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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** September 23, 2002  
**File No.:** Z02-1025 / DP02-1051

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

APPLICATION NO. DP02-1051                      OWNER: DONALD AND SHARIFAH LUTTMER

AT: 926 LAWRENCE AVENUE                      APPLICANT: DONALD AND SHARIFAH LUTTMER

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT FOR THE FORM AND CHARACTER OF A FOUR-PLEX

EXISTING ZONE: RU6 – LARGE LOT HOUSING

PROPOSED ZONE: RM1 – FOUR-PLEX HOUSING

REPORT PREPARED BY: KIRSTEN G. BEHLER

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**1.0    RECOMMENDATION**

THAT Final Adoption of Zone Amending Bylaw No. 8901 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP02-0051 for the west 70.55 feet of Lot 6, D.L. 138, ODYD, Plan 262, except Plan B7988, located on Lawrence Avenue, 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;

AND 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.

## 2.0 SUMMARY

The applicants propose to construct a four-plex on the subject property. They have made application to rezone the property from the RU6 – Two Dwelling Housing zone to the RM1 – Four-Plex Housing zone. The rezoning application received second and third reading by Council on September 17, 2002. Final adoption of the zone amending bylaw was made subject to Council's consideration of a Development Permit to address the form and character of the proposed four-plex.

## 3.0 ADVISORY PLANNING COMMISSION

The Advisory Planning Commission considered the applications at their meeting of July 9, 2002, and passed the following recommendation:

That the Advisory Planning Commission support rezoning application No. Z02-1025, 926 Lawrence Avenue, the west 70.55 feet of Lot 6, Block 55, D.L. 138, ODYD, Plan 262 except Plan B7988, Donald and Sharifah Luttmmer, to rezone the property from the RU6 – Two Dwelling Housing to RM1 – Four-Plex Housing zone in order to facilitate the development of a residential four-plex;

And that the Advisory Planning Commission support development permit application DP02-0051, 926 Lawrence Avenue, the west 70.55 feet of Lot 6, Block 55, D.L. 138, ODYD, Plan 262 except Plan B7988, Donald and Sharifah Luttmmer, to allow for the development of a residential four-plex.

## 4.0 BACKGROUND

### 4.1 The Proposal

The subject site is located in the Central City, east of Ethel Street, on the north side of Lawrence Avenue. The applicants wish to develop a four-plex on the site, which is currently vacant. The existing zone is RU6 – Two Dwelling Housing, and the applicants are requesting a rezoning to RM1 – Four-Plex Housing.

The four-plex would be oriented towards Lawrence Avenue, with parking located at the rear lane. The ground floor will contain two two-bedroom units, and two three-bedroom units will be located on the second floor. Each unit will have a main entrance at ground level. Furthermore, each unit will have a rear access to the shared garden and a small covered porch or patio.

The front elevation of the building is rich in architectural detail. Each individual entrance has a sub-roof supported by wooden columns with rock detail. The windows have mullions and decorative shutters. The building will be finished with tan-coloured textured vinyl siding. In addition, grey stone material will be used at the base of the building and the columns. The three gables will be finished with burgundy-coloured shingles. While the front elevation has a large amount of detail to create visual interest, the side and rear elevations were initially lacking detail. The applicants considered architectural features that would break up the massing of these elevations and subsequently added horizontal trim, window details and a rock base to the side elevations. The rear elevation has been enhanced with horizontal trim and trellises.

The property will be landscaped with a number of perennials and shrubs, as well with flower beds for annuals. The rear yard includes an open lawn area, which can be used as open space by the tenants of the building. A fence will be placed along the east property line, whereas the existing row of trees at the west property line will be enhanced with additional cedar trees.

The application meets the requirements of the RM1 – Four-Plex Housing zone as follows:

CRITERIA	PROPOSAL	RM1 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	837m <sup>2</sup>	700m <sup>2</sup>
Lot Width	21.5m	20.0m
Lot Depth	39.5m	30.0m
F.A.R.	0.54%	0.6
Site coverage	28% for building 43% with parking	40% for buildings 50% with parking and driveways
Height (# of storeys/m)	2 storeys	2 ½ storeys / 9.5m
Setbacks (m)		
- Front	4.5m	4.5m
- Rear	18.0m	7.5m
- West Side	2.5m	2.5m
- East Side	2.5m	2.5m
Landscape Buffer		
- North	Parking area	Level 3: 3m landscape buffer or fence
- South	4.5m landscaping	Level 2: 3m landscape buffer
- East	fence	Level 3: 3m landscape buffer or fence
- West	Existing trees and cedar hedge	Level 3: 3m landscape buffer or fence
Private Open Space	27m <sup>2</sup> approx. per unit	25m <sup>2</sup> per dwelling unit
Parking Stalls (#)	7	7 stalls

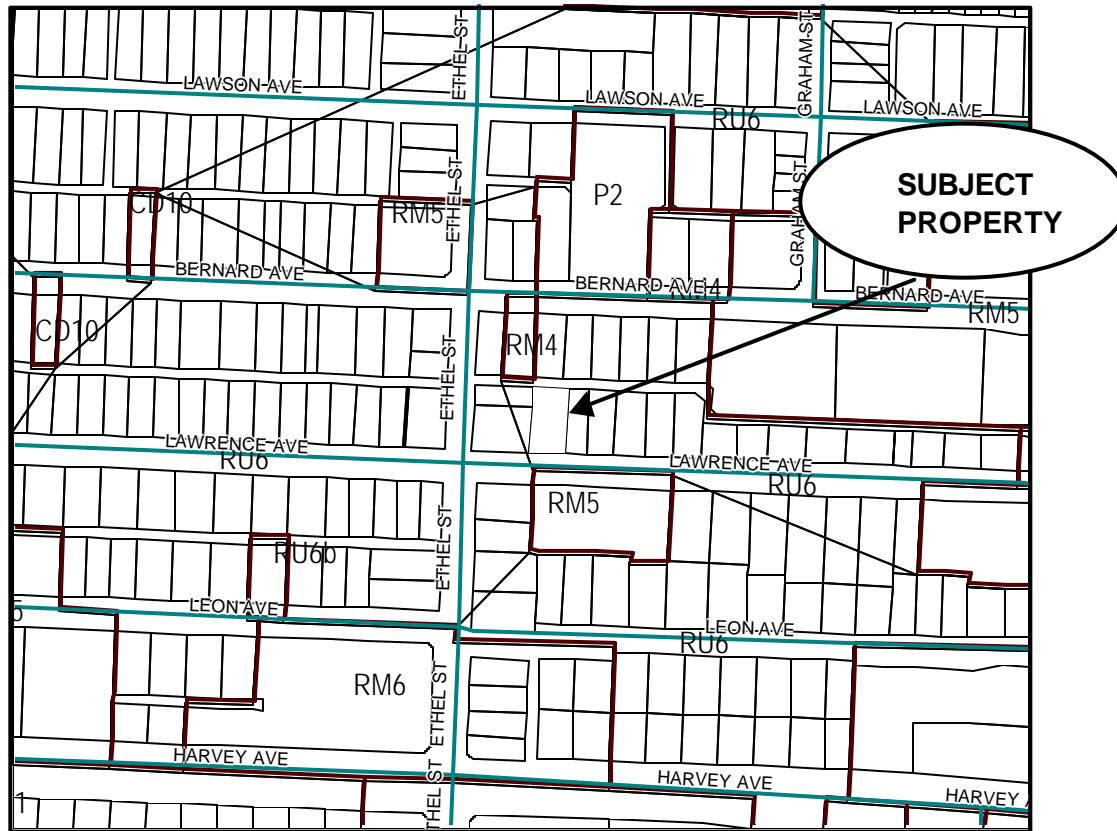
#### 4.2 Site Context

The subject site is located in the Central City in the North End Neighbourhood, east of Ethel Street, on the north side of Lawrence Avenue. Many properties in this area are zoned RU6 – Two Dwelling Housing. However, the area has experienced a significant amount of change, and several apartment housing developments can be found on RM5 – Medium Density Multiple Housing zoned lots on Lawrence and Bernard Avenues.

Adjacent zones and uses are to the:

- North - RU6 – Two Dwelling Housing – Single detached dwelling
- East - RU6 – Two Dwelling Housing - Single detached dwelling
- South - RM5 - Medium Density Multiple Housing – Three-storey apartment building
- West - RU6 – Two Dwelling Housing - Single detached dwelling

## Site Map



### 4.3 Existing Development Potential

The property is zoned RU6 – Two Dwelling Housing, a zone intended for the development of a maximum of two dwelling units in the form of single detached, duplex, or semi-detached housing or single detached housing with secondary suites.

### 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 Medium Density Multiple Family Residential. The proposed development of the subject property is not consistent with this designation, since it would yield lower densities than envisioned in the OCP. An OCP amendment, however, is not required, since the applicants do not wish to exceed the densities permitted under the Medium Density designation.

The application meets many of the guidelines for Multiple Unit Development listed in the Official Community Plan. The landscaping complements the building's architectural features. The building is street-oriented and includes a number of architectural features encouraged by the OCP, such as sub-roofs.

#### 4.4.2 Heritage Management Plan (1995)

The 1995 Heritage Management Plan identifies the 700-800 blocks of Bernard Avenue and the 700-1000 blocks Lawrence Avenues as a potential Heritage Conservation Area. The intent of establishing a Heritage Conservation Area would be to achieve the residential density potential established by the OCP, while promoting the conservation of the area's character and significant heritage buildings. Property owners within this area have recently been surveyed regarding their feelings on the potential establishment of this area as a Heritage Conservation Area. The response rate was low, making it difficult to assess their feelings. Long Range Planning staff will be forwarding a report to Council that will summarize the survey results and identify the planning and administrative issues related to establishing the area as a Heritage Conservation Area. Included in the report will be a recommendation from both staff and the Community Heritage Commission regarding the potential establishment of the area as a Heritage Conservation Area. Council will be asked to respond to these recommendations by deciding whether or not the City should proceed with drafting a bylaw to establish the area as a Heritage Conservation Area.

In the absence of Council's decision on this matter, it is worth noting that the proposed development would not impact any buildings listed in the Kelowna Heritage Register, and, based on the elevations submitted with the Development Permit application, would not have a negative impact on the heritage character of the area.

### 5.0 TECHNICAL COMMENTS

#### 5.1 Works & Utilities

The Works & Utilities Department has the following requirements associated with this application to rezone from RU6 to RM1.

##### .1 Domestic Water and Fire Protection

- (a) The existing water distribution and fire protection system in this vicinity is sufficient to support the proposed development.
- (b) The existing lot is serviced with a small diameter copper water service, which is not sufficient for the proposed development. A new larger water service can be provided at the applicant's cost.
- (c) Decommissioning and removal of any unused water service will be at the applicant's cost.
- (d) When the new larger water service is installed, the applicant will be required to pay the City for a new water meter of appropriate size.
- (e) The new water meter must be installed at the service inlet and inside the new building.

.2 Sanitary Sewer

- (a) The existing sanitary sewer system on Lawrence Avenue is sufficient to support the proposed development.
- (b) The existing lot is serviced with a 100mm-diameter sanitary sewer service, which should be adequate for the proposed application. If the existing sanitary service is retained, an inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw. If a larger sanitary sewer service is required, it can be provided at the owner's cost.
- (c) Decommissioning and removal of any unused sanitary service will be at the applicant's cost.

.3 Storm Drainage

- (a) The existing storm sewer system on Lawrence Avenue is sufficient to support the proposed development.
- (b) The existing lot is not serviced with a storm sewer connection. A storm sewer service of adequate size can be provided at the owner's cost.
- (b) Provide a lot grading plan identifying the minimum basement elevation (MBE), on-site drainage containment and disposal systems.

.4 Road Improvements

- (a) Lawrence Avenue must be upgraded to a full urban standard including curb and gutter, catchbasins, fillet pavement, filler sidewalk-interlocking block, landscaped boulevard, and adjustment and / or re-location of existing utility appurtenances if required to accommodate this construction. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be \$10,600.00, not including utility service costs
- (b) The rear lane has been upgraded to a paved standard. No further upgrades are required.

.5 Road Dedication

By registered plan to provide the following:

- (a) Grant 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. The existing building and the proposed new building must be connected by an underground service. 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 Geotechnical Report

As a requirement of this application and / or prior to issue of a building permit, 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.
- (b) Site suitability for development; i.e. 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.

.8 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.

.9 Development Permit and Site Related Issues

- (a) The on-site parking area must be paved complete with a drainage collection system installed.
- (b) 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.

.10 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 BC Gas

Gas is available from Lawrence Ave. The customer is responsible for application for gas service and costs of any alterations to the existing gas service.

5.3 Fire Department

Fire department access and hydrants as per the B.C. Building Code and City of Kelowna Subdivision By-law. Engineered fire flows will be required. A hydrant is required within 90m of principal entrance.

5.4 Shaw

Developer/contractor to supply/install conduit system as per Shaw drawings & specifications.

5.5 Telus

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

5.6 ANC

ANC will provide underground electrical service to proposed development on behalf of City of Kelowna.

6.0 PLANNING COMMENTS

The Planning and Development Services Department has no concerns with the proposed form and character of the development. The building is well designed and incorporates many design features that are encouraged by the Multiple Unit Residential design policies found in the OCP. The applicant is strongly encouraged to carefully assess the lighting of the property, especially the walkway between the rear parking area and the building, in order to ensure residents' and visitor's safety after dark. In addition, Community Planning has concerns that none of the units are accessible to persons in wheelchairs. The accessibility of the lower units could be improved by dropping the entrance to the street level and by incorporating certain design features at minimal cost at the construction phase, such as wider hallways and doorways.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion ☐

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

KGB  
Attach.

**FACT SHEET**

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|-----|---|---|
| 1.  | <b>APPLICATION NO.:</b>   | DP02-0051   |
| 2.  | <b>APPLICATION TYPE:</b>  | Rezoning and Development Permit application                               |
| 3.  | <b>OWNER:</b>   | Donald and Sharifah Luttmmer  |
|     | · <b>ADDRESS</b>  | 4524 Walker Road  |
|     | · <b>CITY</b>   | Kelowna, BC   |
|     | · <b>POSTAL CODE</b>  | V1W 2Z1   |
| 4.  | <b>APPLICANT/CONTACT PERSON:</b>                                      | As above  |
|     | · <b>ADDRESS</b>  |   |
|     | · <b>CITY</b>   |   |
|     | · <b>POSTAL CODE</b>  |   |
|     | · <b>TELEPHONE/FAX NO.:</b>   | 764-4521 / same   |
| 5.  | <b>APPLICATION PROGRESS:</b>  |   |
|     | <b>Date of Application:</b>   | June 6, 2002  |
|     | <b>Date Application Complete:</b>                                     |   |
|     | <b>Servicing Agreement Forwarded to Applicant:</b>                    |   |
|     | <b>Servicing Agreement Concluded:</b>                                 | July 4, 2002  |
|     | <b>Staff Report to APC:</b>   | September 20, 2002  |
|     | <b>Staff Report to Council:</b>                                       |   |
| 6.  | <b>LEGAL DESCRIPTION:</b>   | The West 70.55 feet of Lot 6, D.L. 138, ODYD, Plan 262, except Plan B7988 |
| 7.  | <b>SITE LOCATION:</b>   | Central City, east of Ethel Street, on the north side of Lawrence Avenue  |
| 8.  | <b>CIVIC ADDRESS:</b>   | 926 Lawrence Avenue   |
| 9.  | <b>AREA OF SUBJECT PROPERTY:</b>                                      | 837m"   |
| 10. | <b>EXISTING ZONE CATEGORY:</b>  | RU6 – Two Dwelling Housing  |
| 11. | <b>TYPE OF DEVELOPMENT PERMIT AREA:</b>                               | Urban Centre DP   |
| 13. | <b>PURPOSE OF THE APPLICATION:</b>                                    | To obtain final rezoning and a Development Permit for a four plex         |
| 14. | <b>MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                             |   |
|     | <b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> |   |
| 15. | <b>DEVELOPMENT PERMIT MAP 6-2 IMPLICATIONS</b>                        |   |
|     | General Multiple Unit DP  | Mandatory DP  |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plan
- Elevations
- Floor plans
- Colour renderings
- Landscape plan