

REPORT TO COUNCIL



Date: May 2, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (RR)

Application: Z16-0006 **Owner:** McBeetle Holdings

Address: 894 Stremel Road **Applicant:** McBeetle Holdings

Subject: Rezoning Application

Existing OCP Designation: IND - Industrial

Proposed OCP Designation: COMM - Commercial / PARK - Major Park / Open Space

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: C10 - Service Commercial / P3 - Parks and Open Space

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP16-0001 to amend Map 4.1 in the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of Lot A, Section 34, Township 26, ODYD Plan EPP53299 located at 894 Stremel Road, Kelowna, BC from the IND - Industrial designation to the SC - Service Commercial designation and the PARK - Major Park / Open Space designation, as shown on Map "A" attached to the Report from the Community Planning Department dated May 2, 2016 be considered by Council;

AND THAT Rezoning Application No. Z16-0006 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot A, Section 34, Township 26, ODYD Plan EPP53299 located at 894 Stremel Road Kelowna, BC from the RU1 - Large Lot Housing zone to the C-10 Service Commercial and P3 - Parks and Open Space zone as shown on Map "A" attached to the Report from the Community Planning Department dated May 2, 2016, be considered by Council;

AND THAT the OCP Amending Bylaw and Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Hearing process to be appropriate consultation for the Purpose of Section 475 of the *Local Government Act*;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated April 25th, 2016);

AND THAT final adoption of the Rezoning Bylaw be considered in conjunction with the issuance of an Environmental Development Permit for the subject property;

AND THAT prior to final adoption of the Rezoning Bylaw, that the Riparian Management Area be dedicated to the City as protected area;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Form and Character Development Permit for the subject property.

2.0 Purpose

To consider an OCP and Zoning Bylaw amendment application to rezone a portion of the subject property to facilitate the construction of an automobile dealer, and dedicate a portion of the property as parkland.

3.0 Community Planning

Community Planning supports granting the bylaws first reading and advancing them to Public Hearing. The proposed use, a luxury car dealership, is not out of character for the area. There is already a car dealership directly to the south of the site and a proposal for another two dealerships to the north.

The rezoning will allow the City to acquire and protect land along Francis Brook Creek. The City will acquire 10 m to the north of the creek and the majority of the lands to the south, exceeding 15 m in depth. Francis Brook Creek is an important drainage corridor and habitat area, and the City will be able to protect it in perpetuity.

4.0 Proposal

4.1 Background

The subject property has been reconfigured as part of the Highway 97 six laning project. The City Real Estate group has worked closely with the owner and the Ministry of Transportation to realign roads in the area to best accommodate the highway and leave developable properties.

4.2 Project Description

The applicant would like to construct an automobile dealership on the subject property. The first stages of the approvals process will require that the property be re-zoned and the OCP amended.

The OCP would be amended from Industrial to Service Commercial and Major Park/Open Space.



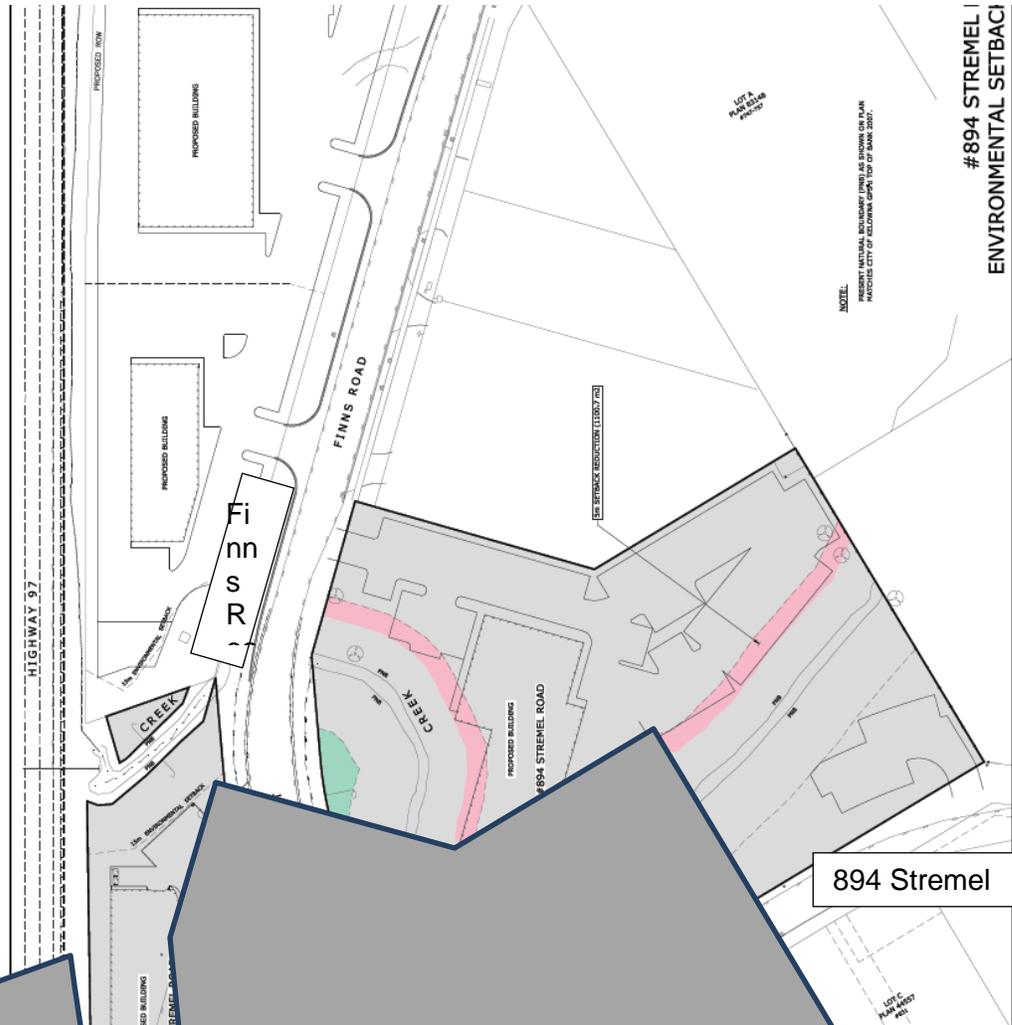
The proposed rezoning would amend the bylaw to zone the portion of land along Highway 97 to C10 - Service Commercial. Lands along the creek would be rezoned P3 - Park and Open Space. 10 m of property north of the creek will be dedicated to the City, and 15 m or more along the south will be dedicated. This flexible approach will maximize habitat protection on the south side of the creek, while leaving a viable development site to the north.

As part of the application, the applicant has submitted a further application for a Porsche dealership on the Highway 97 portion of the property. This application cannot be approved until such time as the property has been rezoned for commercial use.



4.3 Site Context

The portion of the property to be developed is along Highway 97. It is north of the Orchard Ford dealership, in a light industrial and service commercial neighbourhood. The owner of the property has also applied to re-zone the parcel to the north to allow an additional automobile dealership.



#894 STREMEL | ENVIRONMENTAL SETBACK

Adjacent land use follows:

Orientation	Zone	Land Use
North	Mark Industrial	Industrial Rental
East	Housing	Residential
South	Commercial	Dealer
West		

Subject Property

4.4 Zoning Analysis

Zoning Analysis Table		
CRITERIA	@ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	1,000 m ²	5,400 m ²
Minimum Lot Width	30 m	35 m

Minimum Lot Depth	40 m	125 m
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5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Service Commercial (SC)

Developments for the provision of business support services and other commercial uses requiring extensive on-site storage. Building densities would be consistent with the provision of the C10 zone of the Zoning Bylaw.

Riparian Management Area

Table 12.1 establishes a 15m Riparian Management Area around Francis Brook Creek.

Dedication of Linear Parks.

At subdivision and rezoning for all development types secure a minimum 10-metre wide linear corridor for public access as included in Table 5.1 Linear Park - Public Access and/or are shown on Map 5.9 - Linear Corridors / Paths. The 10-metre wide corridor may be in addition to, and outside, any riparian management area requirements imposed through the Environmental Development Permit (see Chapter 12) requirements of the OCP. On the private property side of the public access corridor, the City may, as necessary, consider stipulating additional "no disturb" zones. Lot line adjustments or other subdivision applications not resulting in the creation of new lots suitable for the construction of buildings permitted under the applicable zoning will be considered exempt from this policy.

5.2 Public Notification & Consultation for Development Applications Policy #367

The applicant has delivered notifications to surrounding property owners.

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 This building may be required to be sprinklered throughout. It appears that this building has three major occupancies as per the building code . Any proposed deviance from this requirement of BCBC 12 requires an approved alternate solution report to be submitted and approved by the architect of record prior to the release of the Development Permit.
- 3 A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. 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. This minimum Geodetic elevation is required for all habitable spaces. This building may be designed to low, which may affect the form and character of the building.
- 4 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):
 - 4.1 The British Columbia Building Code (BCBC 2012) may define this development as two separate buildings with possibly three separate major occupancies (D & E in building 1 and D & F2 in building #2). If a firewall is to be utilized, a complete building code analysis would be required to be reviewed prior to complete

comments (at time of building permit application) being provided for the spatial separation between the two buildings. Fire shutters would be a requirement and hooked to the fire alarm system to allow for the unprotected openings between buildings and a 900mm High non combustible fire wall must be constructed to separate the two structures. A 900mm high firewall parapet will affect the form and character of the building(s).

- 4.2 The exits from the building do not appear to meet minimum code requirements (number of exits, travel distance, etc). The code analysis is to contain a plan showing travel distances along with a code compliance analysis for the interconnected floors, 2nd stories, horizontal exits, convenience stairs and rated stairwell exits. This can be submitted at time of building permit application, but additional exterior doors may be required depending on the code analysis, which may affect the form and character of the building(s).
- 4.3 Any security system that limits access to exiting needs to be addressed in the code analysis by the architect
- 4.4 Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- 4.5 Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings. Screening of this equipment may be required and should be addressed as part of the Development permit.
- 4.6 Interior climbable guardrails are not code compliant as depicted in the illustrations and are required to be defined at time of permit application
- 5 Size and location of all signage to be clearly defined as part of the development permit
- 6 Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located. Refer to fire department bylaws for placement of exterior garbage containers in relation to the building.
- 7 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 are being applied to this structure.

6.2 Development Engineering Department

See attached Memorandum dated April 8, 2016.

6.3 Fire Department

The Fire Department has no issues with the zoning change

7.0 Application Chronology

Date of Application Received: January 15, 2016

Date referrals completed: April 8, 2016

Report prepared by:

Ryan Roycroft, Planner

Reviewed by:

Terry Barton, Urban Planning Manager

Approved for Inclusion:

Ryan Smith, Community Planning Department Manager