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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** April 9<sup>th</sup>, 2003  
**File No.:** DP02-0104/DVP02-0105

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

APPLICATION NO. DP02-0104/ OWNER: Walter and Lidia Baumgart  
DVP02-0105  
AT: 952-962 Lawson Ave. APPLICANT: Walter and Lidia Baumgart

PURPOSE: CONSTRUCTION OF 12 UNIT TOWNHOUSE DEVELOPMENT  
VARY MAXIMUM ALLOWABLE SITE COVERAGE FROM 50%  
TO 51.0% PROPOSED

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Final Adoption of Zone Amending Bylaw No. 8956 be considered by Council;

AND THAT Council authorise the issuance of Development Permit No. DP02-0104 for Lot A, DL 138, Plan 4491, ODYD and Lot B, DL 138, Plan 4491, ODYD, located on Lawson 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 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 professional landscaper;
5. The applicant be required to complete the required lot consolidation and road dedications;

AND THAT Council authorise the issuance of Development Variance Permit No. DVP02-0105; Lot A, DL 138, Plan 4491, ODYD and Lot B, DL 138, Plan 4491, ODYD, located on Lawson Avenue, Kelowna, B.C.;

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

**Section 13.9 – Low Density Multiple Housing: Subsection 13.9.5 (b):**

Vary the maximum site coverage of buildings, driveways and parking areas from 50.0% permitted to 51.0% proposed.

AND FURTHER 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 ADVISORY PLANNING COMMISSION**

At the regular meeting of November 26, 2002 it was resolved:

That the Advisory Planning Commission supports Rezoning Application No. Z02-1051, 952/962 Lawson Avenue, Lots A & B, Plan 4491, Sec.19, Twp. 26, ODYD, by Walter & Lidia Baumgart to rezone from the RU6-Two Dwelling Housing zone to the RM3-Low Density Multiple Housing zone in order to allow for 16 single unit row houses;

That the Advisory Planning Commission not support Development Permit Application No. DP02-0104, 952/962 Lawson Avenue, Lots A & B, Plan 4491, Sec.19, Twp. 26, ODYD, by Walter & Lidia Baumgart to rezone from the RU6-Two Dwelling Housing zone to seek a Development Permit to construct a 16 unit townhouse development.

As a result of the Advisory Planning Commission not supporting the Development Permit Application, there is no recommendation for Development Variance Permit Application DVP02-0105.

\*Note: The Applicant revised the plan and resubmitted it for consideration by the Advisory Planning Commission as an information item only. The Advisory Planning Commission commented that applicant should reconsider placing entry doors next to the garage doors.

**3.0 SUMMARY**

The applicant is seeking to rezone the subject properties from RU1 – Large Lot Housing to RM3 – Low Density Multiple Housing. In addition the applicant is seeking a Development Permit for a 12-unit townhouse development and a Development Variance Permit to vary the maximum allowable site coverage from 50% required to 51.0% proposed.

**4.0 BACKGROUND**

**4.1 The Proposal**

The subject property is located on the north side of Lawson Avenue between Ethel and Graham Streets. The applicant is proposing to rezone the property from RU6 – Two Dwelling Housing to RM3 – Multiple Housing to accommodate a proposed 12 unit townhouse development. Three sets of units will face each other on east and west sides

at the front of the property while another six units will span the rear of property. The configuration will allow for a “T” shaped access. The proposed units have an enclosed garage area and utility room at grade and a living area above. Six units will have two-car garages and six will have single car garages. A small mezzanine area will also be located in a half storey above the living area (second bedroom). The applicant has opted to replace the balconies originally planned for the outer facing facades of the units at the front of the property (facing east/west) in favour of bay windows. The units facing north at the rear of the property will however have balconies facing towards Knox Mountain.

The façade of the proposed development will be finished with horizontal vinyl siding and black asphalt shingles will be used as the roofing material. The base of the façade will be anchored with a cultured stone feature. A gabled roof feature will be used to frame the entry of each unit and the applicant has used a series of peaks and dormers to vary the roofline of all three buildings. The applicant is proposing to accent the windows on the outer facing elevations of each building with shutters. A broken “eyebrow” roof feature located between the first and second storey creates a visible transition between the two levels.

The application meets the requirements of the RM3 zone as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	2139m <sup>2</sup>	900m <sup>2</sup>
Lot Width (m)	37.8m	30.0m
Lot Depth (m)	54.9	30.0m
Site Coverage (%)❶	51.0%(Buildings and Parking)	50%(Buildings and Parking)
Floor Area (m <sup>2</sup> )	678.6m <sup>2</sup>	N/A
Floor Area Ratio (FAR)	0.66	0.5 (additional 0.2% for screened parking under the living areas)
Parking Spaces	20	18
Bicycle Parking Class 1	8	8
Bicycle Parking Class 2	2	2
Storeys (#)	2.5	2.5
Setbacks (m)		
- Front	7.6m	4.5m
- Rear	5.86m	4.5m
- Side Yard East	4.9m	4.5m
- Side Yard West	4.9m	4.5m
Useable Private Open Space	490m <sup>2</sup>	300m <sup>2</sup>

- ❶ Applicant wishes to vary maximum allowable site coverage for buildings and parking from 50% to 50.5% proposed.

#### 4.2 Site Context

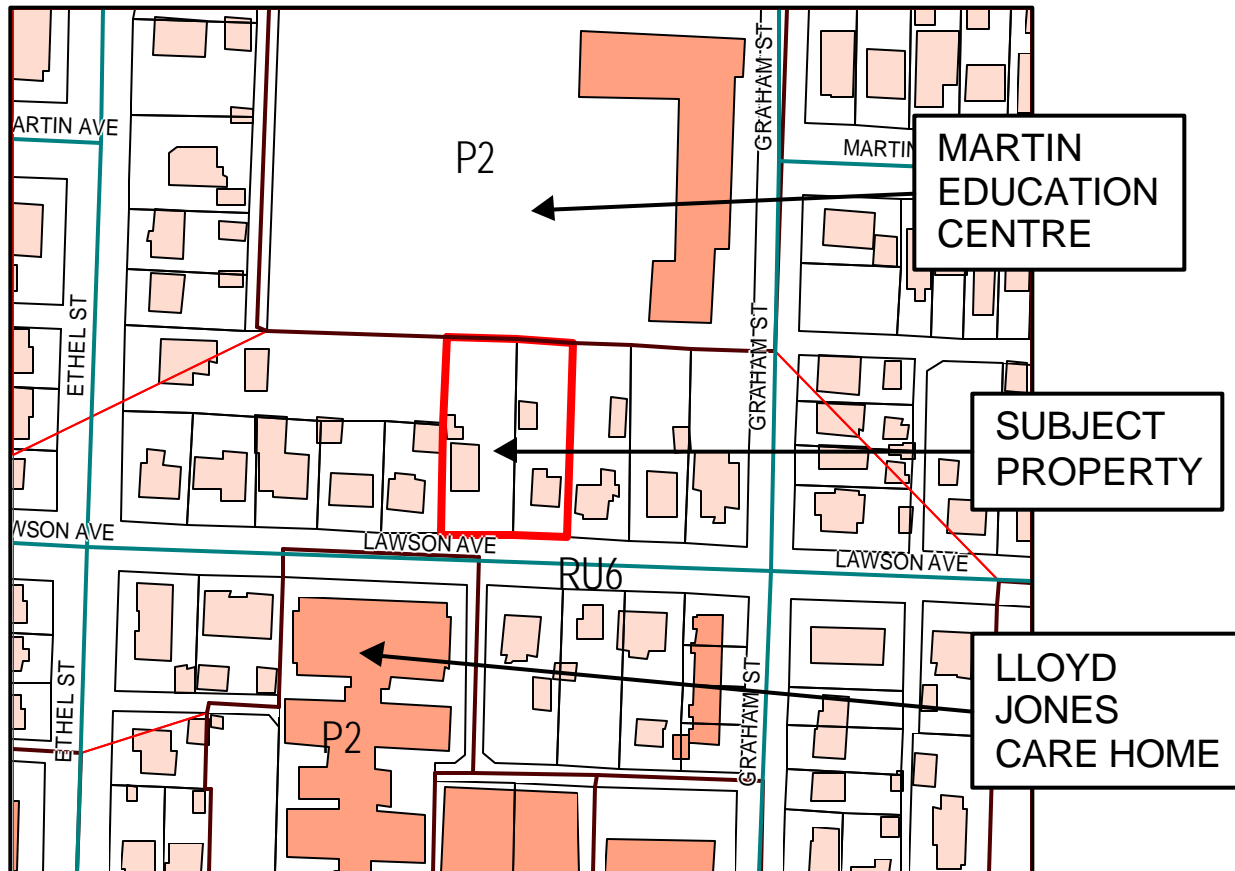
The subject properties are located on the north side of Lawson Avenue between Ethel and Graham Streets.

Adjacent zones and uses are:

- North - P2- Education and Minor Institutional – The Martin Education Centre
- East - RU6 – Two Dwelling Housing – Single Family Dwelling
- South - RU6 – Two Dwelling Housing – Single Family Dwelling
- West - RU6 – Two Dwelling Housing – Single Family Dwelling

#### 4.3 Site Location Map

Subject Properties: 952-962 Lawson Avenue



#### 4.4 Existing Development Potential

The subject properties are currently zoned RU6. The purpose of this zone is to provide for 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. Developments of more than two dwelling units are not permitted in the RU6 zone.

#### 4.5 Current Development Policy

##### 4.5.1 Kelowna Official Community Plan

The subject properties are designated multi-family low-density in the Kelowna Official Community Plan future land-use designation. The proposal is consistent with this future land-use designation.

##### 4.5.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and redevelopment within existing urban areas and to provide for increased densities within future urban areas. In addition it recommends redeveloping transitional areas to increase densities for more efficient use of existing land. Furthermore it is noted that the City will emphasise a density of development higher than presently occurring to allow for more efficient use of the land.

## 5.0 TECHNICAL COMMENTS

### 5.1 BC Gas

Records indicate live gas service to #962 – would require abandonment or billable alteration before development proceeds.

### 5.2 Fire Department

The access road (drive) does not appear to meet BCBC for minimum width for fire department access. The proposed split access from Lawson should supply a minimum 12-foot opening on each side. Engineered fire flows will be required. If gates are installed, a fire department lock box, with over-ride switch inside, should be installed.

\*Note: Site Plan revised to address this concern.

### 5.3 Inspection Services

Garbage bins, recycling bins not addressed on site plan.

\*Note: Site Plan revised to address this concern.

### 5.4 Land Agent

There is no turn around “T” for visitors and service vehicles.

\*Note: Plan revised to address this comment.

### 5.5 School District No. 23

Support of family developments recommended to keep inner city schools viable.

### 5.6 Shaw Cable

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

## 5.7 Works and Utilities

### 5.7.1 Domestic Water and Fire Protection

The existing 150mm-diameter water distribution and fire protection system in this vicinity is not sufficient to support the proposed development.

Upgrade the existing watermain on Lawson Avenue from the existing hydrant fronting this development to the watermain on Graham Street. The estimated cost of this work for bonding purposes is \$38,100.00

The existing 2 lots are serviced with small diameter copper water services, which are not sufficient for the proposed development. A new larger water service can be provided at the applicant's cost.

Decommissioning and removal of both unused water services by City crews will be at the applicant'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).

### 5.7.2 Sanitary Sewer

The existing sanitary sewer system on Lawson Avenue is sufficient to support the proposed development.

The existing 2 lots are serviced with 100mm-diameter sanitary sewer services, which are not adequate for the proposed application. A larger sanitary sewer service is required and can be provided at the applicant's cost.

Removal and capping of existing unused sanitary services by City crews will be at the applicant's cost.

### 5.7.3 Storm Drainage

There are no existing Storm Drainage Systems on Lawson Avenue in the vicinity of this property. A storm drainage service will not be requested for

the proposed development. A ground recharge system will be needed for site drainage disposal. Non-basement buildings 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.

Provide a lot grading plan identifying the minimum basement elevation (MBE), on-site drainage containment and disposal systems.

#### 5.7.4 Road Improvements

Lawson Avenue must be upgraded to a full urban standard (SS-R7) including curb and gutter, catch basins, Drywells. 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 \$17,200.00, not including utility service costs

#### 5.7.5 Road Dedication

By registered plan to provide the following:

Grant statutory rights-of-way if required for utility services.

Provide an additional highway allowance widening of 3.14 m for the widening of Lawson Avenue.

#### 5.7.6 Electric Power and Telecommunication Services

The electrical and telecommunication services to these buildings as well as the local distribution wiring must be installed in an underground duct system. 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.

#### 5.7.7 Geotechnical Report

As a requirement of this application and / or prior to issue of a building permit, 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.

Site suitability for development; i.e. unstable soils, etc.

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, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

Suitability of on-site disposal of storm water including effects upon adjoining lands and recommendations for roof drains and perimeter drains

#### 5.7.8 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.

#### 5.7.9 Development Permit, Variance and Site Related Issues

The required road dedication will effect building setbacks and allowed site coverage.

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

The site plan should illustrate the ability of an SU-9 standard size vehicle to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.

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.

#### 5.7.10 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.



## 6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services had several concerns with the character of the proposed development and met with the applicant to recommend several changes. These included the addition of further detail to the Lawson Avenue frontage and the break-up of the roofline possibly with dormers or a similar feature. It was also recommended that the applicant reduce the size of the small landscaped median at the entrance to the development, to facilitate access to the garages of the adjacent units. The applicant has responded to staff's suggestions and the result is visible in the revised plans.

The Planning and Development Services Department has no further concerns with the proposed development.

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Andrew Bruce  
Current Planning Manager



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

RWS  
Attach.

## FACT SHEET

1. **APPLICATION NO.:** DP02-0104/DVP02-0105
2. **APPLICATION TYPE:** Development Permit/  
Development Variance Permit
3. **OWNER:** Baumgart, Walter and Lidia  
· **ADDRESS** PO Box 89  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1Y 7N3
4. **APPLICANT/CONTACT PERSON:** Baumgart, Walter and Lidia  
· **ADDRESS** PO Box 89  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1Y 7N3  
· **TELEPHONE/FAX NO.:** (250) 769-0661
5. **APPLICATION PROGRESS:**  
Date of Application: November 6, 2002  
Date Application Complete: November 6, 2002  
Servicing Agreement Forwarded to Applicant: N/A  
Servicing Agreement Concluded: N/A  
Staff Report to Council: April 29<sup>th</sup>, 2003
6. **LEGAL DESCRIPTION:** Lot A, DL 138, Plan 4491, ODYD  
Lot B, DL 138, Plan 4491, ODYD
7. **SITE LOCATION:** The subject properties are located on the north side  
Lawson Avenue between Ethel and Graham Streets
8. **CIVIC ADDRESS:** 952/962 Lawson Avenue
9. **AREA OF SUBJECT PROPERTY:** 2139m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** 2139m<sup>2</sup>
11. **EXISTING ZONE CATEGORY:** RU6 – Two Dwelling Housing
12. **PROPOSED ZONE:** RM3 – Low Density Multiple Housing
13. **PURPOSE OF THE APPLICATION:** Development Permit,  
Development Variance Permit
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** N/A

**ATTACHMENTS**

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

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Landscaping plan
- Colour Board