
CITY OF KELOWNA

MEMORANDUM

Date: July 23, 2002

File No.: DP02-0033

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. DP02-0033

OWNER: PAUL BEREZNICKI

AT: 559 TRUSWELL ROAD

APPLICANT: PAUL BEREZNICKI

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT FOR THE FORM AND CHARACTER OF A PROPOSED AN APARTMENT HOTEL

TO OBTAIN A NATURAL ENVIRONMENT DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF THE APARTMENT HOTEL AT MISSION CREEK

EXISTING ZONE: C9 – TOURIST COMMERCIAL

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. 02-0033 for Lot A, Section 1, Twp. 25, ODYD, Plan 15736, located on Truswell Road, Kelowna, B.C, 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 applicants 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;

THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued;

AND FURTHER THAT the applicant be required to register a covenant on the title of the subject property protecting the 15.0m riparian management area and saving harmless the City of Kelowna against damages from flooding.

2.0 SUMMARY

The applicant proposes to construct a ten-unit apartment hotel on Truswell Road. He has made application for a Development Permit to address both the form and character of the proposed apartment hotel, as well as natural environment conditions for the construction of the building at Mission Creek.

3.0 ADVISORY PLANNING COMMISSION

The Advisory Planning Commission reviewed the applications at their meeting of May 21, 2002, and the following recommendations were passed:

THAT the Advisory Planning Commission defer Development Permit Application No. DP02-0033, 559 Truswell Road, Lot A, Section 1, Twp. 25, ODYD, Plan 15736, Paul Bereznicki, in order for the applicant to provide revised design drawings for the 10 unit apartment hotel based on comments from the Planning and Development Services Department and from APC members.

The applicant subsequently submitted revised drawings showing changes to the building that address the concerns of the Planning and Development Services Department and APC members. These changes were considered at the APC meeting of June 4, 2002, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP02-0033, 559 Truswell Road, Lot A, Section 1, Twp. 25, ODYD, Plan 15736, Paul Bereznicki, to allow for the development of a 10 unit apartment hotel.

4.0 BACKGROUND

4.1 The Proposal

The subject site is located in the Mission Village Centre. The lot fronts onto Truswell Road and backs onto Mission Creek.

The proposed four-storey building would contain a two-car garage, as well as a games room and one wheelchair accessible unit at the ground floor. Four units would be located on the second and third floor respectively, and a three-bedroom unit on the top floor. The building would be finished with "honey-mustard" coloured stucco, as well as with rock detail on the corners. The flat mansard roof would be finished with grey asphalt shingles. The window and door frames would be wooden with mullions, stained in a light brown. The garage door would match the colour and material of the windows and doors. Balconies and sub-roofs at the front and rear elevations provide visual interest, and the vertical element of the balconies is carried down to the main floor, thereby putting emphasis on the entrance area.

Parking is provided in the two-car garage, as well as in five surface parking stalls in front of the building.

Due to its location at Mission Creek, the property is located in a Natural Environment Development Permit area and is therefore subject to the respective DP conditions. The proposed distance between the building and the natural boundary of the creek is 15.0m, as required; however, the balconies at the rear project into this required Riparian Management Area, and a Development Permit Waiver has not been granted. The applicant submitted a conceptual landscape plan, which was reviewed by the City of Kelowna's Environmental

Division. The applicant agreed to the changes proposed and submitted a new landscape plan, showing appropriate landscaping treatment along the creek.

The Ministry of Water, Land and Air Protection requires all habitable space to be located 1.5m above the High Water Mark. Therefore, the northern half of the site will have to be filled to obtain the required elevation. No filling will take place within the 15.0m Riparian Management Area.

The application meets the requirements of the C9 – Tourist Commercial zone as follows:

CRITERIA	PROPOSAL	C9 ZONE REQUIREMENTS
Lot Area (m ²)	897m ² ❶	1800m ²
Lot Width	18.3 ❶	30.0m
Lot Depth	47.1m	35.0m
Total Floor Area (m ²)	900m ²	1346m ²
F.A.R.	1.0	1.5 for apartment hotels
Height (# of storeys/m)	4 storeys / 12.6m	22.0m or 6 storeys
Setbacks (m)		
- Front	11.8m	6.0m
- Rear	15.0m	15.0m
- West Side	3.2m	3.0m
- East Side	3.7m	3.0m
Landscape Buffers		
- Front	2.0m	3.0m landscape buffer of opaque screen, no parking within 2.0m of front PL
- Rear	15.0m landscaping and additional vegetation along the creek	3.0m landscape buffer of opaque screen
- West side	3.0m landscaping and wooden fence	3.0m landscape buffer or opaque screen
- East side	3.0m landscaping and wooden fence	3.0m landscape buffer or opaque screen
Bicycle Parking	6	Class I: 0.5 per unit Class II: 0.1 per unit: Total 6
Parking Stalls (#)	7 stalls	0.5 per sleeping unit: 5 stalls

Notes

- ❶ The lot was created prior to the adoption of Zoning Bylaw No. 8000 and can therefore be used for the principal and secondary uses permitted in the C9 – Tourist Commercial zone, provided that the proposed development complies with all other regulations of the bylaw.

4.2 Site Context

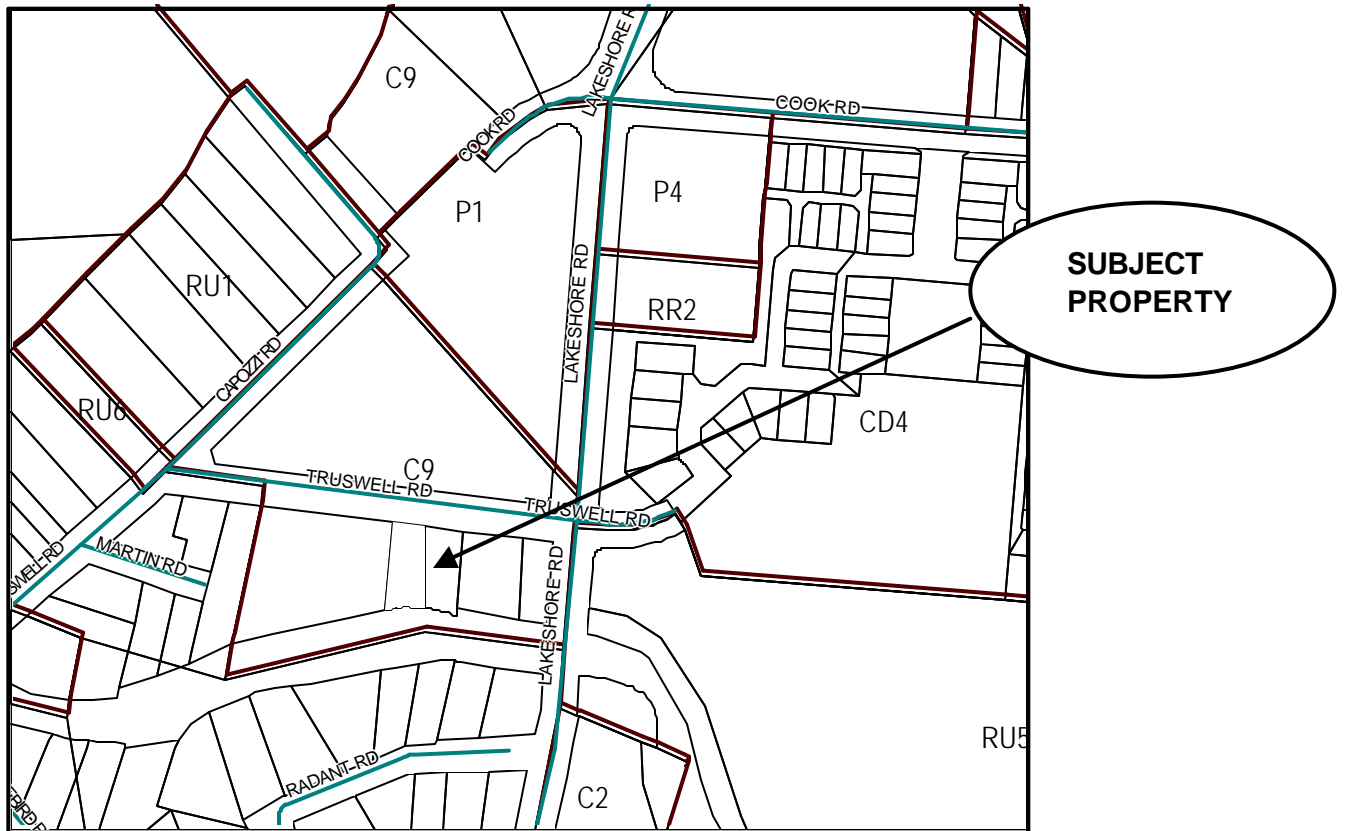
The subject site is located in the South Pandosy/KLO sector, in the Mission Village Centre. This section of Truswell Road is zoned for Tourist Commercial uses. The area east and south of the subject property is zoned for single family residential uses.

Adjacent zones and uses are to the:

North - C9 – Tourist Commercial – boat storage facility
East - C9 – Tourist Commercial – motel

South - RU1 – Large Lot Housing – single family dwellings
West - C9 – Tourist Commercial – motel

Site Map



4.3 Existing Development Potential

The property is zoned C9 – Tourist Commercial, a zone intended for the designation and preservation of land for the orderly development of commercial visitor accommodation.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The Official Community Plan designates the future land use of this site as commercial, and the proposed development is consistent with this designation.

The OCP specifies that commercial development for tourism should be considered in the Truswell Street / Capozzi Road area. Planning directions from both the OCP and the Sector Plan are for the Village Centre to be highly pedestrian-oriented. This direction implies that buildings and sites convey pedestrian-friendly qualities. In this regard the proposed project is somewhat

lacking, the overall effect being a building that is weakly connected to the public realm.

Additionally, the Sector Plan directions are for the Village Centre to be “resort”-oriented in theme and character. In this regard, the Sector Plan stipulates that the City will:

- 1) Encourage the use of bright and varied colours for building finishes in the precinct, reminiscent of warm water, ocean-front, beach resort developments (2.2). The applicant changed the colour scheme of the building to warm “honey mustard” yellow, accentuated by stained wooden windows and doors, as well as dark rock trim.
- 2) Encourage developments in the precinct to provide on-site and parking lot lighting that is similar in character, theme and application. The applicant provided lighting information. Two wall-mounted fixtures will be located on the front elevation of the building. Two free-standing fixtures on the front and one on each side of the building will lit the parking lot and the walkways to the side doors. The applicant will have to ensure that the proposed lighting does not negatively impact the abutting developments.

All elevations should be aesthetically enhanced consistent with the creation of a resort character. The applicant made changes to the original proposal and added visual interest at the front and the rear elevations. The side elevations are still lacking detail and should be enhanced.

The front door should be given greater visual emphasis and identity, although it has already been improved from the original proposal.

A clearly dedicated pedestrian path of travel from the street to the front door should be provided. This path of travel would allow vehicle access but would be detailed to convey that it is foremost a pedestrian connection to and from the street. Alternatively the entire vehicle surface, or a generously-defined area, can be treated in a visually-rich material such as concrete pavers, stamped concrete, etc, that conveys a courtyard feel and elevates the status of the pedestrian within this precinct. The applicant indicated that initially the parking lot would be paved. Over time, he wishes to make improvements to the parking lot and will consider using different materials for a pedestrian connection at that point.

4.4.2 South Pandosy / KLO Sector Plan

The plan specifies that the City of Kelowna will promote the expansion of tourist services and accommodation and recognizes the area near Lakeshore Road and Cook Road as a tourist commercial node.

5.0 TECHNICAL COMMENTS

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

5.1 Works & Utilities

1. Water and Fire Protection

Truswell Road is serviced with a 150mm-diameter AC watermain. The lot is serviced with a 19mm copper domestic service. A larger service will likely be required and can be provided at the owner's cost.

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. .

If any City of Kelowna water will be used for irrigation on this site after the site is connected to City of Kelowna sanitary sewer, then an "irrigation sewer credit meter" must also be purchased from the City and installed on the irrigation branch line. This development will have to be billed for sewer-use as a commercial account. (Sewer-use charge by metered consumption).

2. Sanitary Sewer

This parcel has been serviced with a 100mm PVC sanitary service complete with an inspection chamber at property line. The service should be large enough for this development and can be retained. If a larger service is required, it can be provided at the owner's cost.

3. Storm Drainage

There are no existing Storm Drainage Systems on Truswell Road in the vicinity of this property. A storm drainage service will not be requested for the proposed development. A ground recharge will be needed for site drainage disposal. A non-basement building will likely be necessary. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot. The applicant provided a lot grading plan addressing drainage issues. A few minor changes to the plan will be required; these can be addressed at the Building Permit stage.

4. Road Improvements

Truswell Road must be upgraded to a full urban standard (SS-R7) including curb and gutter, separate sidewalk, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.

5. Road Dedication and Development Requirements

By registered plan to provide the following:

- Grant statutory rights-of-way if required for any utility services.
- Additional dedication if required along the creek frontage.

- The building permit must stipulate that a 15.0m wide building setback be provided for any building structure.

6. Electric Power and Telecommunication Services

Overhead services are permitted but not recommended for this site.

7. 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.

8. Development Cost Charge Reduction Consideration

Not applicable to this development

9. Geotechnical Report

As a requirement of this application the applicant must provide a modified geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- Area ground water characteristics, including water sources on the site and overland surface drainage courses traversing across or influencing this property.
- Site suitability for development; i.e. unstable soils, and any special requirements for construction of driveways, utilities and building structures.
- Recommendations for erosion and sedimentation controls for water and wind.
- 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.
- Suitability of on-site disposal of storm water including effects upon adjoining lands and recommendations for roof drains and perimeter drains

10. 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.

11. Other Engineering Comments

The City wishes to defer the construction of urban upgrading on Truswell Road, which is premature at this time. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to be \$16,500.00, not including utility service costs.

12. Bonding and Levy Summary

Bonding

Road frontage upgrades.	\$16,500.00
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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 building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

13. Development Permit and Site Related Issues

- The developer must obtain the necessary permits required for development
- Provide a lot grading plan

14. 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.

5.2 Ministry of Water, Land and Air Protection

Any proposed buildings or structures on the property be no lot less than fifteen metres from the natural boundary of Mission Creek. The underside of the floor system of any area used for habitation or storage of goods damageable by flood water should be no less than 1.5m above the natural boundary of Mission Creek. Further, no area below the required elevation should be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater.

The Environmental Stewardship Division notes that the 15.0m setback as proposed is the absolute minimum setback from the creek. The relaxation from 30.0m as recommended in the Federal/Provincial Land Development Guidelines for the protection of Aquatic Habitat is usually subject to habitat mitigation, such as vegetation plantings along the creek. As mitigation, denser plantings with indigenous plant species and the use of vegetation ground cover instead of river cobble within 5.0m of Mission Creek is recommended. Existing vegetation on and adjacent to the stream banks is to be disturbed as little as possible .

During construction, preventative measures must be in place to prevent the discharge of materials into Mission Creek. A no disturb area adjacent to the creek should be established and protected with a silt fence, located 5.0m from the top of bank. The standards for sediment and erosion control outlined in the jointly published BC Environment/ Fisheries and Oceans Canada "Land Development Guidelines for the Protection of Aquatic Habitat" must be adhered to. All works must be undertaken and completed in such a manner as to prevent the release of silt, sediment or sediment-

laden water, raw concrete or concrete leachate, or any other deleterious substances into any ditch, watercourse, ravine or storm sewer system. Bark mulch, hog fuel or other woodwaste material cannot be used within 15.0m of Mission Creek.

Any storm water accumulated on site should first be infiltrated on site, then any surplus storm water discharged to the existing storm water infrastructure. All storm water discharged to Mission Creek must be treated to remove any materials deleterious to fish and fish habitat.

Any proposed works effecting fish habitat (instream and stream bank activities) must be authorized by an Approval under the Water Act issued by this ministry.

5.3 Fire Department

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

5.4 Environment Manager

A DP Waiver for the proposed development has been denied, due to the projection of balconies into the required riparian management area. The applicant has therefore made application for both a Natural Environment DP and for the form and character of the building.

As part of the DP, a landscape plan and bonding for 125% of the estimated landscaping costs are required. The conceptual landscape plan submitted with this application was reviewed by the Environment Division, and the applicant has made the required changes to the plan to reflect proper planting within the riparian management area.

5.5 Parks Manager

1. Potential Mission Ck trail extension: please ensure appropriate section of OCP and KLO/Pandosy Sector Plans outlining trail development reviewed to ensure the potential for trail development is not compromised. The proposed development is outside of the 15.0 riparian management area. The riparian management area will be protected by covenant registered on title.
2. All entry feature signs for the proposed development to be located on private property and not on city Blvd. This includes any landscape treatment.

Landscape Plan Requirements:

3. The following applies for all boulevard (BLVD) landscape on city ROW and is standard information required on a landscape plan:
 - A. Planting plan to include a plant materials list:
 - i) Latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - v) indicate existing trees
 - vi) indicate existing trees to be removed
 - B. Minimum plant material specifications for blvds. as follows:
 - 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. Shrub beds require plastic edge beside all areas abutting a city sidewalk or city land to prevent migration of mulch.
 - D. Scale of plan and north arrow clearly indicated on plan.
 - E. Planting plan to include all u/g utility locations in BLVD.
4. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
 5. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
 6. BLVD tree maintenance is responsibility of Parks Division.
 7. Planting plan to include all u/g utility locations in BLVD.
 8. All trees planted in sidewalk and not in grass Blvd will require a vault and grate and/or root shield barriers. All trees in grass Blvd to use root shield barriers beside concrete infrastructure.
 9. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
- Planting plan to include all u/g utility locations in boulevard.

5.6 BC Gas

Gas is available to this property.

5.7 Telus

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

5.8 Shaw

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

6.0 PLANNING COMMENTS

The Planning and Development Services Department has no concerns with the proposed use of the subject property for an apartment hotel. The applicant significantly improved the design of the building from the initial proposal, and the building does show architectural detailing at the front and the rear. Stepping back the third and fourth floor to reduce the massing of the building and the impact of its height on abutting two-storey buildings would have been more desirable. In addition, the location of the parking and garbage enclosure at the front is not ideal, however, it is acknowledged that a different layout on this site may be difficult due to the narrow width of the lot.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

KGB
Attach.

FACT SHEET

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|-----|---|---|
| 1. | APPLICATION NO.: | DP02-0033 |
| 2. | APPLICATION TYPE: | Development Permit |
| 3. | OWNER: | Paul Bereznicki |
| | ADDRESS | 3989 Bluebird Road |
| | CITY | Kelowna, BC |
| | POSTAL CODE | V1W 1X7 |
| 4. | APPLICANT/CONTACT PERSON: | As above |
| | ADDRESS | |
| | CITY | |
| | POSTAL CODE | |
| | TELEPHONE/FAX NO.: | (250) 212-6267 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application: | April 25, 2002 |
| | Date Application Complete: | |
| | Servicing Agreement Forwarded to Applicant: | |
| | Servicing Agreement Concluded: | |
| | Staff Report to APC: | May 15, 2002 |
| | Staff Report to Council: | July 24, 2002 |
| 6. | LEGAL DESCRIPTION: | Lot A, Section 1, Twp. 25, ODYD, Plan 15736 |
| 7. | SITE LOCATION: | Mission Village Centre, east of Lakeshore Road on the south side of Truswell Road |
| 8. | CIVIC ADDRESS: | 559 Truswell Road |
| 9. | AREA OF SUBJECT PROPERTY: | 897m" |
| 10. | EXISTING ZONE CATEGORY: | C9 – Tourist Commercial |
| 11. | TYPE OF DEVELOPMENT PERMIT AREA: | Village Centre DP |
| 13. | PURPOSE OF THE APPLICATION: | To construct a 10 unit apartment hotel |
| 14. | MIN. OF TRANS./HIGHWAYS FILES NO.: | N/A |
| | NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | |
| 15. | DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | |
| | Village Centre DP Area | Mandatory DP |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Landscape Plan