

REPORT TO COUNCIL



Date: December 21, 2011
To: City Manager
From: Land Use Management, Community Sustainability (JM)
Application: Z11-0078 **Owner:** CGSB Automotive Group LTD
Address: 2119 & 2125 Rutland Rd N **Applicant:** Colin Gauthier
Subject: Rezoning Application
Existing OCP Designation: COMM - Commercial
Existing Zone: C2 - Neighbourhood Commercial
Proposed Zone: C10 - Service Commercial

1.0 Recommendation

THAT Rezoning Application No. Z11-0078 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 3, Section 35, Township 26, ODYD, Plan 4375, located at 2125 Rutland Road North, Kelowna, BC and Lot 2, Section 35, Township 26, ODYD, Plan 4375, located at 2119 Rutland Road North, Kelowna, BC from the C2 - Neighbourhood Commercial zone to the C10 - Service Commercial zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

2.0 Purpose

The applicant is seeking to rezone the subject property from C2 - Neighbourhood Commercial to C10 - Service Commercial in order to allow the development of a new service commercial building oriented towards automobile service and repair.

3.0 Land Use Management

The principal purpose of this application is to consider the merits of the proposed land use for the subject properties. A detailed assessment of the form and character of the proposal and the merits of the variances requested will be provided in their respective applications, should the land use receive approval.

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Given the above, Land Use Management is generally supportive of the proposed land use. The C10 zone conforms to the intended land use specified by the Official Community Plan (OCP) Generalized Future Land Use Map, and the land is situated within the urban area of the Permanent Growth Boundary.

Certainly, a change in land use from C2 to C10 represents an increase in the intensity of land use. There is a fundamental difference in the zones' respective purposes; the C2 zone is intended to service the day-to-day needs of area residents, while the purpose of the C10 zone is to provide for a mix of commercial uses, including vehicular oriented uses. Permitted uses in these zones reinforce this difference and are typically larger in scale and more intense in nature in the C10 zone than in the C2 zone.

This presents some concern to staff from two perspectives. First, the principal residence of the abutting property to the south is very close to the proposed development. It is not presently clear if and in what timeframe this abutting property will redevelop in accordance with its commercial future land use designation, as it remains within the ALR.

Second, within the broader policy context, the OCP supports the protection of agricultural lands from encroachment. Those properties abutting the east and south lot lines of the subject properties are zoned A1 - Agriculture 1 and are within the ALR. The principle at work here is that the viability of current and future agricultural production is threatened as surrounding lands are developed with incompatible land uses, resulting in speculative pressure and possible land use conflicts. In this regard, the Zoning Bylaw provides some regulations whose purpose is to mitigate the effects of development adjacent to agricultural lands through the use of setbacks and landscape buffer standards. In this particular instance, however, the future alignment of Rutland Road North will act as a strong buffer between agricultural lands on the east and non-agricultural lands on the west. This buffer is supplemented by the protection afforded to lands within the Agricultural Land Reserve (ALR). A further measure suggested by the OCP to reduce speculative pressure is to direct urban land uses to urban areas of the Permanent Growth Boundary. The proposal complies with this direction.

A further concern is that the lane behind the subject properties remains unconstructed and, due to its awkward configuration, is impractical for secondary access. Without this access, the width of the combined properties may prove problematic for circulation and siting purposes. The regulations of the C10 zone recognize this and require a greater minimum lot width for parcels not abutting a lane (40m without a lane rather than 30m with a lane). It is instances such as these that invite applications for multiple variances from the Zoning Bylaw (e.g.: parking, setbacks). In some cases, the requested variances may prove detrimental to the privacy of surrounding property owners.

Despite the above concerns, there are several other examples of the C10 zone within the immediate vicinity. In fact, the surrounding area is characterized by vehicular oriented uses and by land uses that are, in several cases, more intense than what is presently under consideration. Specifically, the most common non-ALR zone in the vicinity is the I2 - General Industrial zone.

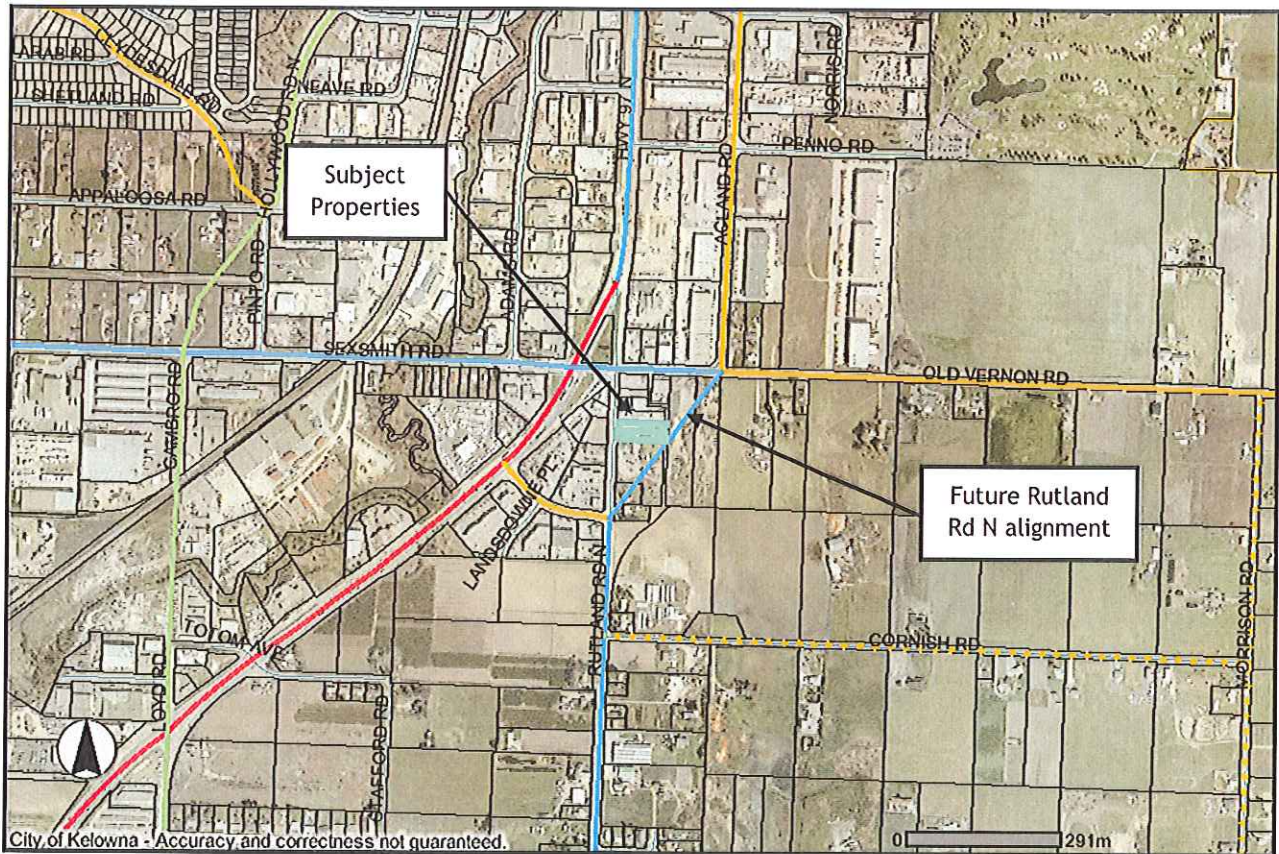
In summary, staff support the subject application, as it generally conforms to the OCP's vision for the area and with broader OCP policy direction. While there are several challenging elements to the proposed development, it is felt that these concerns may be addressed through thoughtful and appropriate site planning and design that takes into account the limitations of the site and of the surrounding area.

4.0 Proposal

4.1 Background

Two lot lines (south and east) of the subject property abut agriculturally zoned lands. However, the 2030 Official Community Plan has ushered in two important changes that affect the subject lands. First, Rutland Road is proposed to be realigned from its current location and moved to the east, to align with Acland Road (see *Figure 1*). This work is scheduled to take place in the first quarter of the OCP (between 2011-2015). The principal result of this realignment is that the subject parcel will be largely severed from adjacent agricultural lands to the east. The second change follows logically from the first. The remaining lands on the west side of the future alignment are designated as COMM - Commercial, and the lands on the east side of the future alignment are designated AGR - Resource Protection Area. The implementation of the OCP's vision for the area would see the lands abutting the subject property to the south, which are presently zoned for agriculture, eventually developed for commercial use.

Figure 1: 20-year Major Road Network Map



4.2 Project Description

The applicant is proposing to construct a new two-storey service commercial building with a gross floor area of approximately 1,413.5m². The building will contain space for three (3) tenants, but the principal tenant will be an automotive repair service. Accordingly, the northern face of the building provides four (4) service bay entrances.

The building is proposed to be approximately 10.3m in height and generally follows the long, narrow shape of the subject properties themselves. Access for the development is from Rutland

Road, and parking is provided alongside the building and adjacent to the northern property boundary.

According to the applicant, the building is intended to reference “art deco” elements of design that evoke the architecture of “1930 - 1940 era gas stations”. Landscaping for the project is located principally on the Rutland Road entrance and features shrubs and landscape rock.

A Development Variance Permit (DVP) will be required to address landscape buffering, setbacks, parking and signage. A Development Permit will also be required to assess the form and character of the proposed building, which will be executed at a staff level.

4.3 Site Context

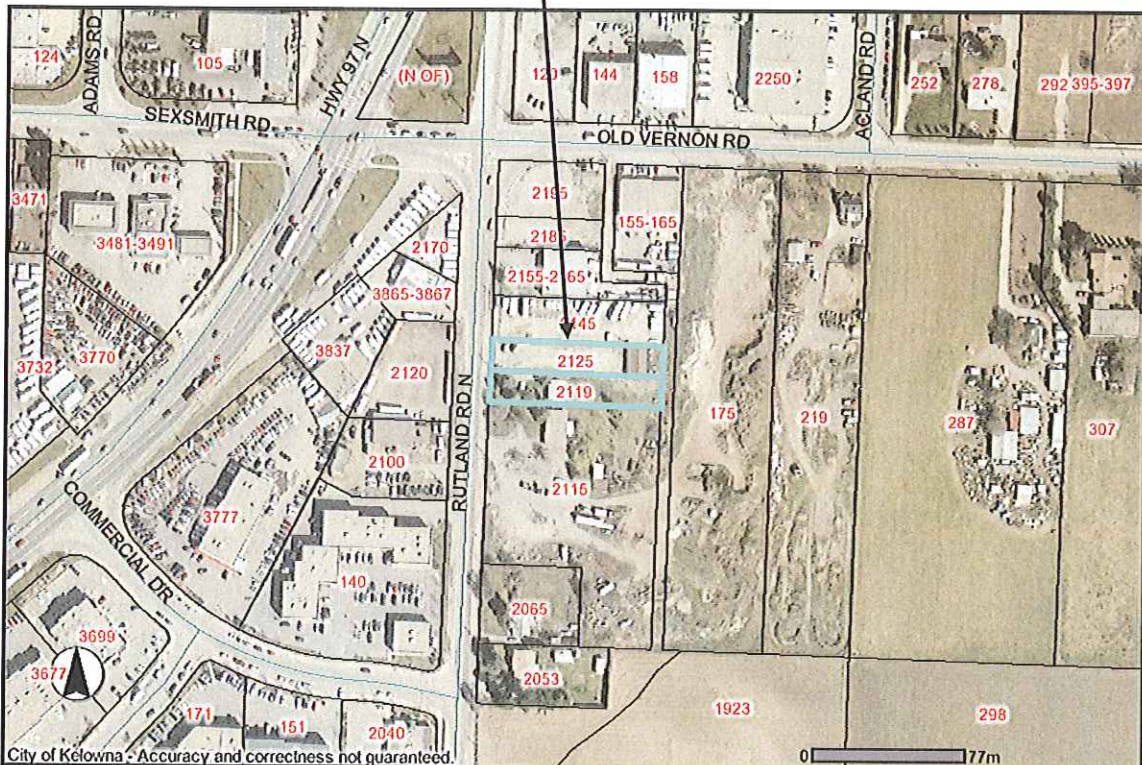
The subject properties are located on the east side of Rutland Road N, approximately 90m south of the intersection with Old Vernon Road. The properties to the east and south of the subject lands are within the ALR. To the west, development is principally a mix of industrial and commercial.

According to the Kelowna 2030 Official Community Plan, the parcels are within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C2 - Neighbourhood Commercial	Automotive repair, storage
East	A1 - Agriculture 1	Agriculture
South	A1 - Agriculture 1	Agriculture
West	C2 - Neighbourhood Commercial	Mixed service commercial

Subject Property Map: 2119 & 2125 Rutland Road N



Zoning Analysis Table		
CRITERIA	C10 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1000m ²	(1,374 m ² + 1,359m ²) = 2,733m ²
Lot Width	30.0m (with lane access)	(15.54m each) = 31.08m
Lot Depth	30.0m	87.84m
Development Regulations		
Floor Area Ratio	0.65	0.52
Height	Lesser of 12.0m or 3 storeys	10.3m or 2 storeys
Front Yard	2.0m	2.03m
Side Yard (north)	0.0m	10.0m
Side Yard (south)	4.5m	0.0m ^①
Rear Yard	0.0m	6.1m
Other Regulations		
Minimum Parking Requirements	Automotive Repair (6 bays) @ 2 stalls per bay + 781.5m ² at 2.2 stalls per 100m ² GFA = 30	30
Parallel parking standards	Parallel parking stall may not be considered towards the "small car" allotment	12 parallel small car stalls ^②
Bicycle Parking	3 Class I / 9 Class II	3 Class I / 9 Class II
Loading Space	1 per 1,900m ²	1
Landscape Buffer	Level 5 adjacent to lands zoned A1	None ^③
Sign Bylaw - Canopy Signs	Maximum 300mm above upper edge of canopy	600mm above upper edge of canopy ^④
<p>^① Variance from 4.5m setback required to 0.0m setback proposed.</p> <p>^② Variance to Section 8.1.11(a) of the Zoning Bylaw to permit parallel parking stalls to be considered for small car parking.</p> <p>^③ Variance from Level 5 landscape buffer required to none proposed.</p> <p>^④ Variance to Sign Bylaw for canopy signs from a maximum height of canopy signs of 300mm above the upper edge of canopy required to 600mm proposed.</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Accessibility Measures.¹ Review all development proposals to ensure that accessibility needs have been addressed in compliance with City Guidelines for Accessibility in Outdoor Areas. Consult with stakeholders and/or other appropriate agencies, as required, to ensure accessibility measures in development projects are addressed.

Maximize Pedestrian / Cycling Connectivity.² Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector developments, including provision of sidewalks and trails and recognition of frequently used

¹ City of Kelowna Official Community Plan, Policy 5.6.1 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.10.1 (Development Process Chapter).

connections and informal pedestrian routes. With new developments, require dedication of on-site walking and cycling paths where necessary to provide links to adjacent parks, schools, transit stops, recreation facilities, employment nodes, cul-de-sacs and large activity areas.

Compact Urban Form.³ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Commercial Land Use Policies

Retention of Commercial Land.⁴ In order to ensure that the City's commercial land supply is not eroded, where the OCP Bylaw 10500 indicated a commercial land use designation for the property, the expectation would be that there be no net loss of commercial space on the site as a result of the redevelopment to include other uses.

Agricultural Land Use Policies

Urban Uses.⁵ Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction.
- 2) A Building Code analysis is required for the structure at time of building permit application, but the following items may affect the form and character of the building. The parking shown on the north / east side appears to restrict the width of the fire lane in front of unit #3. Confirm fire lane width and the buffer distance (3 meter buffer per BCBC 2006) from the building to the fire lane with the Kelowna Fire Department prior to approval. The mezzanine for unit #3 requires a 2nd rated exit shaft that opens to the exterior, so additional doors may be required. Are there any allowances for additional exit doors if future mezzanines are planned for units #1 & #2?
- 3) This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit.
- 4) Size and location of all signage to be clearly defined as part of the development permit.
- 5) A minimum number of washrooms including H/C washrooms are required for the base building as part of the base building permit. Additional washrooms if required will be addressed at time of tenant improvement permits.
- 6) Full Plan check for all other Building Code related issues will be done at time of Building Permit applications

³ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.24.2 (Commercial Land Use Policies).

⁵ City of Kelowna Official Community Plan, Policy 5.33.3 (Agricultural Land Use Policies).

6.2 Development Engineering Department

See attached Memorandum, dated December 1, 2011.

6.3 Fire Department (note: these comments will be addressed at Building Permit stage)

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 150ltr/sec flow for commercial and 225ltr/sec for industrial. A building code analysis is required. Additional comments will be required at the building permit application. The fire department connection is to be within 45M of a fire hydrant. There should be one civic address for the building and individual suite numbers for all the occupancies.

6.4 RCMP

This structure could affect traffic movement with the possible development of the intersection at Old Vernon Road and Rutland Road.

6.5 Interior Health Authority

No comments.

6.6 Fortis BC

FortisBC (electric) reviewed the attached referral and based on the information received have no concerns with the proposal subject to any changes to this application which would require further review and comment by Fortis.

Prior to final approval of this application, the applicants must contact FortisBC at 1-866-436-7847 and quote their file #Z11-0078, DP11-0183, DVP11-0184 to initiate all necessary arrangements for electrical service with this proposal. It is the developer's responsibility to ensure that all of FortisBC's requirements including construction fees and any SRWs that may be required have been addressed prior to receiving final approval.

6.7 FortisBC Energy

FortisBC has no objection to the applications. Existing service will need to be abandoned and/or altered prior to development commencing.

6.8 Telus

TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.

6.9 Shaw Cable

Owner/developer to purchase & install u/g conduit system.

7.0 Application Chronology

Date of Application Received: October 19, 2011

Advisory Planning Commission November 8, 2011

The above noted application was reviewed by the Advisory Planning Commission at the meeting on November 8, 2011 and the following recommendations were passed:

“THAT the Advisory Planning Commission supports Rezoning Application No. Z11-0078 by C. Gauthier, to rezone the subject property from the C2 - Neighbourhood commercial zone to the C10 - Service Commercial zone to accommodate a single storey 14,000 square foot auto oriented building.”

Report prepared by:



James Moore, Lane Use Planner

Reviewed by:



Todd Cashin Manager, Manager, Environment & Land Use

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

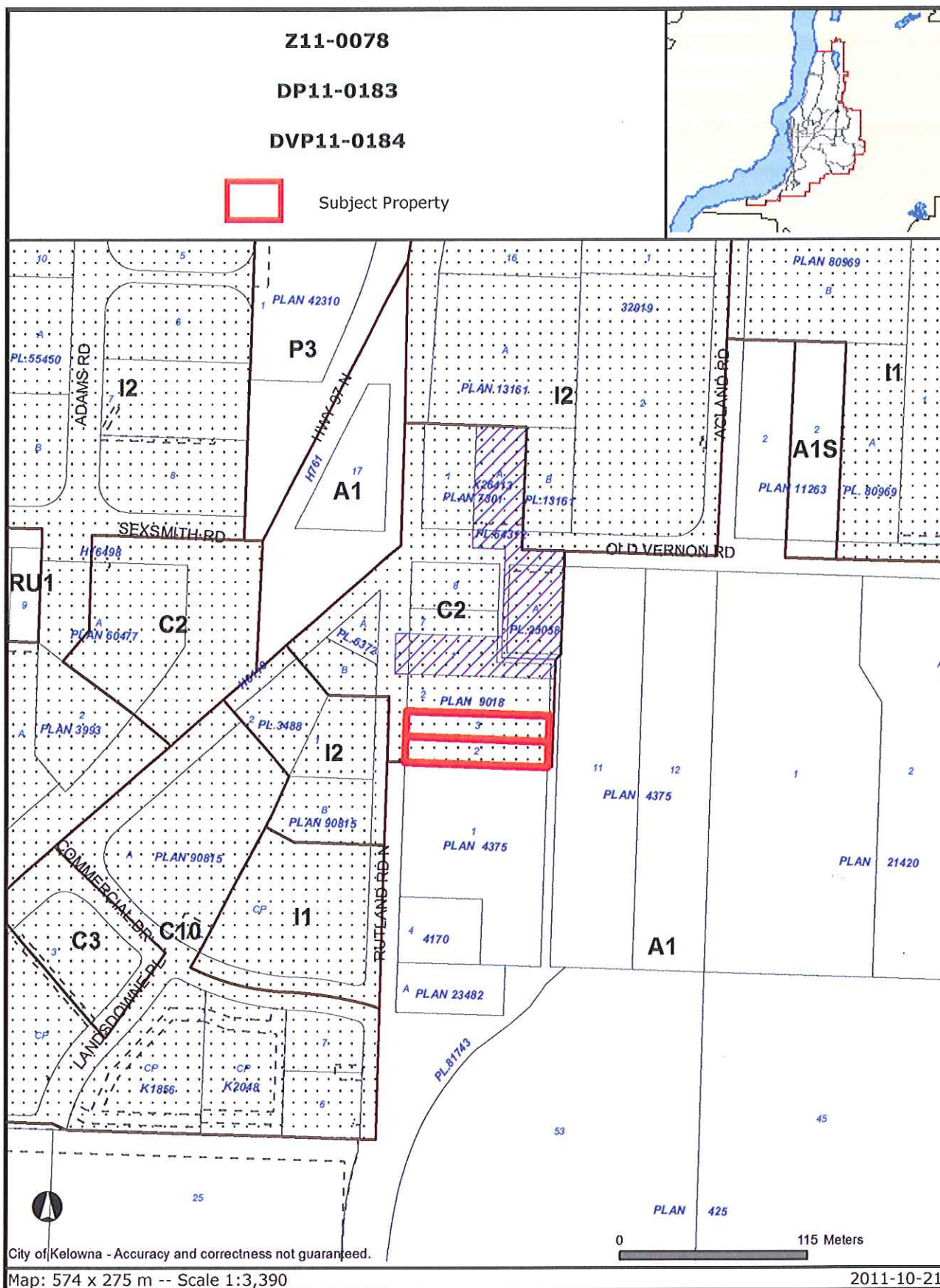
Subject Properties Map (1 page)

Site Plan / Floor Plan / Conceptual Elevations (3 pages)

Conceptual Rendering (1 page)

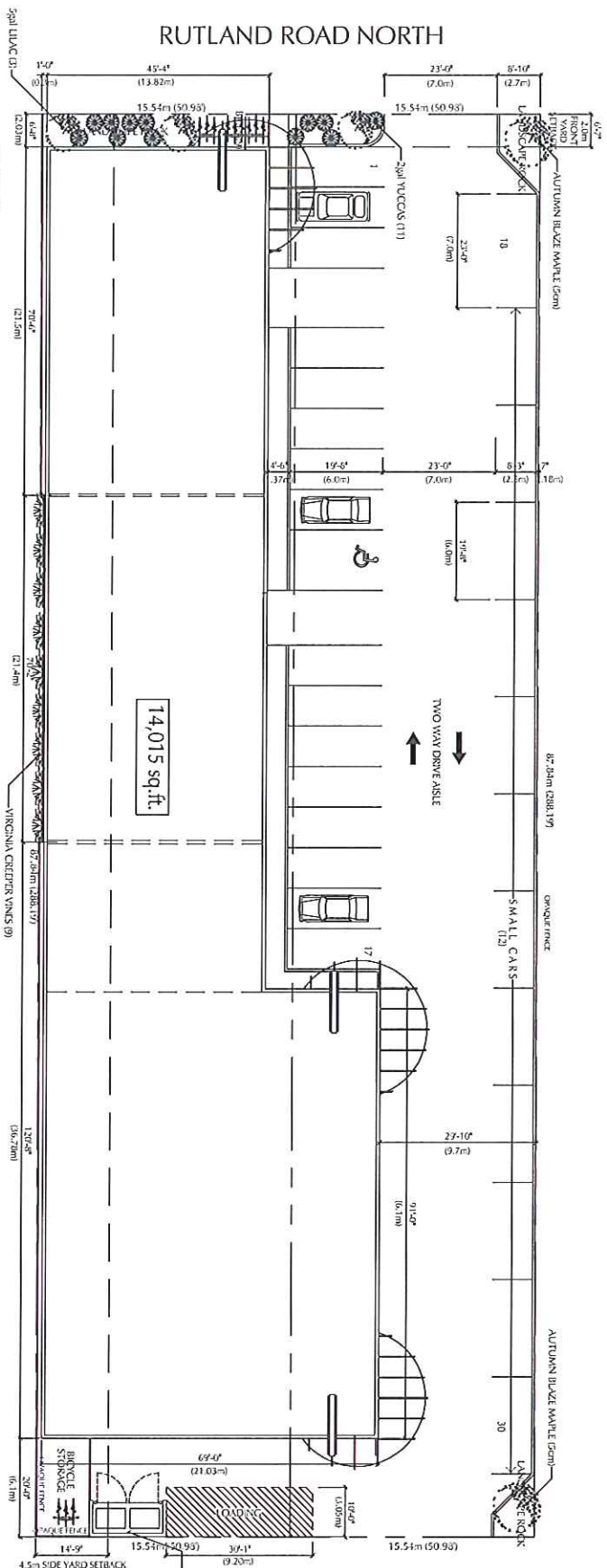
Context/Site Photos (2 pages)

Development Engineering Memorandum, dated December 1, 2011 (2 pages)



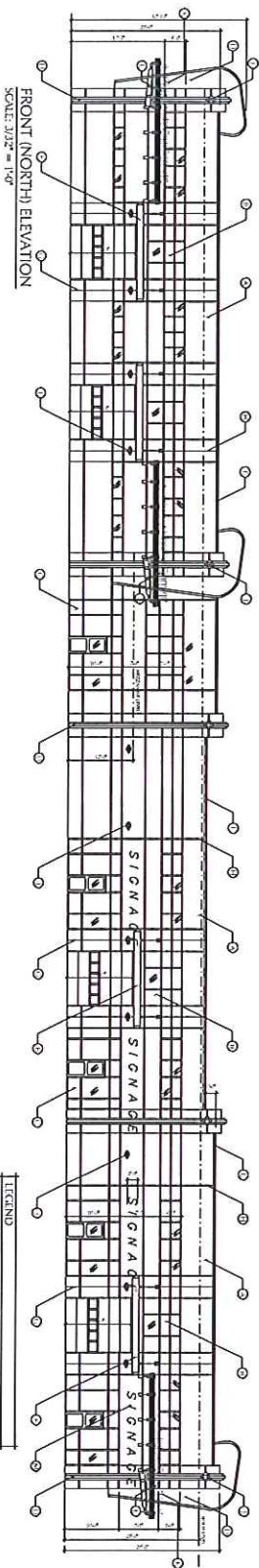
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.

RUTLAND ROAD NORTH



SITE PLAN
SCALE: 1/32" = 1'-0"

FRONT (NORTH) ELEVATION
SCALE: 1/32" = 1'-0"



LEGEND

○	100% ELECTRIC	○	2" RADIANT COOLING
○	100% RADIANT COOLING	○	2" RADIANT COOLING
○	100% MECHANICAL	○	2" RADIANT COOLING
○	100% MECHANICAL	○	2" RADIANT COOLING
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○	100% MECHANICAL	○	2" RADIANT COOLING

HANNS P. NEUMANN ARCHITECT INC.

PROPOSED SERVICE COMMERCIAL BUILDING
2119 & 2125 RUTLAND ROAD NORTH
NELOWNA, BC

PROJECT

1:200 HIGHLAND DRIVE NORTH, NELOWNA, B.C. V7V 4N2 PHONE: (250) 866-8878 FAX: (250) 866-8877

DRAWING TITLE: **SITE/ROOF PLAN & SIDE ELEVATION**

NO. DATE DISCUSSION

1	DATE 1/11	REVISED PER PROJECT CONSULTING
2	NOV 17	REVISED PER PROJECT CONSULTING
3	NOV 27	REVISED PER PROJECT CONSULTING

SCALE: 1/32" = 1'-0"
DATE: FEBRUARY 22, 2011
DRAWN: JPM

DP1

REVISION NO.: 2



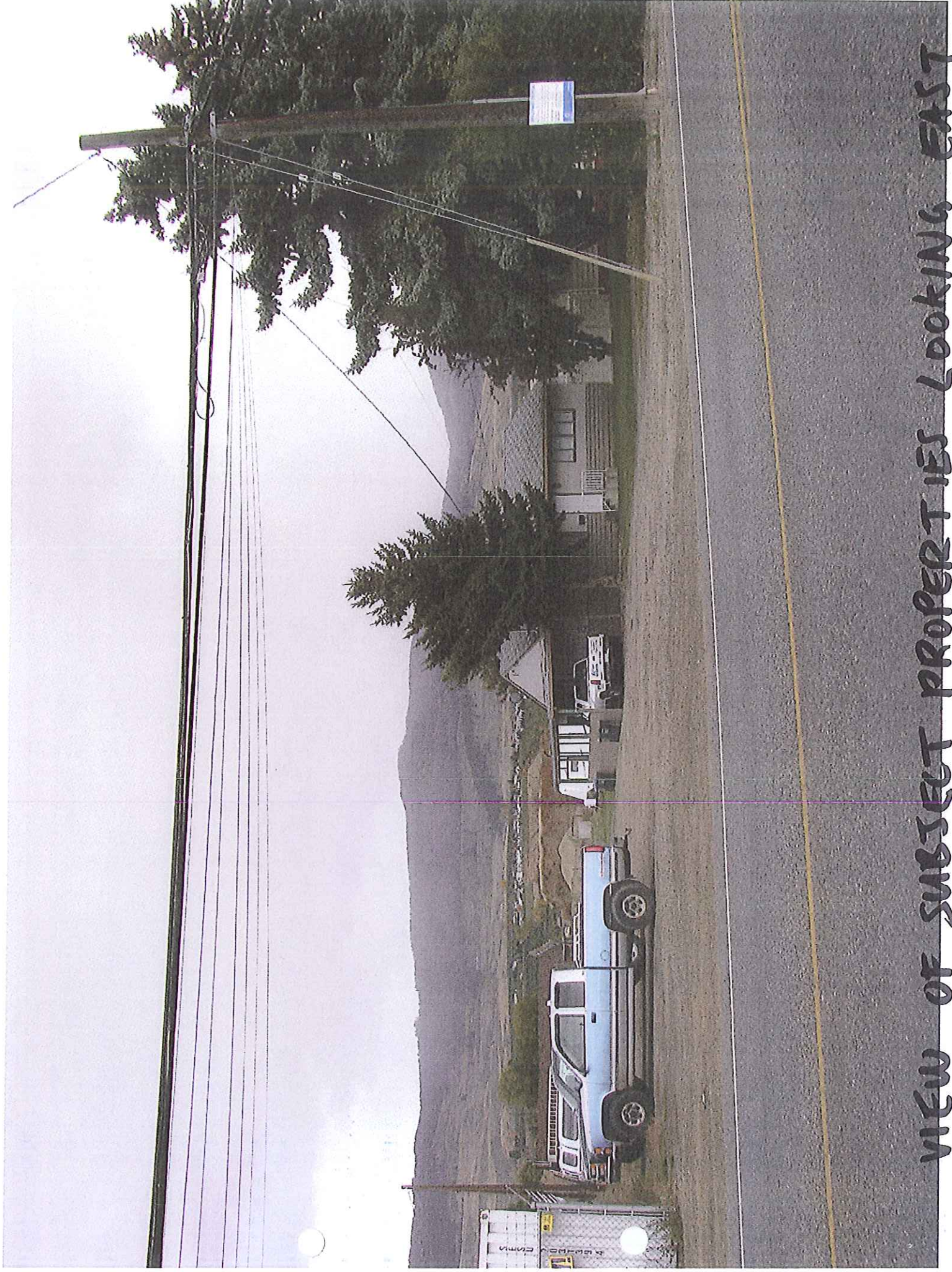
PROPOSED COMMERCIAL DEVELOPMENT
A PLUS AUTO
KELOWNA, BC

H A N S P. N E U M A N N A R C H I T E C T I N C. I N C.

1520 HIGHLAND DRIVE NORTH, KELOWNA, B.C. V1Y 4K5

PHONE (250) 866-0878 FAX (250) 866-0837

ARTIST'S RENDERING
OCTOBER 21, 2011



VIEW OF SUBJECT PROPERTIES LOOKING EAST



VIEW OF ADJACENT PROPERTY TO NORTH

CITY OF KELOWNA

MEMORANDUM

Date: December 1, 2011
File No.: Z11-0078
To: Land Use Management (JM)
From: Development Engineer Manager (SM)
Subject: 2119 Rutland Road – Lot 2, Plan 4375, Sec. 35, Twp. 26, ODYD and
2125 Rutland Road – Lot 3, Plan 4375, Sec. 35, Twp. 26 ODYD

The Development Engineering comments and requirements regarding this application to rezone from C2 and C10 are as follows:

1. Subdivision

- a) Provide easements as required
- b) Consolidate both lots

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the proposed building site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays and the recommendation for construction over the decommissioned sewage disposal field.

3. Domestic water and fire protection.

- a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.

4. Sanitary Sewer.

- a) The subject property is not currently serviced by the municipal sanitary sewer collection system. This application triggers the extension of the Municipal wastewater collection system. Due to elevations of the existing sewer main in the area it appears that, the extension would be to the South of the subject properties from the existing manhole at the intersection of Commercial Drive and Rutland Road. The extension of the main is required to be constructed to the most Northerly property line of the development. The cost of the wastewater extension and road restoration is estimated at \$86,000.00, inclusive of a bonding escalation.

- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

9. Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

10. Bonding and Levies Summary.

a) Performance security

Rutland Road frontage upgrades	\$ 27,000.00
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Note that the applicant is not required to do the construction. The construction can be deferred and the City will initiate the work later at its own construction schedule, the cost would be reduced to \$23,400.00

Sanitary sewer extension	<u>\$ 86,000.00</u>
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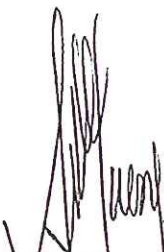
Total performance security	<u>\$113,000.00</u>
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b) levies

Lane future construction	\$ 4,500.00
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Specified Area amendment fee	<u>\$ 250.00</u>
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Total cash levies	\$ 4,750.00
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Steve Muenz, P.Eng.
Development Engineering Manager



Your File #: Z11-0078
eDAS File #: 2011-05223
Date: Dec/07/2011

City of Kelowna

FILE COPY

Attention: James Moore

Re: Proposed Bylaw 8000 for:
Lot 3 Section 35 Township 26 ODYD Plan 4375
Lot 2 Section 35 Township 26 ODYD Plan 4375
2119 Rutland Road N, Kelowna, BC
2125 Rutland Road N, Kelowna, BC

With regard to the above noted City of Kelowna Zoning file, the Ministry has no objections in principle; however through our analysis for this development's potential effects on Highway 97, we noted that there are current signs of congestion at the Rutland Road/Old Vernon Road intersection and ultimately Old Vernon Road Highway 97.

While the trip calculations did not indicate a warrant for a traffic impact study, the Ministry does have concern regarding additional trips at this intersection where the current configuration of Rutland Road in relation to Highway 97 is fairly confined.

In this respect the Ministry encourages the City in its plans for continued municipal road network improvements such as the Rutland Road realignment.

If you have any questions please feel free to call Blaine Garrison at (250) 712-3662.
Yours truly,

Blaine Garrison
District Development Technician

Attachment

Local District Address
Kelowna Area Office 300-1358 St. Paul Street Kelowna, BC V1Y 2E1 Canada Phone: (250) 712-3660 Fax: (250) 712-3669