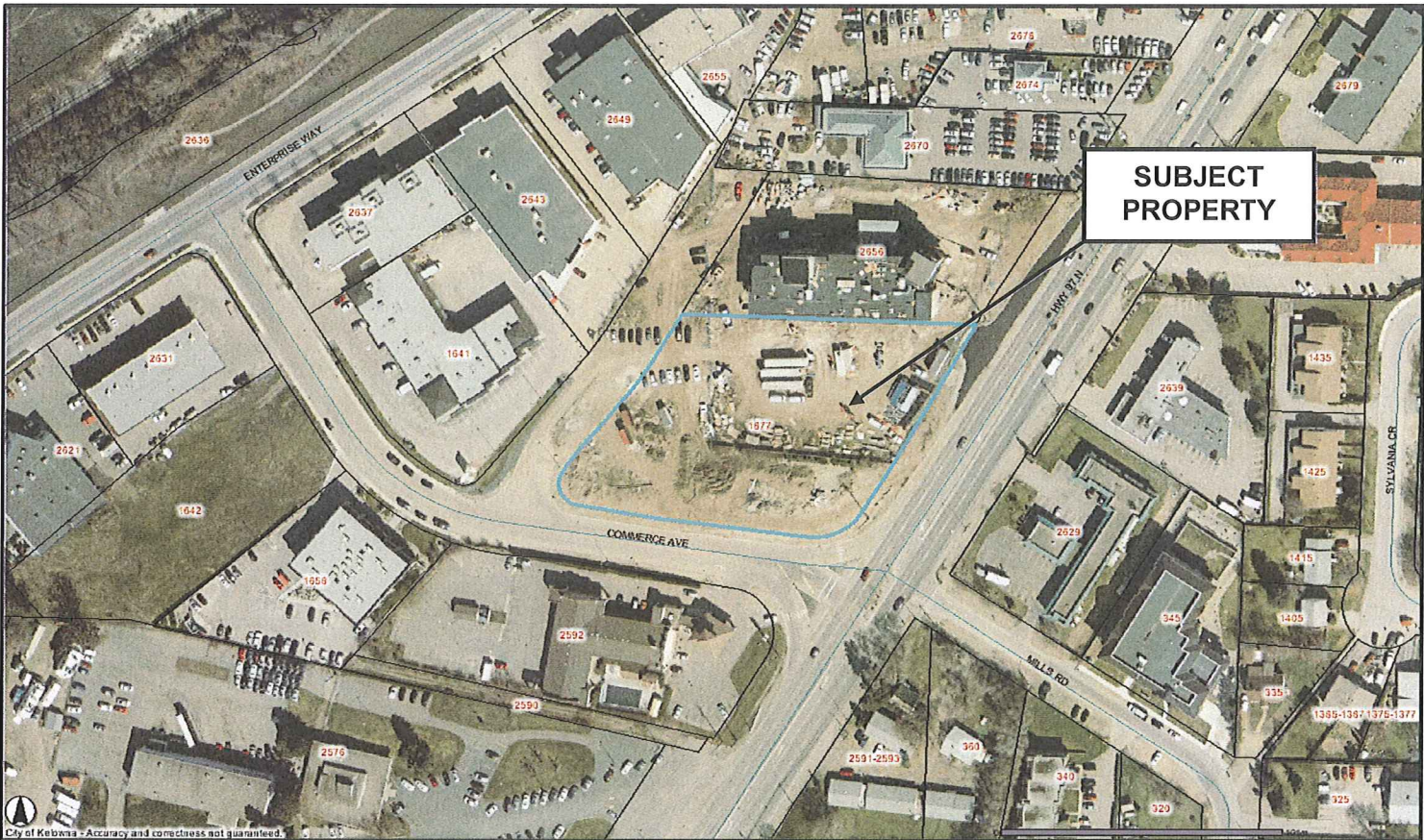
5.0 THE PROPOSAL

Two buildings are being proposed for the consolidated site: one building will be located along the newly created Jenkins Road while the other will be located along the northern property line. The intended use of the subject property is for a restaurant building and a variety of commercial retail uses. The design of the proposed buildings include a varied roofing and a variety of colours and materials that help to break up the building facades. Considerable landscaping has been proposed around the perimeter of the subject property. Vehicular access has been secured through an access easement with the neighbouring property to the north. As a result of this application the dedication of land for the Jenkins Road right-of-way as well as additional widening of the Hwy 97 right-of-way have been secured. The application compares to Zoning Bylaw No. 8000 as follows:

Zoning Bylaw No. 8000		
Criteria	Proposed	C10 Zone Requirements
Floor Area Ratio (FAR)	0.43	0.65
Site Coverage	28%	60%
Height	6.95m	3 storeys / 12.0m
Front yard (S)	2.0m	2.0m
Side yard (W)	2.0m	2.0m
Side yard (E)	15.0m	15.0m (Hwy. setback)
Rear yard (N)	1.2m	0.0m
Other Regulations		
Vehicle Parking	102 Stalls	102 stalls
Bicycle Parking	Class I: 4 stalls Class II: 9 stalls	Class I: 4 stalls Class II: 9 stalls
Loading stalls	3 stalls	1 stall

5.1 SUBJECT PROPERTY MAP:

1677 Commerce Avenue



5.2 Site Context

The surrounding area has been developed with a variety of uses, with commercial hotel uses to the north, south and east. The adjacent land uses are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	C9 - Tourist Commercial	Hotel
West	C10 - Service Commercial	Commercial
South	C9 - Tourist Commercial	Hotel
East	C9 - Tourist Commercial	Hotel

6.0 CURRENT DEVELOPMENT POLICY

6.1 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).

Ancillary Services/Utilities

- Loading, garbage and other ancillary services should be located at the rear of buildings.

Building Massing

- Commercial, industrial and multiple-unit residential developments should be sensitive to and compatible with the massing and rhythm of the established streetscape. Detailed design features of existing buildings should be emulated if such features are of design value.
- Commercial, industrial, and multiple-unit residential developments should have no more than a one storey height gain between adjacent uses within 5.0 m of the side property line where the adjacent property is not designated for higher density redevelopment. Height gains will also need to comply with Zoning Bylaw provisions.

Parking

- Parking areas should, wherever possible and safe, be located either under buildings or at the rear or side of main buildings.

Relationship to the Street

- People-oriented facilities (store entrances, café seating areas, displays, signage) should be focused along public streets and in front of buildings.
- Storefronts should incorporate large windows such that passers-by can see in and occupants can “look out”.
- Awnings or overhangs should be included, where suitable, to provide sheltered environments for pedestrians and to aid in energy conservation.
- Buildings at key intersections should be designed to highlight the corner. Design treatments could include setbacks at the corner, accentuated entrances and additional height using, for instance, towers and cupolas.

7.0 TECHNICAL COMMENTS

7.1 Building & Permitting

- Is there a common access agreement in place for the two properties along Hwy 97
- Public co-corridor (common hallway CRU #2) to have egress in two directions from any unit and the doors to open in direction of exit from this co-corridor.
- Signage areas to be defined as part of DP
- Canopy Fire resistance ratings to be defined as part of the building permit application.

7.2 Fire Department

Fire department access, fire flows of 150ltr/sec, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. Additional comments will be required at the building permit application.

7.3 Development Engineering

See Attached.

8.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS


The Land Use Management is supportive of the proposed C10 zone as it is the appropriate zone for this location. The subject property is designated as Commercial in the OCP and therefore the proposed zoning is consistent. The lot consolidation provides a more efficient and comprehensive utilization of the land and provides better site planning along the Highway.

Although Staff would prefer that the buildings were located closer to Highway 97, a 15m Highway setback as required by the Ministry of Transportation influences the site layout. Ideally, the buildings would be orientated to have a stronger relationship to the Hwy 97 frontage, and disguise the parking to a less public frontage. However, the parking requirements of the site also influence the ultimate orientation of the parcel to ensure that on-site parking can be accommodated for both the restaurant and commercial tenants.

The overall form and character of the project is well articulated and aims to provide an anchor for the newly created Jenkins Road frontage. This application will result in the dedication and construction of Jenkins Road as well as additional widening of the Hwy 97 right-of-way. The exterior finishing materials provides ample visual variety, and the varied rooflines emphasize individual tenants and create independent spaces within the larger footprints of the buildings. The proposed signage is considered appropriate, and while this location is serviced primarily via vehicle traffic, it is still deemed to have a pedestrian scale. Importantly, the landscaping is proposed to soften the hardscaping treatment of the site and provide visual interest in a location that lacks appropriate urban vegetation.

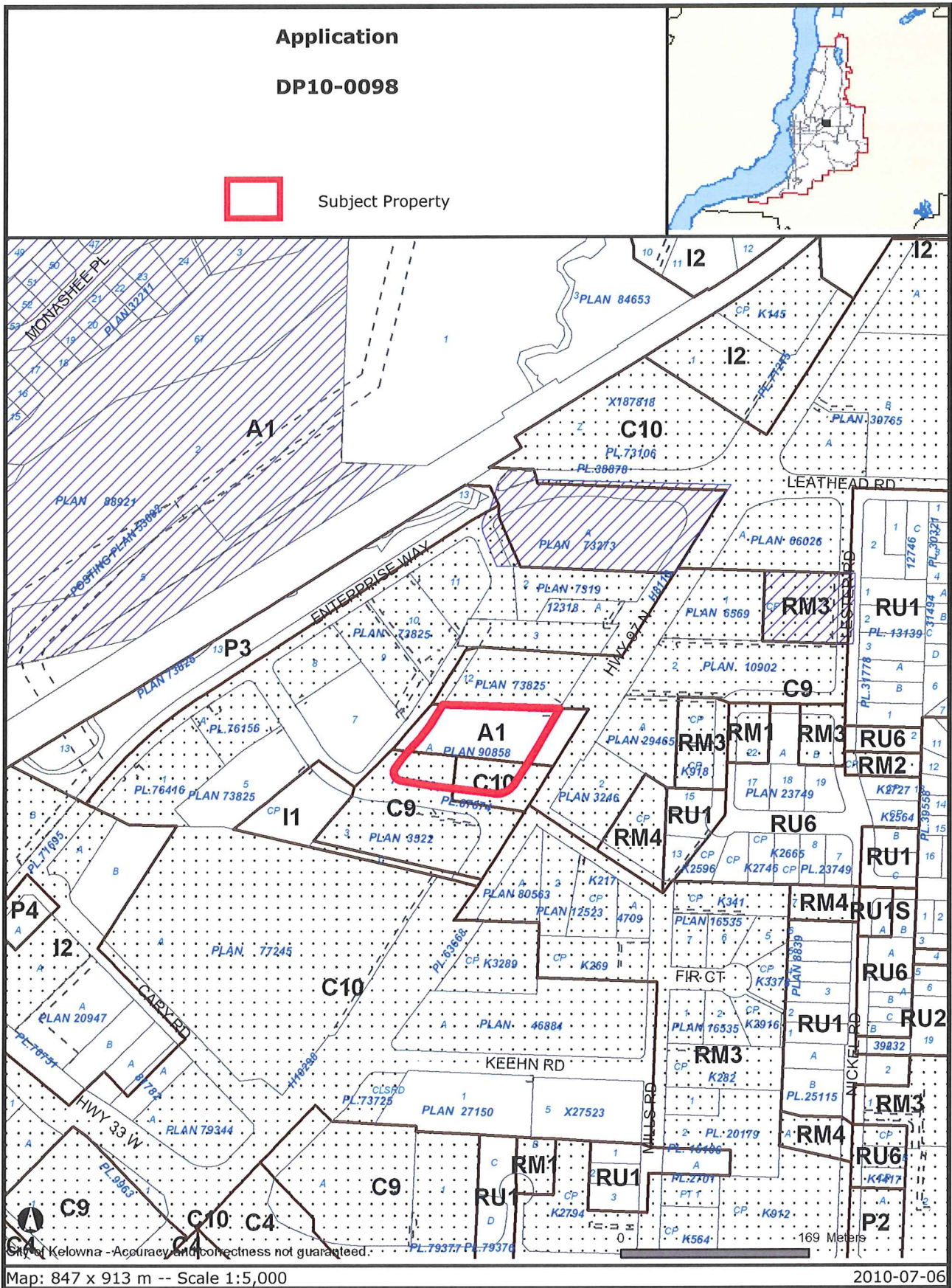


Danielle Noble
Urban Land Use Manager

Approved for issuance 
Shelley Gambacort
Director of Land Use Management

Attachments:

Subject Property Map
Site Plan & Elevations
Landscape Plan



SITE INFORMATION	
MUNICIPAL ADDRESS	HWY 97 & COMMERCE AVE, KELOWNA, B.C.
LEGAL DESCRIPTION	LOT 1, PLAN 3522
ZONING	C 10

ZONING INFO	
FRONT YARD	2.0 m
REAR YARD	0.0 m
SIDE YARD	2.0 m
SIDE EXTERIOR	2.0 m
SITE COVER ALLOWED	60.0%
SITE AREA	8,151.9 SQ.M.
PROPOSED RESTAURANT	929.6 SQ.M.
PROPOSED C.R.U. 1	553.7 SQ.M.
PROPOSED C.R.U. 2	628.9 SQ.M.
SERVICE BAYS	188.0 SQ.M.
TOTAL COVER	2,300.2 SQ.M.
PERCENT USED	28.2%
F.A.R. ALLOWED	0.65
F.A.R. PROVIDED	0.28

PROPOSED SITE PLAN
Scale: 1:500

Proposed Commercial Development at Hwy 97 & Commerce Ave.
FOR BRAEMAR GROUP, KELOWNA, B.C.

COMMERCE AVENUE

JENKINS ROAD

HIGHWAY 97

REVISED PLANS

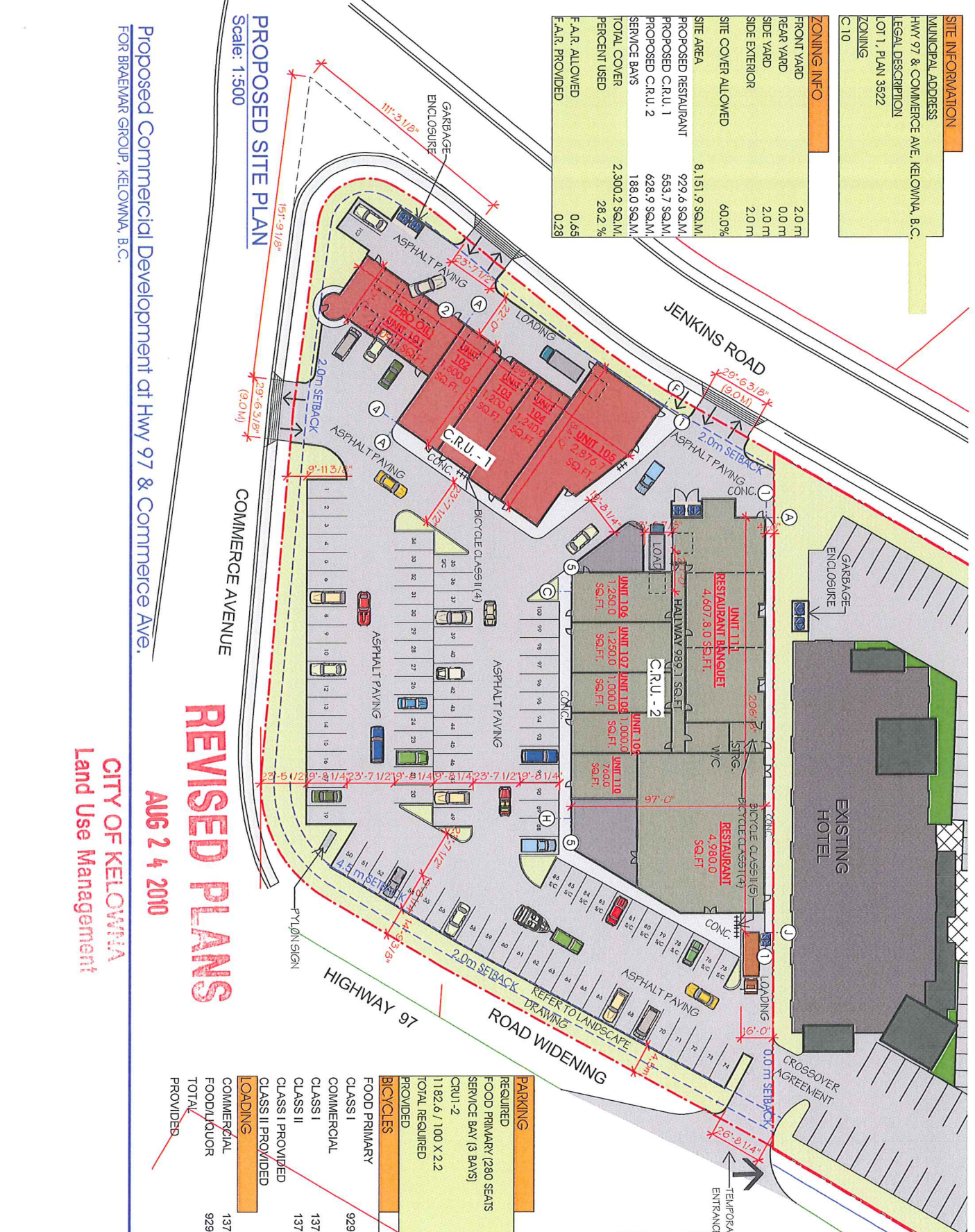
AUG 24 2010

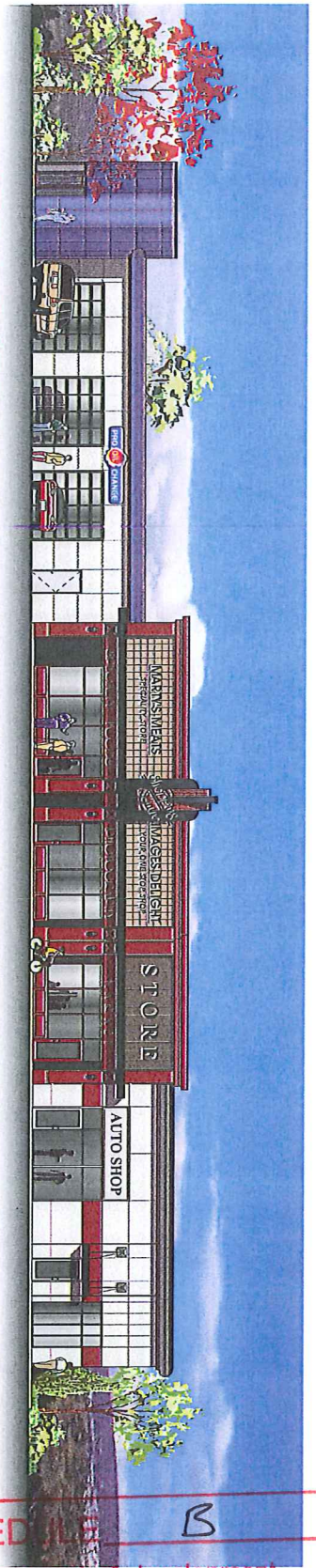
CITY OF KELOWNA
Land Use Management

PARKING	
REQUIRED	70
FOOD PRIMARY (280 SEATS SERVICE BAY (3 BAYS))	6
C.R.U. 2	26
11 82.6 / 100 X 2.2	102
TOTAL REQUIRED PROVIDED	102 STALLS
BICYCLES	
FOOD PRIMARY	929.6 / 100 X 0.1:0.93 STALLS
CLASS I	
COMMERCIAL	1370.6/100 X 0.22:74 STALLS
CLASS I	
CLASS II	1370.6/100 X 0.68:22 STALLS
CLASS I PROVIDED	
CLASS II PROVIDED	
LOADING	
COMMERCIAL	1370.6 / 1900 0.72 BAY
FOOD/DUOR	929.6 / 2800 0.32 BAY
TOTAL	1.04 BAY
PROVIDED	3 BAYS

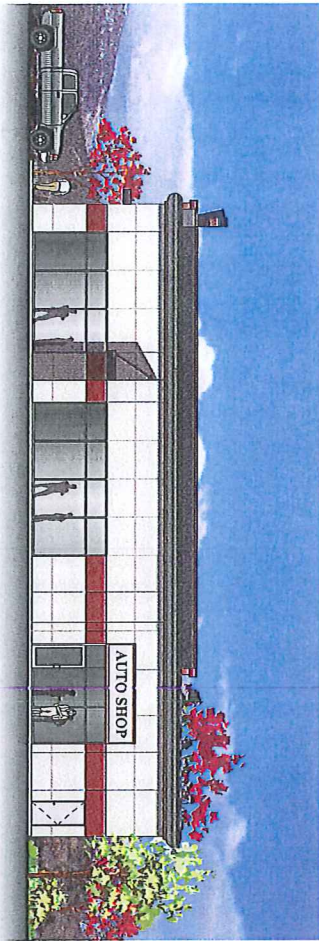
SCHEDULE A
This forms part of development
Permit # DPI0-0098

Project No 0720
Sept 07, 2010

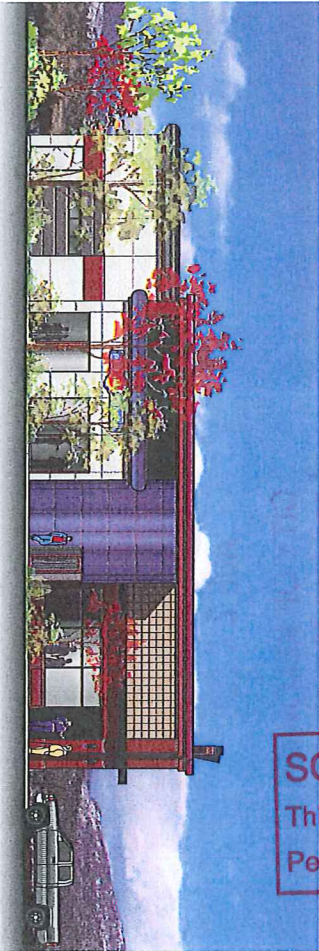




C.R.U. 1 - EAST ELEVATION
Scale: 1/16" = 1'-0"



C.R.U. 1 - NORTH ELEVATION
Scale: 1/16" = 1'-0"



C.R.U. 1 - SOUTH ELEVATION
Scale: 1/16" = 1'-0"



C.R.U. 1 - WEST ELEVATION
Scale: 1/16" = 1'-0"

Proposed Commercial Development at Hwy 97 & Commerce Ave.
FOR BRAEMAR GROUP, KELOWNA, B.C.

SCHEDULE B
This forms part of development
Permit # DP10-0098



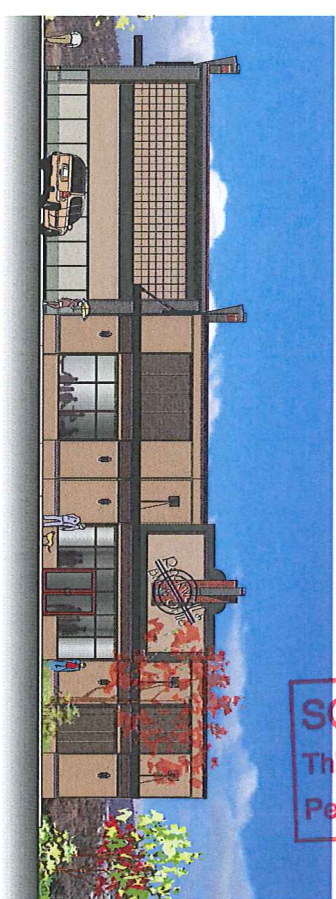
C.R.U. 2 - SOUTH ELEVATION

Scale: 1/16" = 1'-0"



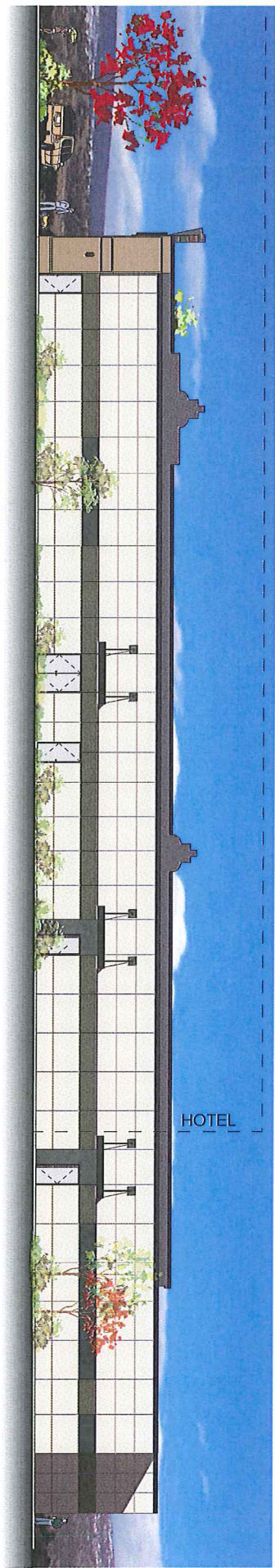
C.R.U. 2 - WEST ELEVATION

Scale: 1/16" = 1'-0"



C.R.U. 2 - EAST ELEVATION

Scale: 1/16" = 1'-0"



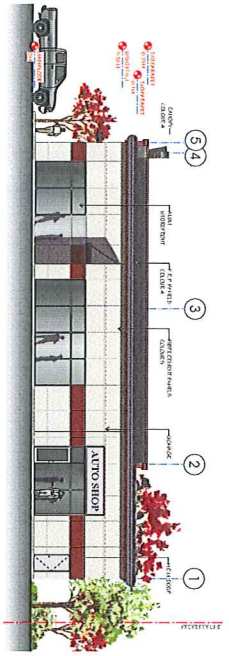
C.R.U. 2 - NORTH ELEVATION

Scale: 1/16" = 1'-0"

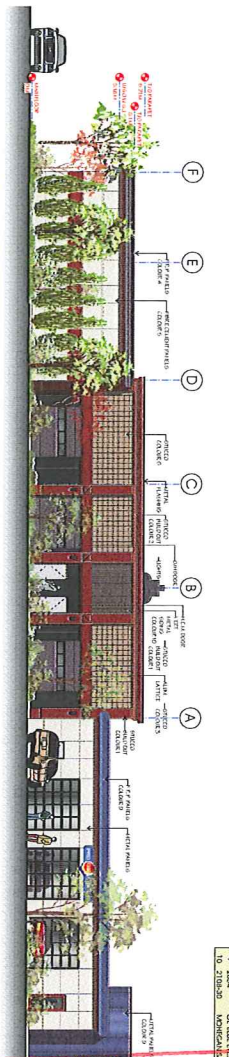
Proposed Commercial Development at Hwy 97 & Commerce Ave.
FOR BRAEMAR GROUP, KELOWNA, B.C.

COLOR SCHEDULE
 CONSULT TO: JENI WALKER

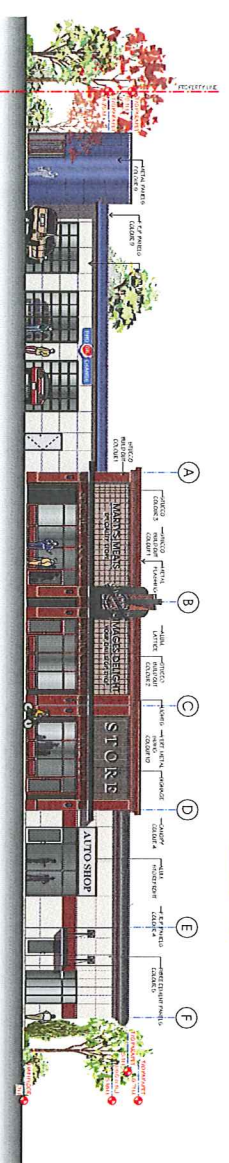
1	TRUSS	COASTAL REDWOOD
2	TRUSS	TRUSS
3	TRUSS	TRUSS
4	TRUSS	TRUSS
5	TRUSS	TRUSS
6	TRUSS	TRUSS
7	TRUSS	TRUSS
8	TRUSS	TRUSS
9	TRUSS	TRUSS
10	TRUSS	TRUSS



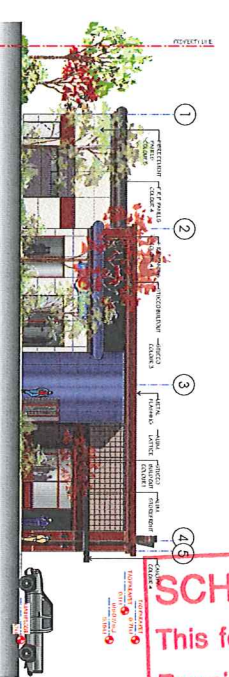
CR.U. 1 - NORTH ELEVATION
 Scale: 3/32" = 1'-0"



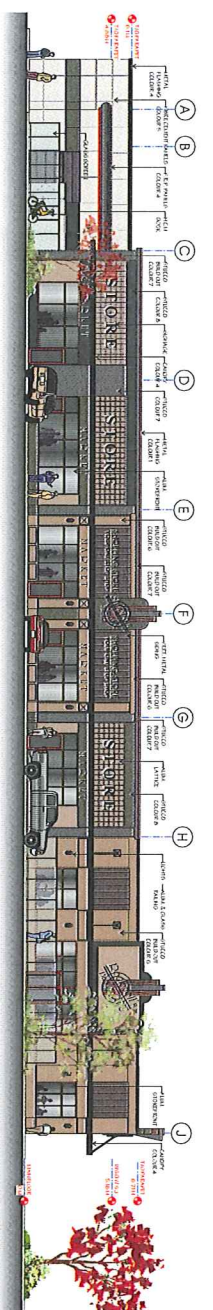
CR.U. 1 - WEST ELEVATION
 Scale: 3/32" = 1'-0"



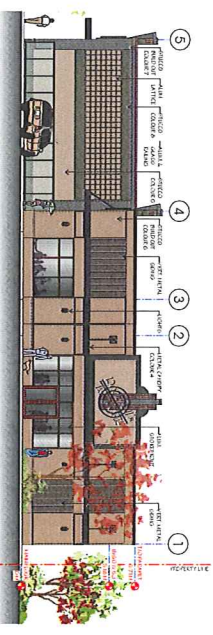
CR.U. 1 - EAST ELEVATION
 Scale: 3/32" = 1'-0"



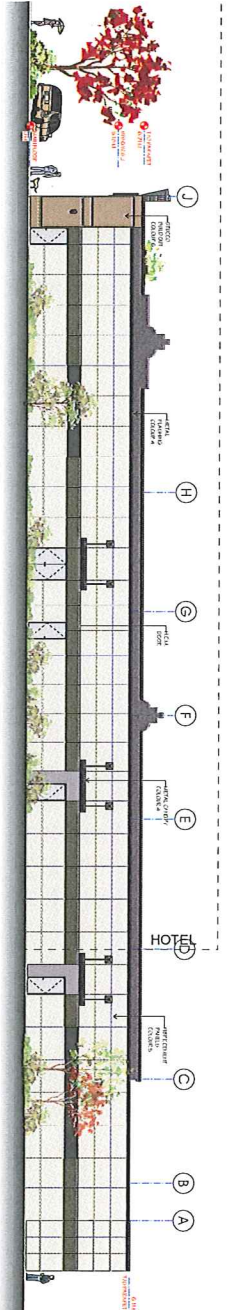
CR.U. 1 - SOUTH ELEVATION
 Scale: 3/32" = 1'-0"



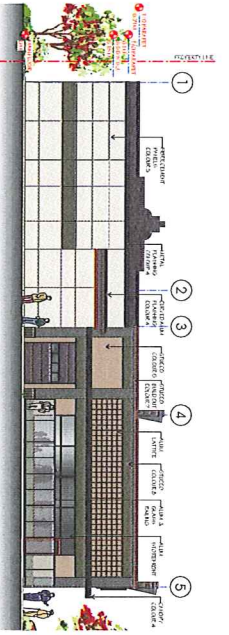
CR.U. 2 - SOUTH ELEVATION
 Scale: 3/32" = 1'-0"



CR.U. 2 - EAST ELEVATION
 Scale: 3/32" = 1'-0"



CR.U. 2 - NORTH ELEVATION
 Scale: 3/32" = 1'-0"



CR.U. 2 - WEST ELEVATION
 Scale: 3/32" = 1'-0"

Proposed Commercial Development at Hwy 97 & Commerce Ave.
 FOR BRAEMAR GROUP, KEDOWNA, B.C.

SCHEDULE B
 This form is for development
 Permit # **DR10-0098**

SITE INFORMATION	
MUNICIPAL ADDRESS	HWY 97 & COMMERCE AVE, KELOWNA, B.C.
LEGAL DESCRIPTION	LOT 1, PLAN 3522
ZONING	C 10

ISLAND LANDSCAPING REQ'D	
2.0 SQ.M PER PARKING STALL & LOADING BAY	
TOTAL PARKING = 102 STALLS, 3 LOADING BAYS	
ISLAND LANDSCAPING REQ'D	210.0 SQ.M
ISLAND LANDSCAPING PROVIDED	214.0 SQ.M

ZONING INFO	
FRONT YARD	2.0 m
REAR YARD	0.0 m
SIDE YARD	2.0 m
SIDE EXTERIOR	2.0 m
SITE COVER ALLOWED	60.0%
SITE AREA	8,151.9 SQ.M
PROPOSED RESTAURANT	929.6 SQ.M
PROPOSED C.R.U. 1	553.7 SQ.M
PROPOSED C.R.U. 2	628.9 SQ.M
SERVICE BAYS	188.0 SQ.M
TOTAL COVER	2,300.2 SQ.M
PERCENT USED	28.2 %
F.A.R. ALLOWED	0.65
F.A.R. PROVIDED	0.28



PROPOSED SITE PLAN
Scale: 1:500

Proposed Commercial Development at Hwy 97 & Commerce Ave.
FOR BRAEVAR GROUP, KELOWNA, B.C.

SCHEDULE
This forms part of development
Permit # **DP10-0098**

PARKING	
REQUIRED	70
FOOD PRIMARY (280 SEATS)	
SERVICE BAY (3 BAYS)	6
C.R.U. -2	26
1182.6 / 100 X 2.2	
TOTAL REQUIRED	102
PROVIDED	102 STALLS
BICYCLES	
FOOD PRIMARY	
CLASS I	929.6 / 100 X 0.1 0.93 STALLS
COMMERCIAL	
CLASS I	1370.6 / 100 X 0.2 2.74 STALLS
CLASS II	
CLASS I PROVIDED	1370.6 / 100 X 0.6 8.22 STALLS
CLASS II PROVIDED	
LOADING	
COMMERCIAL	1370.6 / 1900 0.72 BAY
FOOD/LIQUOR	929.6 / 2800 0.32 BAY
TOTAL	1.04 BAY
PROVIDED	3 BAYS

PLANT MATERIALS LIST

KEY QTY SIZE BOTANICAL NAME COMMON NAME

GRASSES

FG	13	#1g	Pennisetum alopecuroides	Fountain Grass
KF	60	#1g	Calamagrostis x acutiflora 'Karl Foerster'	Foersters Feather Reed Grass
BO	28	#1g	Helictotrichon sempervirens	Blue Oat Grass

PERENNIALS

RU	22	#1g	Rudbeckia fulgida 'Goldsturm'	Black eyed Susan 'Goldsturm'
DWL	57	#1g	Hemocallis 'White flower'	Daylily 'White flower'
SA	157	#1g	Salvia nemorosa 'Blue Queen'	Sakvia 'Blue Queen'
DL	16	#1g	Hemocallis 'Stella De Oro'	Stella de Oro Daylily

SHRUBS

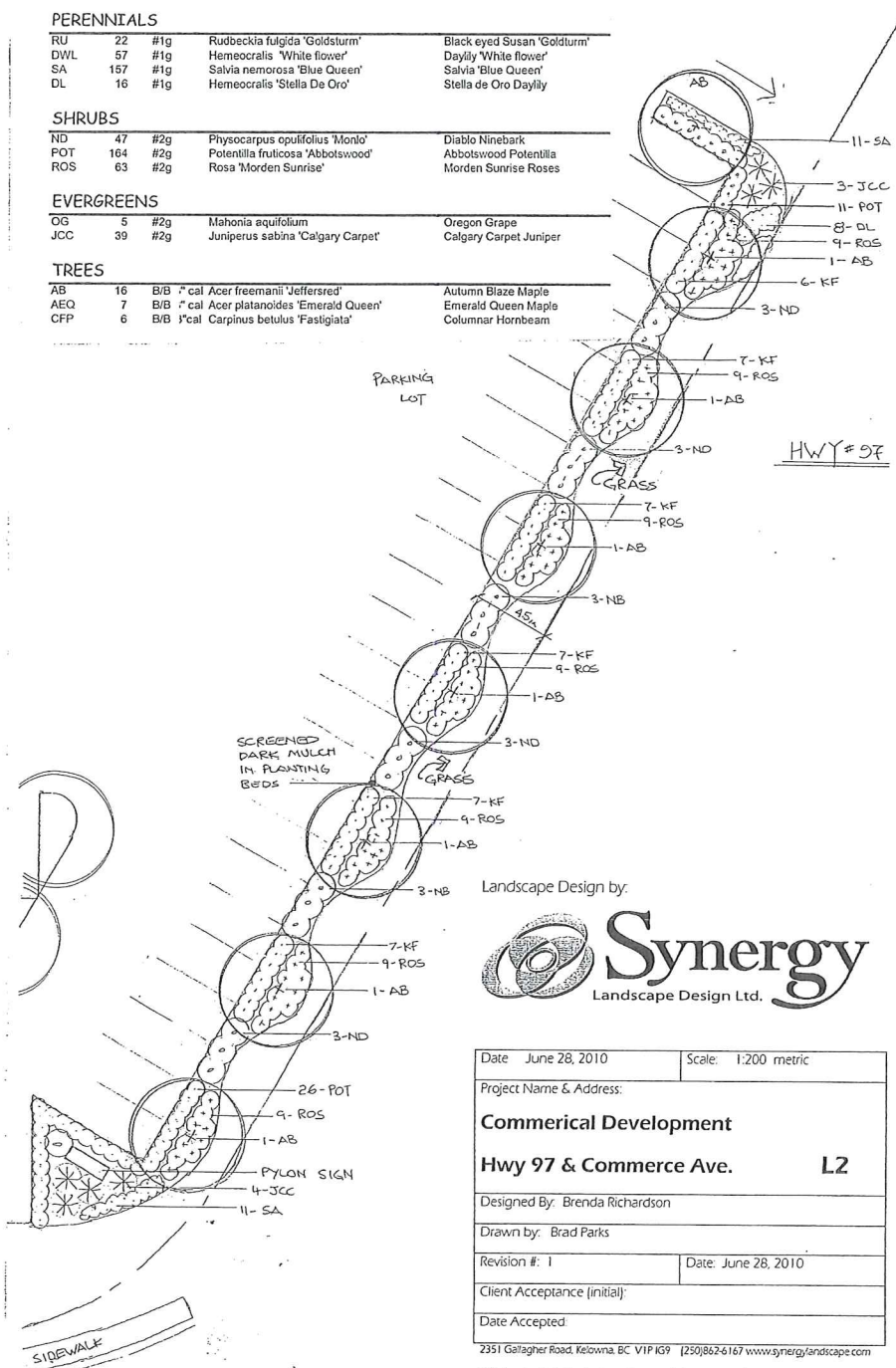
ND	47	#2g	Physocarpus opulifolius 'Monlo'	Diablo Ninebark
POT	164	#2g	Potentilla fruticosa 'Abbotswood'	Abbotswood Potentilla
ROS	63	#2g	Rosa 'Morden Sunrise'	Morden Sunrise Roses

EVERGREENS

OG	5	#2g	Mahonia aquifolium	Oregon Grape
JCC	39	#2g	Juniperus sabina 'Calgary Carpet'	Calgary Carpet Juniper

TREES

AB	16	B/B	'cal Acer freemanii 'Jeffersred'	Autumn Blaze Maple
AEO	7	B/B	'cal Acer platanoides 'Emerald Queen'	Emerald Queen Maple
CFP	6	B/B	'cal Carpinus betulus 'Fastigiata'	Columnar Hornbeam



Landscape Design by:
 Synergy
 Landscape Design Ltd.

Date: June 28, 2010	Scale: 1:200 metric
Project Name & Address: Commerical Development Hwy 97 & Commerce Ave. L2	
Designed By: Brenda Richardson	
Drawn by: Brad Parks	
Revision #: 1	Date: June 28, 2010
Client Acceptance (initial):	
Date Accepted:	
2351 Gallagher Road, Kelowna, BC V1P 1G9 (250)862-6167 www.synergylandscape.com	
This drawing, including design and concept is the property of Synergy Landscape Design Ltd.	

Landscape Buffer Treatment Hwy 97

SCHEDULE C
 This forms part of development
 Permit # DR 10-0098

CITY OF KELOWNA

MEMORANDUM

Date: July 28, 2010
File No.: DP10-0098
To: Land Use Management (AW)
From: Development Engineer Manager (SM)
Subject: 1677 Commerce Ave. – Lot A, Plan KAP90858, district lot 125, ODYD

The Development Engineering comments and requirements regarding this development variance permit application are as follows:

1. General.
 - a) This development permit application does not trigger any offsite upgrades. All requirements and collection of fees identified in subdivision file Z09-0066 must be satisfied prior to the issuance of this development permit.
 - b) The maximum width of a driveway to a commercial or industrial property having more than one access shall be 9 m. Revise the proposed accesses accordingly.
 - c) The Ministry of Transportation has indicated that the direct access to the Highway will not be granted for this development. Access will have to be provided from Commerce Avenue and Jenkins Street. The reciprocal cross access easement between this proposed development and the adjacent hotel site to the north is required from Jenkins Street.

Steve Muenz, P.Eng.
Development Engineering Manager

DC