
CITY OF KELOWNA

MEMORANDUM

Date: September 26, 2001
File No.: Z01-1037

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z01-1037 OWNER: FOUR-D VENTURES LTD.

AT: 1876 AMBROSI ROAD APPLICANT: AXEL HILMER

PURPOSE: TO REZONE THE PROPERTY FROM THE RU1 – LARGE LOT
HOUSING ZONE TO THE C5 – TRANSITION COMMERCIAL ZONE TO
ALLOW THE CONSTRUCTION OF A TWO STOREY COMMERCIAL
BUILDING WITH A RESIDENTIAL COMPONENT

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: C5 – TRANSITION COMMERCIAL

REPORT PREPARED BY: KIRSTEN G. BEHLER

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATIONS

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 8, Block 1, D.L. 129, ODYD, Plan 5109, located on Ambrosi Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the C5 – Transition Commercial zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of road and lane dedications;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

2.0 SUMMARY

The applicant wishes to construct a two storey commercial building, which will accommodate a personal service establishment on the first floor and two residential units on the second floor. He has applied for a rezoning in order to rezone the property from RU1 to C5 – Transition

Commercial. In addition to the rezoning, the proposed development also requires a Development Permit, which will be forwarded to Council to be considered concurrently with the final adoption of the zone amending bylaw.

3.0 Advisory Planning Commission

The Advisory Planning Commission reviewed the application at the meeting of August 7, 2001, and the following recommendations were passed:

THAT the Advisory Planning Commission supports Rezoning application No. Z01-1037 by Axel Hilmer to rezone from the RU1- Large Lot Housing zone to the C5 – Transition Commercial zone to construct a commercial building with a residential component;

AND THAT the Advisory Planning Commission supports Development Permit application No. DP01-1051 by Axel Hilmer to construct a two-storey building for a personal service establishment on the first floor and two apartments on the second floor.

4.0 BACKGROUND

4.1 The Proposal

The applicant proposes the construction of a commercial building on Ambrosi Road. A personal service establishment, providing prosthetic and orthotic services, will be located on the ground floor of the building, and two one-bedroom apartments will be constructed on the second floor.

The main entrance to the personal service establishment will be located at the Ambrosi Street frontage of the property, and a walkway will lead from the rear parking lot to this entrance. An additional staff entrance is located on the south side of the building, adjacent to the entrance leading to the residential units on the second floor. A door at the rear of the building serves the rear of the ground floor commercial area.

While most of the ground floor space will be used by the prosthetic service establishment, a 40m² large commercial space at the rear of the building will be leased separately to a different tenant. Two one-bedroom apartments, each approximately 67m² in size, will be located on the second floor. Each unit has one bedroom, one bathroom, a combined living/kitchen/dining area and an east-facing balcony. The remainder of the floor will be open to below.

The building has a hipped roof with two subroofs over the living room and balcony areas of the residential units. The massing of the building is broken up with a small lean-to roof on all elevations and with roofs and supporting columns over the front and south side entrances. All roofs will be finished with dark brown asphalt shingles. The exterior finish of the walls will be brown-coloured ("sand storm") stucco, accentuated with "almond beige" window trim and dark brown ("brown suede") fascia and wooden columns. The lower sections of the columns will be finished with cultured stone, which furthermore adds to the texture of the building.

All parking stalls will be provided behind the building with access from the lane. The development requires eight parking stalls; however, there is only sufficient room for seven stalls, and the applicant wishes to pay cash in lieu of parking for one parking stall (\$3,000.00 in the Springfield/Hwy. 97 Urban Town Centre). A bicycle rack located at the Ambrosi Road frontage will provide all required bicycle parking. The front yard will be landscaped with two deciduous trees, a row of pines and junipers. A brick walkway leading from the street to the main entrance and two areas finished with flagstone furthermore add to the appearance of the front yard. Two benches, located on either side of the main entrance, will provide outdoor amenity space for staff and patrons. The side yards will be covered with landscape aggregate and opaque fences will run along the north and south property line.

The proposal meets the requirements of the C5 – Transition Commercial zone as follows:

CRITERIA	PROPOSAL	C5 ZONE REQUIREMENTS
Site Area (m ²)	690 m ²	460m ²
Site Width (m)	18.9m	13.0m
Site Depth (m)	36.4m	35.0m
Floor Area Ratio	0.39 commercial 0.197 residential 0.587	0.4 for commercial 0.2 for residential 0.6 total
Site coverage	39.6%	40%
Gross Floor Area for commercial	Max. 225 m ²	Max. 235m ² per commercial use
Height (m) / Storeys (#)	7.96m / 2 storeys	9.5m or 2 ½ storeys
Site Setbacks (m)		
- Front	4.5m	4.5m
- Rear	11.23m	6.0m
- North Side	2.3m	2.3m
- South Side	2.6m with 1.2m roof projection	2.0m
Private open space (m ²)	10.6m ² per 1-bdrm. unit	10.0m ² per 1-bdrm. unit
Landscape Buffers (m)		
- Front	5.7m of landscaping	Level 2: Minimum 3.0m of landscaping
- Rear	None ❶	Level 3: Minimum 3.0m of landscaping or fence
- North Side	Chainlink fence with opaque mesh; aggregate	Level 3: Minimum 3.0m of landscaping or fence
- South Side	Opaque fence; aggregate	Level 3: Minimum 3.0m of landscaping or fence
Bicycle Parking	Bike rack for six bicycles	Commercial: 3 Residential: 3
Parking Stalls (#)	7 ❷	Personal Service Establishment: 4.5 Office: 1 Residential: 2.5 Total: 8

Notes:

- ❶ No landscape buffer required due to parking at the rear lot line.
- ❷ The applicant provided written confirmation from the owner that cash in lieu of one parking stall would be paid to the City of Kelowna.

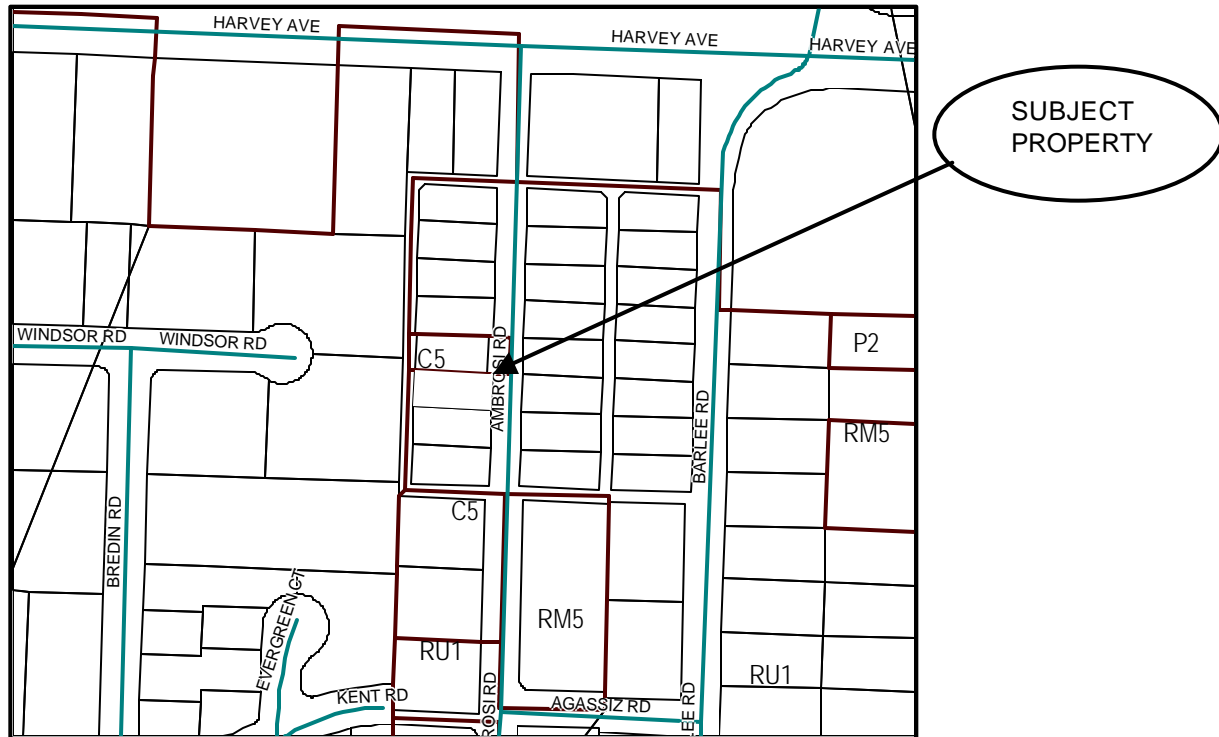
4.2 Site Context

The subject property is located in the Springfield/Highway 97 Urban Town Centre. The area is in transition from single family to multiple family residential and commercial uses. A number of older detached homes and more recent commercial developments can be found on Ambrosi Road, and several of the commercial developments include health services. A multiple family development is under construction on the east side of Ambrosi Road at the corner of Agassiz Road.

Adjacent zones and uses are, to the:

- North - C5 – Transition Commercial – Youth Counselling Centre
- East - RU1 – Large Lot Housing – Single family dwelling
- South - RU1 – Large Lot Housing – Single family dwelling
- West - C10 – Service Commercial – Trucking Company

Site Map



4.3 Existing Development Potential

The subject property is zoned RU1 – Large Lot Housing, a zone intended for single detached housing and compatible secondary uses on larger serviced urban lots.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The Official Community Plan identifies the future land use designation of the subject property as commercial, and the proposed development is consistent with this designation. The plan encourages new infill commercial and mix-use developments with parking lots located behind the buildings, such as the one proposed in this application. A vertical mix of commercial space on the lower storeys and residential space above is encouraged.

The proposed development meets many of the guidelines for General Commercial Development Permit areas. The building and its façade are designed in a manner that gives consideration to similar commercial developments on the street. By locating the

parking in the rear of the lot and using the existing lane, the potentially negative impact of surface parking is minimized.

4.4.2 City of Kelowna Strategic Plan (1992)

The proposed development is consistent with the strategy of this plan to place an emphasis on more efficiently using serviced land within existing urban areas through infill development. It furthermore meets the objective of providing a closer integration of residential, commercial and employment oriented uses within existing urban area.

4.4.3 Ambrosi Area Plan (1993)

The Ambrosi Area Plan identifies the future land use of the subject property as transition commercial. The proposed development is consistent with this designation.

5.0 TECHNICAL COMMENTS

The application has been circulated to various departments and agencies, and the following relevant comments have been submitted:

5.1 Telus

Telus will provide underground facilities to this development. The developer will be required to supply and install as per Telus policy.

5.2 Works and Utilities

The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit or the subdivision approval, but are outlined in this report for information only.

1. Domestic Water and Fire Protection

- (a) The subject site is presently serviced with 19mm diameter water, which may be retained for the proposed new development if they are of sufficient size. If larger services are required, they will be provided by the City of Kelowna at the developer's cost. New service costs will include decommissioning existing services.
- (b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.
- (c) Collect \$1,384.00 per equivalent development unit for this development's share of future Agassiz Road extension:

$$\begin{array}{rclclcl} \$1,384.00 & \times & 1 \text{ EDU} & \times & 418.6 \text{ m}^2 & = & \$2,398.54 \\ \text{EDU} & & 241.54 \text{ m}^2 & & & & \end{array}$$

If there is to be landscaping on the site, the developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

2. Sanitary Sewer

- (a) No upgrading of existing sanitary sewer is required. The existing house is serviced with a 100 mm- diameter sanitary service, which may be utilized for the proposed development. If larger services are required, they will be provided by the City of Kelowna at the developer's cost. New service costs will include decommissioning existing services.

3. Storm Drainage

- (a) Collect \$1,500.00 per acre for future upgrading of downstream drainage facilities ($\$1,500 \times 0.185 \text{ acres}$) = \$277.50
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The plan must accommodate the requirements to contain a 1 in 10-year storm event within pipes and identify overland drainage routes for a 100-year storm event with consideration for upstream water sources and downstream facility upgrading and/or provision of storm water retention facilities. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), and storm water services for each lot created and/or on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service at the developer's cost, with approval from the City drainage engineer.

4. Road Improvements

- (a) Ambrosi Road must be upgraded to a full urban standard including curb and gutter, sidewalk, piped storm drainage system including catch basins, manholes/drywells, pavement widening, landscaped boulevard complete with underground irrigation system, ornamental street lights as required and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this work for bonding purposes is \$7,800.00.
- (b) The rear lane must be upgraded to a paved commercial standard including piped storm drainage system, catch basins and drywells. The cost of this work for bonding purposes is \$19,500.00.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Dedicate 2.44-m road widening of Ambrosi Road fronting this lot.
- (b) Dedicate a 0.75m widening of the rear lane fronting on this lot.
- (c) Provide statutory rights-of-way if required for utility services.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by underground services. It is the developer's responsibility to make a servicing application with the

respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Street Lighting

Ornamental street lighting including underground ducts must be installed on all roads fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

9. Development Cost Charge Reduction Consideration

The proposed construction on Road is eligible to receive a DCC credit for a portion of the pavement widening. The amount of the DCC credit will be determined when the design engineer has submitted construction tender costs. DCC credit cannot exceed the actual DCC assessed by the City, nor shall it exceed the actual cost of construction as is substantiated by the actual construction cost.

10. Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, and in conformance with the City of Kelowna Subdivision Development & Servicing Bylaw No. 7900, the owner is eligible to apply for latecomer protection for the following:

- (a) Lane Paving.
- (b) Lane drainage works.

11. Geotechnical Report

As a requirement of this application and/or prior to issue of subdivision preliminary layout review (PLR) by the Approving Officer, the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site and overland surface drainage courses traversing across or influencing this property.
- (b) Site suitability for development; i.e. hillside, unstable soils, etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyze soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

12. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover

the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

13. Bonding and Levy Summary

(a) Bonding

Ambrosi Road frontage upgrading	\$ 7,800.00
Lane Upgrading	\$19,500.00
Total Bonding	<u>\$27,300.00</u>

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of subdivision approval or building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to 4th reading of the zone amending bylaw or issuance of a building permit.

(b) Levies

Downstream drainage	\$ 277.50
Ambrosi Area Plan assessment	\$2,398.54
Total Levies	<u>\$2,676.04</u>

NOTE: The foregoing levies if over \$5,000.00 may at the applicant's option be temporarily secured by the provision of a separate irrevocable letter of credit to cover the amount of the levy, with the understanding that the City will convert the letter of credit to cash upon final adoption of the zone amending bylaw or prior to issue of a building permit. If the applicant elects to secure the levies by an irrevocable letter of credit rather than cash, a \$50.00 non-refundable processing fee must be paid to the City upon provision of the letter of credit.

(c) Development Permit and Site Related Issues

- (d) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.
- (e) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.

(f) Access and Manoeuvrability

The site plan should illustrate the ability of an SU-9 vehicle to manoeuvre onto and off-site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

(d) Development Permit

Works and Utilities Department require all items within this rezoning application be satisfied for the approval of DP01-10051.

15. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

5.3 BC Gas

Existing gas service stub located at property line. Previous building demolished. New customer to use stub.

5.4 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law.

5.5 Inspection Services Department

.1) If there is no h/c access to the rear of the building from the parking lot than the minimum clear width for the sidewalk is 915 mm. The applicant confirmed that the clear width of the sidewalk along the south side of the building will be at least 0.915m.

.2) Second exit is required for the residential suites. The applicant addressed this issue and incorporated a second exit to the satisfaction of the Inspection Services Department.

.3) The north elevations show two windows on the top floor where no rooms are shown on the floor plans. The applicant advised that the owner of the building would like the open layout at the rear of the building with as much natural light as possible.

5.6 Parks Manager

.1) Parks Division will support under the condition that the following applies for all city lands or boulevard (BLVD) landscape:

A. Plant materials list:

- | | |
|-----------------------|-----------------------------|
| i) Latin name | iv) plant symbol key |
| ii) common name | iv) indicate existing trees |
| iii) size at planting | |

B. Plant material specifications:

- i) Deciduous Tree - caliper @300mm above rootball (min. 60mm)
- ii) Deciduous Shrub - spread (min. 450mm)
- iii) Coniferous Tree - height (min. 2.5m)
- iv) Coniferous Shrub - spread (min. 450mm)
- v) Seed/Sod Mix according to location and proposed activity use.

C. Scale of plan and north arrow clearly indicated on plan.

D. All plant materials (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by Parks Division. All materials located in BLVD to meet city standard for size and method of installation.

2. All mulch areas on private property that abut city lands to use acceptable plastic edge to prevent mulch migrating into grass blvd or sidewalks.

3. BLVD maintenance (irrigation, shrubs, ground cover, sod) is the responsibility of owner/occupant.

4. All BLVD tree maintenance is responsibility of Parks Division.

5. Planting plan to include all u/g utility locations in BLVD.

5.7 Public Health Inspector

No objection to rezoning provided that City water and sanitary sewer hook ups are made.

5.7 West Kootenay Power

WKP will provide underground electrical service to proposed development. Requested zoning requires the extension of three phase power in a pre-existing single phase zone (RU). The removal of the overhead line cannot be completed at this time nor can the required street lighting be completed. The City of Kelowna should bond with the developer to accomplish this work in the future when all lots are built in accordance with the OCP designation as transitional commercial.

5.8 Shaw Cable

Owner/contractor to supply and install conduit system as per Shaw Cable drawings and specifications.

6.0 PLANNING COMMENTS

The Planning and Development Services Department has no concerns with the proposed rezoning of this property. The proposed development is consistent with the future land use designation of the Official Community Plan, and the mixed-use building with commercial and residential space meets the urban form objectives of the OCP and the Strategic Plan. It is consistent with commercial and residential development that has occurred on Ambrosi Road in the recent past and will be a good fit for this mixed-use neighbourhood. The proposed location of the building at the street and the landscaped front yard will visually enhance the existing streetscape.

Andrew Bruce
Current Planning Manager

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

KGB
Attach.

FACT SHEET

1. **APPLICATION NO.:** Z01-1037
2. **APPLICATION TYPE:** Rezoning / Development Permit
3. **OWNER:** Four-D Ventures
 . **ADDRESS** 6 – 1960 Springfield Road
 . **CITY** Kelowna, BC
 . **POSTAL CODE** V1Y 5V7
4. **APPLICANT/CONTACT PERSON:** Axel Hilmer
 . **ADDRESS** 204 – 1823 Harvey Avenue
 . **CITY** Kelowna, BC
 . **POSTAL CODE** V1Y 6G4
 . **TELEPHONE/FAX NO.:** 860-7526 / 860-7526
5. **APPLICATION PROGRESS:**
 Date of Application: July 12, 2001
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded: N/A
 Staff Report to APC: August 2, 2001
 Staff Report to Council: September 26, 2001
6. **LEGAL DESCRIPTION:** Lot 8, Block 1, D.L. 129, ODYD, Plan 5109
7. **SITE LOCATION:** On the west side of Ambrosi Road, south of Highway 97
8. **CIVIC ADDRESS:** 1876 Ambrosi Road
9. **AREA OF SUBJECT PROPERTY:** 690m²
10. **AREA OF PROPOSED REZONING:** 690m²
11. **EXISTING ZONE CATEGORY:** RU1 – Large Lot Housing
12. **PROPOSED ZONE:** C5 – Transition Commercial
13. **PURPOSE OF THE APPLICATION:** To rezone the subject property to C5 – Transition Commercial and grant a DP for a two storey mix use building
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** 02-081-19376
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY 02-018-19377
15. **DEVELOPMENT PERMIT MAP 13.2** General Commercial DP
IMPLICATIONS

ATTACHMENTS
(Not included in electronic version of report)

- Location Map
- Site Plan
- Elevations
- Cross-section
- Floor Plans
- Landscape Plan
- Finishing materials