

# REPORT TO COUNCIL



**Date:** April 10, 2018

**RIM No.** 0940-00 & 0940-50

**To:** City Manager

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

**Application:** DP17-0267 and DVP17-0268

**Owner:** Midwest Venture Ltd

**Address:** 730 – 760 McCurdy Road

**Applicant:** Peter Downward

**Subject:** Development Permit and Development Variance Permit

Existing OCP Designation: IND - Industrial

Existing Zone: I2 – General Industrial

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP17-0267 and Development Variance Permit DVP17-0268 for Lot 63, DL 143, ODYD Plan 426, Except Plans 15819 and A12969, located at 730 -760 McCurdy Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "D"; and
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.

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted, as shown in Schedule "A":

### **Section 15.2.5(e): I2 – General Industrial Development Regulations**

To vary the required minimum side yard setback for an industrial building from 4.5 m permitted to 0.0 m proposed.

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## **2.0 Purpose**

To consider a Development Permit for the Form and Character of one new industrial building and to vary the minimum side yard setback from 4.5 m permitted to 0.0 m proposed on the subject property.

## **3.0 Community Planning**

Community Planning Staff supports the Development Permit for the Form and Character of a proposed industrial building as the design meets the majority of the Official Community Plan (OCP) Design Guidelines for Industrial Use and the design is consistent with other buildings located on the subject property. Consideration has been given to the façade on McCurdy Road to ensure appropriate signage, lighting, scale, and attractive design (Schedule C). The building design is complemented by a 3.0 m wide landscape area providing a transition to the public sidewalk on McCurdy Road, as well as additional landscape area ranging from 1.3 m to 2.8 m in width along the perimeter of the proposed new parking area designated for the proposed industrial building (Schedule D).

Staff is supportive of the requested variance to reduce the side yard setback from 4.5 m permitted to 0.0 m proposed on the subject property (Schedule A). The OCP Future Land Use designation for the property and the adjacent property is IND – Industrial and zero lot line interfaces are common in these industrial neighbourhoods. The variance does not compromise any municipal infrastructure or services, and will not negatively impact the adjacent parcel.

To fulfill the requirements of Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form on December 20, 2017, outlining that neighbours within 50 m of the subject property were notified.

## **4.0 Proposal**

### **4.1 Background**

In 2014, Council approved a side setback variance from 4.5 m permitted to 0.0 m proposed, along the southeastern property line, to allow the construction of an industrial building. Development and Development Variance Permits (DP14-0130 and DVP14-0131, respectively) were issued, however the permits expired due to unfavourable market conditions (Attachment B). The current requested variance is the same as the previous approval.

### **4.2 Project Description**

There are four existing industrial buildings on the subject property. The proposal is to replace one of the four buildings, which is an aging truck cross-dock building. It is located near the street front at the south-eastern corner of the subject property. The new proposed building floor area is 1,068.50 m<sup>2</sup> with an additional future mezzanine space (361 m<sup>2</sup>) planned for future expansion. The new proposed building is approximately 11.66 m east of the existing building and along the south-eastern property line (Attachment A). The building design for the front façade facing McCurdy Road has large windows, well defined entrances to each unit, and a similar style and colour pallet to the other buildings currently located on the subject property (Schedule B). Parking and bicycle stalls are provided in front of the proposed new building, with loading at the rear of the building, avoiding any potential traffic or pedestrian safety conflicts.

The subject property is immediately surrounded by McCurdy Road to the south, I2 – General Industrial to the west and north, however abuts three different zones along the eastern property line. The northern half of the eastern property line abuts RM7 – Mobile Home Park zoning, followed by I2 - General Industrial zoning to the south along the eastern property line. The remaining southeastern most corner abutting the subject property, known as 700 McCurdy Rd is currently zoned as A1 – Agriculture, and is not in the

Agricultural Land Reserve (ALR). The OCP Future Land Use Designation for this small A1 lot is "IND – Industrial" and the owner of the property is currently proceeding with a rezoning application to industrial use that will come forth to Council for consideration (Z16-0025).

4.3 Site Context

The subject property is located approximately 500 m east of Hyw 97 north and is accessed from McCurdy Road.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	General Industrial - Precasting
East	RM7 – Mobile Home Park I2 – General Industrial A1 - Agriculture	Mobile Home Granite countertop; Natural Food Specialist Vacant
South	McCurdy Road RU6/RU6c – Two Dwelling Housing/Two Dwelling Housing with Carriage House RU1/RU1c – Large Lot Housing/Large Lot Housing with Carriage House P2 – Education and Minor Institutional	McCurdy Road  Residential Residential  Pearson Road Elementary
West	I2 - General Industrial	Kitchen cabinetry

Subject Property Map: 730 -760 McCurdy Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	I2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	10,000 m <sup>2</sup>	23,512 m <sup>2</sup>
Minimum Lot Width	40.0 m	91 m
Minimum Lot Depth	35.0 m	258.4 m
Site Coverage	60%	20.3%
Development Regulations		
Floor Area Ratio	1.5	0.2
Height	14.0 m	11.79 m
Front Yard	7.5 m	23.72 m
Side Yard (east)	0.0 m abutting I2 zone / 4.5 m abutting A1 zone	0.0 m abutting A1 zone <span style="color: red;">❶</span>
Side Yard (west)	0.0 m	60.50 m
Rear Yard	0.0 m	198.60 m
Other Regulations		
Minimum Parking Requirements	21 stalls (new building) / 96 stalls (site total)	20 stalls (new building) / 96 stalls (site total)
Class II Bicycle Parking	3 stalls	3 stalls
Loading Space	0.56 spaces	6 spaces
<span style="color: red;">❶</span> Indicates a requested variance to the side yard setback from 4.5 m required to 0.0 m proposed		

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

**Industrial Land Use.**<sup>1</sup> Focus Industrial development to areas suitable for Industrial use.

**Industrial Land Use Intensification.**<sup>2</sup> Encourage more intensive industrial use of currently under-utilized industrial sites during site redevelopment or by permitting lot subdivision where new lots can meet the minimum lot size requirements of the Zoning Bylaw.

**Development Permit Guidelines.**<sup>3</sup> Comprehensive Development Permit Area.

Objectives:

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area’s character;
- Promote alternative transportation with enhanced streetscapes and multi-modal linkages.

<sup>1</sup> City of Kelowna Official Community Plan, Objective 5.28 (Development Process Chapter)

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.29.1 (Development Process Chapter)

<sup>3</sup> City of Kelowna Official Community Plan, Policy 14.2 (Urban Design Development Permit Areas Chapter)

## 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).
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  - i. Any alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit
  - ii. Location, Heights, Colours of mechanical systems and the required screening are to be determined at time of DP
  - iii. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
  - iv. Hard surfaced paths leading from the egress stairwells to a safe area are to be clearly defined as part of the DP
  - v. Guard rails may require vertical pickets or equivalent at time of building permit application.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. Minimum building elevations are required to be established prior to the release of the Development Permit. If a soil removal or deposit permit is required, this must be provided at time of Development Permit application.
- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units and all corridors, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits, spatial calculation for any windows in exit stairs, etc.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application.

### 6.2 Development Engineering Department

Refer to Attachment A.

### 6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Fire Department access is to be met as per BCBC 3.2.5. and accommodate the largest apparatus - ladder truck - the main entrance shall be within 3-15 metres for access

- A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD as well as a fire preplan as per bylaw 10760.
- Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met for communications.
- The fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard. Sprinkler zone valves shall be accessible as per fire prevention bylaw (10760) - less than 7 feet in height.
- Fire department connection is to be within 45M of a fire hydrant - unobstructed.
- Ensure FD connection is clearly marked and visible from the street.
- Upon completion an owners certificate and copy of NFPA 25 shall be provided for the sprinkler system.
- Upon completion, a certificate is required to verify CANULC 561 Compliance.
- Dumpster/refuse container must be 3 meters from structures or overhangs.

#### **7.0 Application Chronology**

Date of Application Received:	November 28, 2017
Date Public Consultation Completed:	December 12, 2017
Supplemental Drawings Received:	February 15, 2018

<b>Report prepared by:</b>	Barbara B. Crawford, Planner
<b>Reviewed by:</b>	Terry Barton, Urban Planning Manager
<b>Approved for Inclusion:</b>	Ryan Smith, Community Planning Department Manager

#### **Attachments:**

Draft Development and Development Variance Permit  
Attachment A - Development Engineering Services Memos  
Attachment B – Applicant Rationale Letter  
Schedule A – Site Plan and Floor Plan  
Schedule B – Conceptual Elevations and Street Rendering  
Schedule C – Signage Plan  
Schedule D – Landscape Plan