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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** February 11, 2004  
**File No.:** Z03-0057/**DP03-0133**

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** Z03-0057/  
**DP03-0133** **OWNER:** Professional Diving Technology  
Inc.

**AT:** 1884 Ambrosi Road **APPLICANT:** Professional Diving Technology  
Inc.

**PURPOSE:** THE APPLICANT IS SEEKING A DEVELOPMENT PERMIT FOR  
THE FORM AND CHARACTER OF A PROPOSED TWO-  
STOREY COMMERCIAL BUILDING TO ACCOMMODATE A  
PROFESSIONAL DIVE TRAINING FACILITY

**EXISTING ZONE:** RU1-LARGE LOT HOUSING

**PROPOSED ZONE:** C5-TRANSITION COMMERCIAL

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Final Adoption of Zone Amending Bylaw No. 9150 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP03-0133 for Lot 9, Block 1, District Lot 129, ODYD Plan 5109, located on Ambrosi Street, 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;

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 SUMMARY

The applicant is seeking a development permit for the form and character of a proposed two-storey commercial building to accommodate a professional dive training facility. In conjunction with this development permit application the applicant is also proposing to rezone the subject property from RU1 – Large Lot Housing to C5- Transition Commercial.

## 3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of November 25, 2003 it was resolved:

THAT the Advisory Planning Commission support Rezoning Application No. Z03-0057, 1884 Ambrosi Road; Lot 9, Plan 5109, Sec. 20, Twp. 26, ODYD, Professional Diving Technology Ltd., to rezone the property from the RU1 – Large Lot Housing zone to the C5 – Transitional Commercial zone.

THAT the Advisory Planning Commission support Development Permit Application No. DP03-0133, 1884 Ambrosi Road, Lot 9, Plan 5109, Sec. 20, Twp. 26, ODYD, Professional Diving Technology Ltd., to obtain a Development Permit to allow for a proposed 553.64 m<sup>2</sup> commercial building.

## 4.0 BACKGROUND

### 4.1 The Proposal

The applicant is proposing to rezone the subject property from RU1 – Large Lot Housing to C5- Transition Commercial for a commercial development. The applicant has also applied for a development permit for the form and character of the proposed two-storey building.

The applicant operates a company called Diving Dynamics which has been located in Kelowna since 1986. The company operates as four divisions: Career Development, Recreational Diving, Hyperbaric, and Commercial Diving.

The applicants are proposing to construct a two-storey building with office space, storage, future space for a practice dive pool, hyperbaric chamber, and a small retail area at grade. On the second storey are located classrooms and a student lounge area.

The applicant is proposing to finish the exterior walls of the building with dark tan coloured acrylic stucco. The natural wood beams will accent the façade of the building and wood trim will also be used around the windows and doors. The applicant is also proposing to use a cultured stone finish on the pillars which adorn the buildings façade.

The applicants are proposing to provide 6 parking stalls for the development accessed from the lane at the rear of the property.

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

CRITERIA	PROPOSAL	C5 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	748.8m <sup>2</sup>	460m <sup>2</sup>
Lot Width (m)	18.9	13.0m
Lot Depth (m)	39.62	35.0m
<b>Storeys (#)</b>	2	2.5
Site Coverage	36.9%	40%
Commercial Floor Area Ratio	0.39	0.4
Parking Spaces	6	6
Bicycle Parking Spaces	3	3

#### 4.2 Site Context

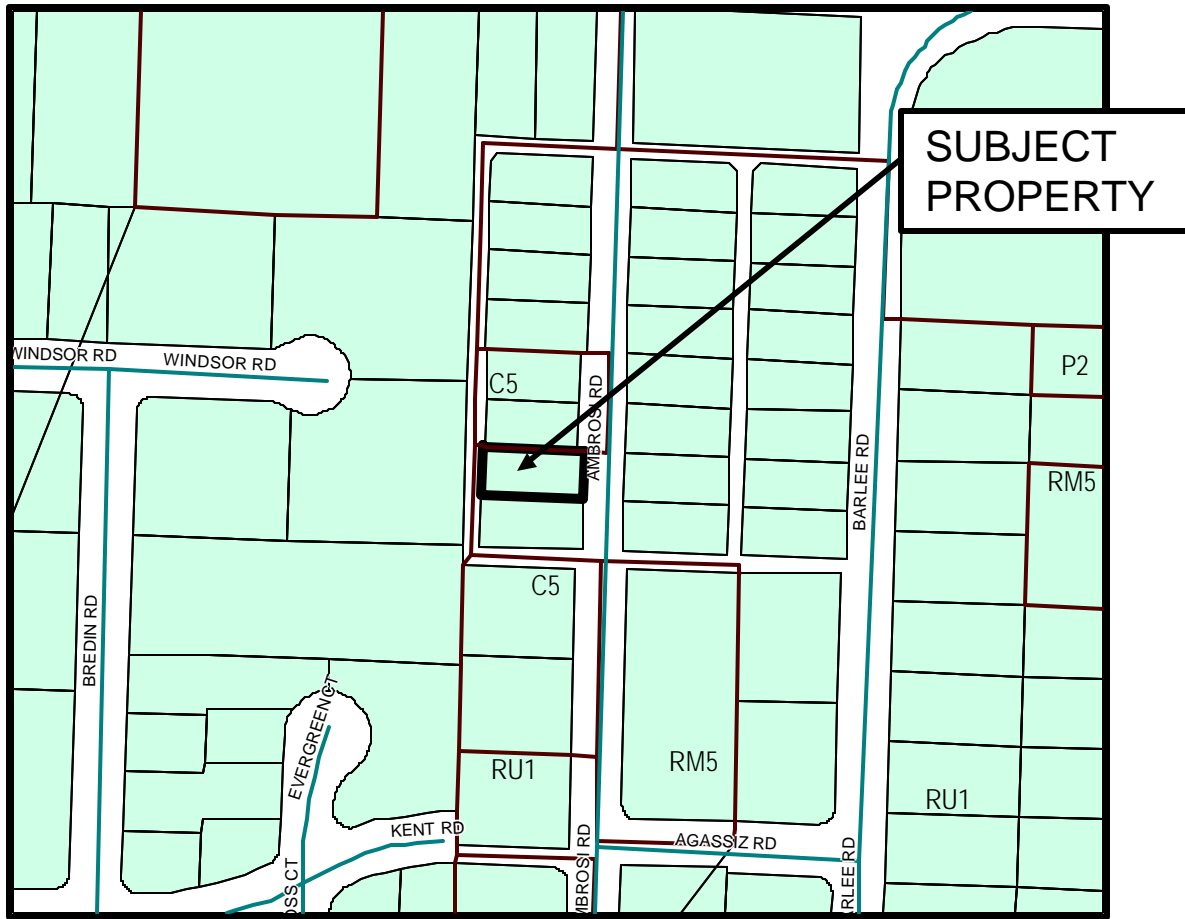
The subject property is located on the west side of Ambrosi Road between Harvey Avenue and Springfield Avenue.

Adjacent zones and uses are:

- North - C5 – Transition Commercial
- East - RU1 – Large Lot Housing
- South - RU1 – Large Lot Housing
- West - C10 – Service Commercial

#### 4.3 Site Location Map

Subject Property: 1884 Ambrosi Street



#### 4.4 Existing Development Potential

The subject property is currently zoned RU1 – Large Lot Housing. The purpose of this zone is to provide for single detached housing and compatible secondary uses, on larger serviced lots.

#### 4.5 Current Development Policy

##### 4.5.1 Kelowna Official Community Plan

The Official Community Plan future land use designation for this area is commercial.

#### 4.5.2 Kelowna Strategic Plan (1992)

**Objective 1.10:** Encourage a closer integration of residential, commercial, and employment oriented uses within existing and proposed future urban areas.

**Objective 1.13:** Prove for an increased diversity of land use in the existing and proposed future urban areas including a range of commercial uses and employment related uses.

#### 4.5.3 Ambrosi Neighbourhood Plan

The proposed development is consistent with the Ambrosi Neighbourhood Plan which calls for C5- Transition Commercial development of the west side of Ambrosi Road.

### 5.0 TECHNICAL COMMENTS

This application has been circulated to various technical agencies and City Departments and the following comments were submitted:

#### 5.1 Public Health Inspector

Pool to be used as a public facility - educational. Must receive approval to operate from this office.

#### 5.2 Works and Utilities Department

\*Note: The applicant has posted all the bonding and addressed the comments listed below to the satisfaction of the Works and Utilities Department.

##### *5.2.1 Domestic Water and Fire Protection*

- 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.
- 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.
- Collect \$1,384.00 per equivalent development unit for this development's share of future Agassiz Road extension:

- 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.

#### 5.2.2 Sanitary Sewer

- 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.

#### 5.2.3 Storm Drainage

- 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.

#### 5.2.4 Road Improvements

- 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 \$19,700.00
- The existing concrete driveway ramp to Ambrosi Road and concrete retaining walls within the road right-of-way must be removed.
- The rear lane must be upgraded to a paved commercial standard including a storm drainage system consisting of a catch basin and drywell. The cost of this work for bonding purposes is, \$7,900.00.

#### 5.2.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

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

#### *5.2.6 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.

#### *5.2.7 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.

#### *5.2.8 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.

#### *5.2.9 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.

#### *5.2.10 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:

- Ambrosi drainage works
- Lane Paving.
- Lane drainage works.

#### *5.2.11 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, including water sources on the site and overland surface drainage courses traversing across or influencing this property.
- Site suitability for development; 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, analyze 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.

#### 5.2.12 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.

#### 5.2.13 Bonding and Levy Summary

##### Bonding

- |                                   |                    |
|-----------------------------------|--------------------|
| ▪ Ambrosi Road frontage upgrading | \$19,700.00        |
| ▪ Lane improvements               | \$ 7,900.00.       |
| ▪ Total Bonding                   | <u>\$27,600.00</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 4<sup>th</sup> reading of the zone amending bylaw or issuance of a building permit.

#### 5.2.14 Levies

- Ambrosi Area Plan assessment: To be determined



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.

#### *5.2.15 Development Permit and Site Related Issues*

- The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.
- 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.
- Adequate off-street parking must be provided. The layout does not identify visitor parking nor the location of a bicycle rack.
- A garbage disposal bin enclosure location must be shown on the layout drawing.

#### *5.2.16 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 RCMP

There is concern over the ladder for roof access (Left Elevation). This could cause grief with after hour trespassers accessing the roof.

### 5.4 Inspection Services Department

No Concerns.

### 5.5 Shaw Cable

Owner/developer to supply and install an underground conduit system as per Shaw Cable drawings & specifications.

5.6 Telus

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

5.7 Terasen

No comment.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed Development Permit and associated rezoning. With a couple of exceptions the overall form and character of the proposed commercial building fits the intent of the C5 – Transition Commercial zone and will also complement the new commercial development that is occurring on Ambrosi. Staff had recommended that the applicant revisit the design of the eastern and western elevations to add some additional lighting and window features as per Crime Prevention through Environmental Design guidelines (CEPTD). The applicant has indicated that some additional lighting will be provided. Staff has also recommended that the applicant explore a gate mechanism to limit access to the exterior stairs at the rear of the building. The applicant has indicated that a gate mechanism will be added.

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Andrew Bruce  
Development Services Manager

Approved for inclusion

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

RM/AB/rs  
Attach

## FACT SHEET

1. **APPLICATION NO.:** Z03-0057/DP03-0133
2. **APPLICATION TYPE:** Rezoning and Development Permit
3. **OWNER:** Professional Diving Technologies Ltd.  
· **ADDRESS** #6-2070 Harvey Avenue, Kelowna, BC  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1Y 8P8
4. **APPLICANT/CONTACT PERSON:** Vern Johnston ( Diving Dynamics)  
· **ADDRESS** #6-2070 Harvey Avenue, Kelowna, BC  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1Y 8P8  
· **TELEPHONE/FAX NO.:** 861-1848
5. **APPLICATION PROGRESS:**  
    **Date of Application:** October 21, 2003  
    **Date Application Complete:** October 21, 2003  
    **Servicing Agreement Forwarded to Applicant:** N/A  
    **Servicing Agreement Concluded:** N/A  
    **Staff Report to APC:** November 18, 2003  
    **Staff Report to Council:** December 15, 2003
6. **LEGAL DESCRIPTION:** Lot 9, Block 1, District Lot 129, ODYD Plan 5109
7. **SITE LOCATION:** The subject property is located on the west side Ambrosi Road between Harvey Avenue ; Springfield Avenue.
8. **CIVIC ADDRESS:** 1884 Ambrosi Road
9. **AREA OF SUBJECT PROPERTY:** 748.8m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** 748.8m<sup>2</sup>
11. **EXISTING ZONE CATEGORY:** RU1-Large Lot Housing
12. **PROPOSED ZONE:** C5 –Transition Commercial
13. **PURPOSE OF THE APPLICATION:** TO CONSTRUCT A 299m<sup>2</sup> COMMERCIAL BUILDING TO HOUSE A COMMERCIAL SCHOOL  
  
TO REZONE THE SUBJECT PROPERTY FROM RU1- LARGE LOT HOUSING ZONE TO THE C5- TRANSITION COMMERCIAL ZONE
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A  
    **NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**

**ATTACHMENTS**

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

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Landscape Plan
- Colour Rendering
- Cross Sections