

REPORT TO COUNCIL



Date: August 23, 2016

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LK)

Application: DP15-0235 & DVP15-0236 **Owner:** Zsy Holdings Ltd., Inc No BC0981442

Address: 340 Hwy 33 West **Applicant:** Urban Options

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: MXR - Mixed Use (Residential/Commercial)

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: C4- Urban Centre Commercial

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11193 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0235 for Lot 1 Section 26 Township 26 ODYD Plan EPP62403 located at 340 Highway 33 West, 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 '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 Registered Landscape Architect;

AND THAT Council authorizes the issuance of the Development Variance Permit No. DVP15-0236 for Lot 1 Section 26 Township 26 ODYD Plan EPP62403, located at 340 Highway 33 East, Kelowna, BC;

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

Section 14.4.5 (f) C4 - Urban Centre Commercial Development Regulations

To vary the required minimum rear yard from 6.0 m permitted to 0.20 m proposed;

Section 7.6.1 (c) - Landscaping and Screening Minimum Landscape Buffers

To vary the required minimum landscape buffer from 3.0 m permitted to 1.40 m proposed and 0.0 m proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit 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 October 29, 2015;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Applications in order for the permits to be issued;

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

2.0 Purpose

To consider the form and character of a new commercial building on the subject property and to vary the minimum required rear setback and to vary the minimum required landscape buffers for both sides of the subject parcel.

3.0 Community Planning

Community Planning Staff supports the two required variances in order to facilitate the development of a new commercial building on the subject parcel. The building meets all other Zoning Bylaw regulations and the Official Community Plan (OCP) Future Land Use of MXR - Mixed Use (Residential/Commercial). The project integrates a residential use at the second storey level with ground floor commercial development which is encouraged within Kelowna's Urban Centres.

The proposed building meets many OCP Revitalization Design Guidelines and will blend into the surrounding area as it is currently a mix of old and new development. The proposal integrates the local environments natural colour palette and used the Centex 'brand' colours as accents. The flat roof designed building uses a modern gray base and natural stained cedar as the primary colours. Red and blue accents are used to bring prominence to building entrances and to brighten street facing facades.

The majority of the immediate neighbourhood currently has commercial zoning with the exception of the north adjacent parcels leading to the transit interchange at Shepard Road. These adjacent parcels along Dougall Road are currently listed for sale. This redevelopment from residential to commercial uses aligns with the OCP's Future Land Use of the parcels.

Council Policy No. 347 in regards to Neighbourhood Consultation was completed. All Development Engineering requirements have been met and the Ministry of Transportation and Infrastructure (MOTI) has provided approval of the subject application.

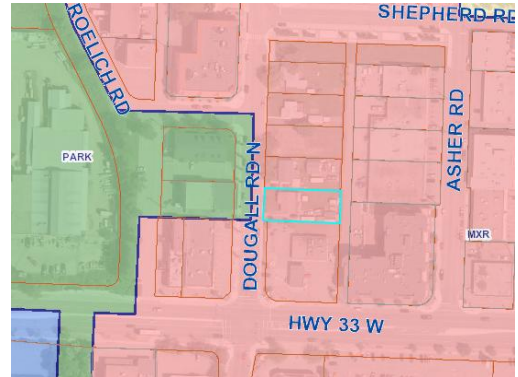
4.0 Proposal

4.1 Background

The subject parcel is located at the intersection of Highway 33 West and Dougall Road within the Rutland Urban Centre. The area undergoing development was rezoned from RU1 - Large Lot Housing zone to C4 - Urban Centre Commercial zone and consolidated with the existing corner parcel to form a larger commercial lot. The existing parcel currently has a gas station with convenience store and an existing restaurant on site.

The parcel is within both the Rutland Urban Centre Revitalization Area and Comprehensive Development Permit Area. The proposed rezoning is consistent with many OCP policies, including:

- Integrating new development with existing site conditions and preserving the character of the surrounding area;
- Promoting a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Creating open, architecturally-pleasing and accessible building facades to the street.



4.2 Project Description

If the proposed applications are approved, the existing house will be removed to allow for the construction of a new carwash with one automatic wash bay and seven manual wash bays. With the proximity of the adjacent residential building across the east lane, the hours of operation of the carwash will be limited from 7am - 9pm. To minimize acoustic disturbance, the automatic carwash bay doors must be closed for the wash cycle to start and the manual wash bays will have auto close access doors for both the entry and exit at each end of the building. The concrete construction of the walls and ceiling has been designed to meet industry sound emission standards.

The proposal will require two variances, one for the rear setback of the building and the second variance is for the side setback landscape buffers. The first variance is to reduce the required rear setback from 6.0 m when adjacent to residential to 0.20 m. The adjacent parcels to the north are currently single dwelling housing uses, but have the same OCP future land use of MXR - Mixed Use (Residential/ Commercial) as the subject parcel and are currently listed for sale. As the parcels redevelop from Highway 33 to the north, the adjacent parcels will likely be rezoned to Commercial zones as well, in which case, the required rear and side setbacks would be reduced to zero.

The second variance is for both the east and west 3.0 m landscape buffer requirement. The east side of the parcel backs onto a lane. The existing parking stalls for the commercial units are located along this setback and will remain unchanged. The new development area cannot provide the landscape buffer as it is used for vehicle access to the lane.

For the west landscape buffer area, there is currently an existing retaining wall on the City of Kelowna road widening area. This retaining wall will be removed and a new one constructed along the west property line. A roadway dedication has been taken thru Subdivision Application S16-0025 from 145 Dougall Road N to ensure the west property line is consistent along the parcel length. This taking has narrowed the landscaping that is currently provided along the length of corner parcel. As the existing commercial portion is not being redeveloped, the landscaping that is proposed will match what currently exists on site.

Along the Dougall Street frontage will be three retail/office units with one residential unit located above. The residential unit is accessed via a door to a private stairwell. Private open space is provided with two balconies facing each street.



The site access along Hwy 33 W will remain unchanged. Dougall Road will be modified with painted lines to indicate a left turn lane. This will require the site access from Dougall Road to be modified to right turn in and out access only. Signage will be erected at the parcel exit and paint lines and signage will be added to Dougall Road.

To access the carwash, vehicles will queue along the west side of the existing building. The Zoning Bylaw requirements for upstream vehicle storage have been met for both the auto wash and manual wash bays. Upon exiting the carwash, vehicles will be directed to the east side lane to exit the parcel. All traffic will be one way along the side and rear of the existing building to provide an escape lane for customers who may choose to forgo use of the carwash.

4.3 Site Context

The subject site is located at the intersection of Dougall Rd N and Hwy 33 W.

Adjacent land uses are as follows:





| Orientation | Zoning | Land Use |
|-------------|------------------------------|---|
| North | RU1 - Large Lot Housing | Single Family Dwelling |
| East | C4 - Urban Centre Commercial | Retail Commercial (Strip Mall) Apartment Housing/Retail Commercial |
| South | C4 - Urban Centre Commercial | Gas Bar |
| West | C4 - Urban Centre Commercial | Retail Commercial (Strip Mall) |

Subject Property Map: 340 Hwy 33 W.



4.4 Zoning Analysis Table

| Zoning Analysis Table | | |
|--------------------------------------|--|-----------------------|
| CRITERIA | C4 ZONE REQUIREMENTS | PROPOSAL |
| Existing Lot/Subdivision Regulations | | |
| Minimum Lot Area | 460 m ² | 815.05 m ² |
| Minimum Lot Width | 13 m | 18.44 m |
| Minimum Lot Depth | 30 m | 44.20 m |
| Development Regulations | | |
| Maximum Floor Area Ratio | 1.3 | 0.33 |
| Maximum Site Coverage | 75% | 33% |
| Maximum Height (lessor of) | 15.0m or 4 storeys | 6.5 m & 2 storeys |
| Minimum Front Yard (south) | 0.0 m | 8.58 m |
| Minimum Side Yard (east) | 0.0 m | 1.0 m |
| Minimum Side Yard (west) | 0.0 m | 0.0 m |
| Minimum Rear Yard | 0.0 m, except 6.0 m (when abutting residential) | 0.20 m ● |

| Other Regulations | | | |
|---|------|-------------------|---|
| Minimum Parking Requirements | | 16 stalls | 16 stalls |
| Minimum Bicycle Parking | | 2 | 4 |
| Minimum Private Open Space | | 15 m ² | 24 m ² |
| Minimum Loading Space | | 1 space | 1 space |
| Minimum Landscape Buffer | east | 3.0 m | 0.0 m  |
| | west | 3.0 m | 1.3 m  |
| <p> Indicates a requested variance to the rear setback.</p> <p> Indicates a requested variance to the landscape buffer for the side yard.</p> | | | |

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Context.¹ Address phasing when the area is designated for more intensive development and the development proposes to deviate from existing form and character (e.g. blank firewalls should be adequately detailed to provide visual interest in the interim).

Relationship to the Street.² Develop visual and physical connections between the Public Street and private buildings (e.g. patios and spill-out activity, views to and from active interior spaces, awnings and canopies).

Relationship to the Neighbourhood.³ Maintain the established or envisioned architectural character of the block or neighbourhood.

Transit Exchanges.⁴ Actively encourage both public and private sector development and integration of a full range of compatible land uses (residential, employment and commercial activities) at transit exchanges.

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 Hoarding permit may be required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP
- 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):
- Any security system that limits access to exiting needs to be addressed in the code analysis by the architect. An application for an alternative solution will be required if the security system is not prescriptive to code.

¹ City of Kelowna Official Community Plan, Policy 14.3.2.2 (Urban Design DP Areas Chapter).

² City of Kelowna Official Community Plan, Policy 14.4.3.2 (Urban Design DP Areas Chapter).

³ City of Kelowna Official Community Plan, Policy 14.15.1.1 (Urban Design DP Areas Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.19.8 (Development Process Chapter).

- Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- 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.
- 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.
- 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 Attachment 'A'.

6.3 Rutland Waterworks District

- See Attachment 'B'

6.4 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Template available online at Kelowna.ca
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. A minimum of 150litres/sec is required. If a hydrant is required on this property it shall be deemed private and shall be operational prior to the start of construction.
- Fire Department access is to be met as per BCBC 3.2.5.6
- A visible address must be posted as per City of Kelowna By-Laws
- Should a fire alarm be required, 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 and an Approved Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Dumpster/refuse container must be 3 meters from structures or overhangs.

6.5 Ministry of Transportation & Infrastructure

- Project approval received on September 28, 2015.

7.0 Application Chronology

| | |
|---|--------------------|
| Date of Application Received: | September 28, 2015 |
| Date Public Consultation Completed: | October 18, 2015 |
| Date of Public Hearing, 2 nd & 3 rd readings for Z15-0025: | February 16, 2016 |
| Date of Subdivision Approval for S16-0025 (Lot Consolidation & Road takings): | July 6, 2016 |

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum dated November 12, 2015
Attachment B: Rutland Waterworks District Memorandum dated December 15, 2015
Schedule A: Site Plan
Schedule B: Conceptual Elevations & Colour Schedule
Schedule C: Landscape Plan
Draft Development Permit and Development Variance Permit No. DP15-0235 & DVP15-0236