

# REPORT TO COUNCIL



**Date:** January 19, 2016

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (RS)

Z13-0037

**Application:** DP13-0159  
DVP13-0160

**Owner:** Raul Holdings Inc.

**Address:** 3657 Hwy 97N

**Applicant:** Novation Design Studio (Paul Schuster)

**Subject:** Development Permit, Development Variance Permit

**Existing OCP Designation:** SC - Service Commercial

**Existing Zone:** A1 - Agriculture 1

**Proposed Zone:** C10 - Service Commercial

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## 1.0 Recommendation

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw No. 10934 (Z13-0037, *Raul Holdings Inc*, 3657 Hwy 97N), be extended from April 15, 2015 to January 19, 2016;

AND THAT final adoption of Zone Amending Bylaw No. 10934 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP13-0159 for Lot A, Section 35, Township 26, ODYD Plan 19674 Except Plan 23587 located on 3657 Hwy 97N, Kelowna, BC 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. Landscaping to be provided on the land be in general accordance with Schedule "C";

4. 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 Council authorizes the issuance of Development Variance Permit No. DVP13-0160, for Lot A, Section 35, Township 26, ODYD Plan 19674 Except Plan 23587, located on 3657 Hwy 97N, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 7: 7.6.1 *Minimum Landscape Buffers***

To vary level 5 landscape buffer against ALR lands required to Level 1 buffer proposed.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council's approval of the Development Permit and Development Variance Permit Application in order for the permit to be issued.

**2.0 Purpose**

Development Permit for form and character of new Service Commercial building and Development Variance Permit for reduced agricultural buffer.

**3.0 Community Planning**

Urban Planning staff are supportive of the overall development concept, as it is consistent with the vision of the Official Community Plan (OCP) for the site. The building and supporting landscaping place considerable design effort on the site's Highway 97 frontage, which contributes to the development of an improved highway corridor.

The proposal contemplates a significant reduction in the required landscape buffer directly abutting lands in the ALR. Following OCP direction, staff seek to ensure the compatibility of adjacent development with agricultural lands. However, given the location of the building on the site, the nature of the proposed development, and the proposed buffer treatment, staff feels that the proposal adequately mitigates any potential negative impacts. While the proposal does not achieve that 3.0m vegetative buffer, it does achieve a minimum 2.0m buffer as well as a 2.4m opaque fence which is a key component of the buffering requirement.

The applicant has conducted Neighbor Consultation in accordance with the requirements of Council Policy No. 367. Of the 6 properties contacted with regards to the development proposal, none were opposed, and one was in support.

**4.0 Proposal**

**4.1 Background**

Council advanced the associated rezoning application Z13-0037 to 3<sup>rd</sup> after a Public Hearing on April 14, 2013. Staff has been holding off on an extension/adoption of the rezoning application pending a firm commitment by the applicant to resolve the outstanding servicing requirements. Outstanding servicing requirements have now been addressed by the applicant

**4.2 Project Description**

The applicant is proposing to develop a service commercial building on the subject property. The building will be a single storey with a mezzanine, having a total building footprint of 590m<sup>2</sup> and a total floor area of 826m<sup>2</sup> (including mezzanine). The building will contain space for up to four tenants, each having their own loading bay access at the rear of the building.

The building is oriented so that it fronts Highway 97N, and it is from that frontage that the main entrances for all the tenant spaces are taken. It is also the highway frontage of the proposed building that benefits from the highest level of design detail and visual interest.

While the building fronts Highway 97, its access is located at the opposite side of the site at Lansdowne Place. Garbage and recycling for the development is located on the south side of the building, and is appropriately screened from view. The southern property line directly abuts agricultural land situated within the Agricultural Land Reserve (ALR). Accordingly, increased buffer requirements are triggered on the subject property in accordance with both City and ALC policy. Beyond the policy direction for a larger landscape buffer adjacent to ALR lands, there is a minimum Zoning Bylaw standard of a 3.0m buffer. The proponent has made application for a Development Variance Permit to reduce the landscape buffer requirement from 3.0m required to 2.0m proposed.

Alongside the Development Variance Permit, Development permits are also required to evaluate the form and character of the proposed development as well as its impact on adjacent farmland. Should Council give favourable consideration to the proposal, both application will be brought forward in concert with final adoption of the rezoning.

#### 4.3 Site Context

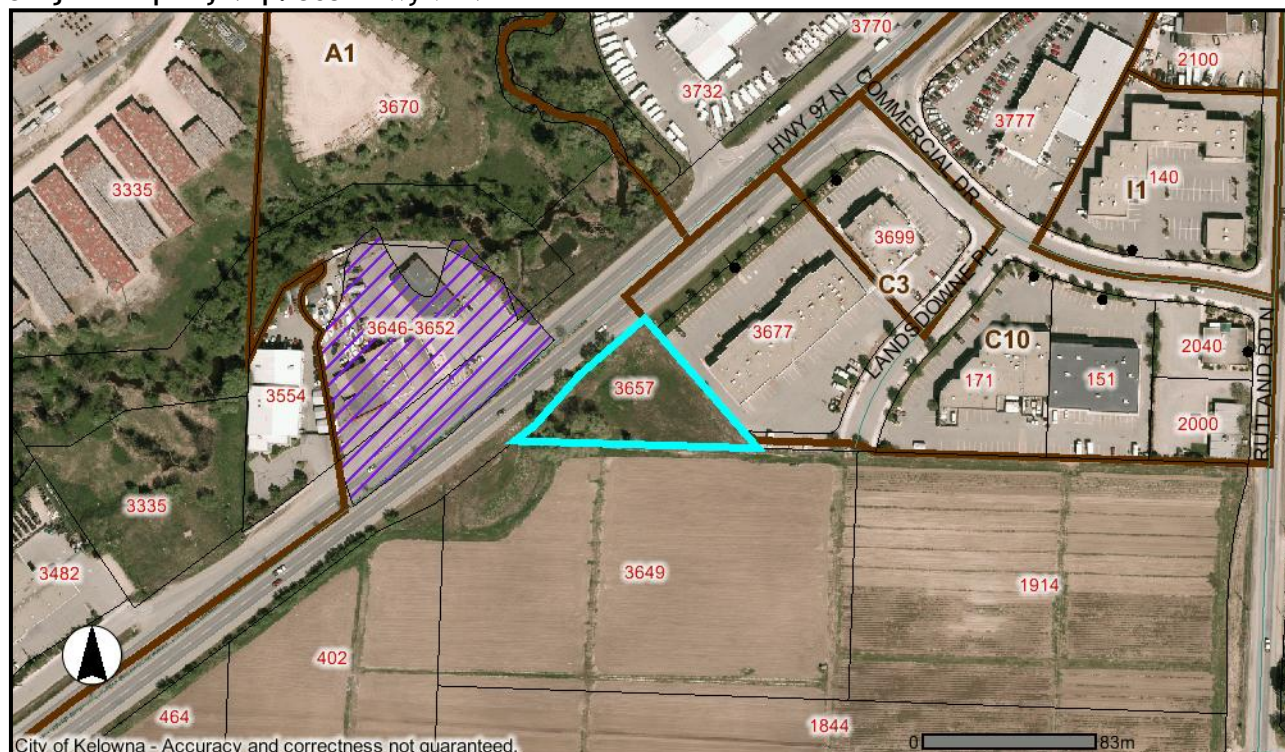
The subject property fronts the south side of Highway 97N, approximately 150m southwest of its intersection with Commercial Drive in the Rutland sector of the city. The 0.36ha lot is generally triangular in shape, and takes its principal access from the east at Lansdowne Place.

The lot is situated in an area characterized by land uses which are sharply divided between a mix of service commercial and industrial set against agricultural lands in the Agricultural Land Reserve (ALR). The lot is zoned A1 - Agriculture 1 zone, but is designated as SC - Service Commercial in the OCP and is within the Permanent Growth Boundary. The parcel is not within the ALR, but it does share its southern lot line with lands that are in the ALR.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 - Service Commercial	Service commercial development
East	C10 - Service Commercial	Service commercial development
South	A1 - Agriculture 1	Agriculture
West	A1 - Agriculture 1/Land Use Contract 77-1040	General industrial uses

Subject Property Map: 3657 Hwy 97N



#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C10 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1,000 m <sup>2</sup>	3,583 m <sup>2</sup>
Lot Width	30.0 m	Approx 75.0 m
Lot Depth	30.0 m	Approx 90.0 m
Development Regulations		
Floor Area Ratio	0.65	0.23
Height	12.0 m / 3 storeys	11.5 m / 1 storey + mezzanine
Front Yard (hwy 97)	4.5 m	exceeds
Side Yard (south)	4.5 m	6.0 m
Side Yard (northeast)	0.0 m	10.0 m
Rear Yard (east corner)	0.0 m	exceeds
Other Regulations		
Minimum Parking Requirements	2 stalls / 100m <sup>2</sup> = 17 stalls	20 stalls
Bicycle Parking	Class I: 2 Class II: 5	Class I: TBD Class II: TBD

Loading Space	1 per 1,900m <sup>2</sup>	4 stalls
Landscape Buffer Requirements Front Side (northeast) Side (south) Rear (east corner)	Level 4 (3.0m planting) Level 3 (3.0m or fence) Level 5 (3.0m planting & fence) Level 3 (3.0m or fence)	Level 4 (3.0m planting) Level 3 (3.0m or fence) Level 1 (2.0m planting & fence) ① Level 3 (3.0m or fence)
① Indicates a requested variance to the minimum landscape buffer abutting lands within the ALR from Level 5 required to Level 1 proposed.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Retention of Commercial Land.**<sup>1</sup> 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.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)

Full Plan check for Building Code related issues will be done at time of Building Permit applications. The submitted drawings do not show floor plans to make building comments on.

The fire department may have access issues to get to the front of the building as required by code. Please have the fire department comment on access and required turn radius requirements.

### 6.2 Development Engineering Department

Development Engineering requirements satisfied as part of Z13-0037.

### 6.3 FortisBC (electric)

There are primary distribution facilities along Highway 97N as well as Landsdowne Place. However, an extension will be required in order to service the proposed development. The design process required to plan such an extension does not yet appear to have been initiated. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

### 6.4 Black Mountain Irrigation District

See attached email, dated November 1, 2013.

### 6.5 Ministry of Transportation

<sup>1</sup> City of Kelowna Official Community Plan. Chapter 5 (Development Process), Policy 5.24.2.

Approved.

#### 6.6 Shaw Cable

Shaw Communications' interests are unaffected. The applicant should contact Shaw regarding future cable services.

#### 6.7 Telus Communications

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

#### 6.9 Agricultural Advisory Committee

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on November 28, 2013 and the following referral comments were provided:

*The Committee did not have any concerns with respect to the proposed variance and ALR landscape buffering provided that there is a 'solid' fence constructed.*

#### 7.0 Application Chronology

Date of Application Received: October 4, 2013

Date Circulation Complete: November 1, 2013

Advisory Design Team: November 7, 2013

Public Notification & Consultation: February 17 & 18, 2014

Development Engineering/Development Servicing resolved: November 17, 2015

**Report prepared by:**

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Ryan Smith, Community Planning Manager

#### **Attachments:**

Site Plan (Schedule 'A')

Elevations (Schedule 'B')

Landscape Plan/Estimate (Schedule 'C')