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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** March 22, 2004  
**File No.:** Z04-0009

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** Z04-0009

**OWNER:** Mamre Holdings Inc.

**AT:** 1832/1844/1856 Ambrosi Road

**APPLICANT:** Mamre Holdings Inc.  
Renee Wasylyk

**PURPOSE:** TO REZONE THE SUBJECT PROPERTIES FROM RU1- LARGE LOT HOUSING TO C5- TRANSITION COMMERCIAL

TO CONSTRUCT A TWO STORY MIXED USE COMMERCIAL/RESIDENTIAL DEVELOPMENT

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

**PROPOSED ZONE:** C5-TRANSITION COMMERCIAL

**REPORT PREPARED BY:** RYAN SMITH

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z04-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 4 and 5, Block 1, District Lot 129, ODYD Plan 5109, located on Ambrosi Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C5 – Transition Commercial zone be considered by Council;

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 in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

## 2.0 SUMMARY

The applicant is proposing to rezone the subject properties from RU1 – Large Lot Housing to C5-Transition Commercial for a mixed use commercial/residential development. A development permit is also associated with this rezoning for the form and character of the proposed two-storey building. In a previous rezoning application the applicant had sought to rezone only the lot located at 1856 Ambrosi Street to the C5 – Transition Commercial zone. This zone amending bylaw currently sits at third reading (Bylaw No. 9150) and its final adoption will be in conjunction with this rezoning application and development permit.

## 3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of March 16, 2003 it was resolved:

THAT the Advisory Planning Commission supports Rezoning Application No. Z04-0009, 1832/1844 Ambrosi Road, Lots 4, 5 & 6, Plan 5109, Sec. 20, Twp. 26, ODYD, by Mamre Holdings Inc (Rene Wasylyk), to rezone from the RU1-Large Lot Housing zone to the C5-Transitional Commercial zone in order to allow for a mixed use commercial/residential development;

AND THAT the Advisory Planning Commission supports Development Application No. DP04-0012, 1832/1844 Ambrosi Road, Lots 4, 5 & 6, Plan 5109, Sec. 20, Twp. 26, ODYD, by Mamre Holdings Inc (Rene Wasylyk), to obtain a development permit for the construction of a 2 storey, 825 m<sup>2</sup> mixed use development with commercial office space at grade and 5 residential units above.

## 4.0 BACKGROUND

### 4.1 The Proposal

The applicant is proposing to rezone the subject properties (1832 and 1834 Ambrosi Street) from the RU1 – Large Lot Housing zone to the C5- Transition Commercial zone for a mixed use commercial/residential development. The applicant has also applied for a development permit for the form and character of the proposed two-storey building.

The proposed building will house office space at grade and five residential units on the second storey. A basement area is also proposed to accommodate tenant storage.

The design of the proposed building is residential in character to meet the intent of the C5-Transition Commercial Zone. The applicant has indicated that the commercial floor area at grade (and one unit on the second storey) will be designed with small business health care professional tenants in mind. Seven leaseable commercial spaces will be provided that range in size from 57m<sup>2</sup> to 208m<sup>2</sup>. Of the five residential units on the second storey, 4 will be two-bedroom units and one will be a one-bedroom unit. Each unit will have a private patio area. In addition, the buildings tenants will have access to a large common terrace on the second storey. Adjacent to this space will be located two meeting rooms, a lunch room and one commercial unit.

The exterior of the building will be finished with a mix of cultured stone, hardiboard painted shingles and hardiboard horizontal siding. The proposed roofing material is a “driftwood” shade of asphalt shingle.

The applicants are proposing to provide 19 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:

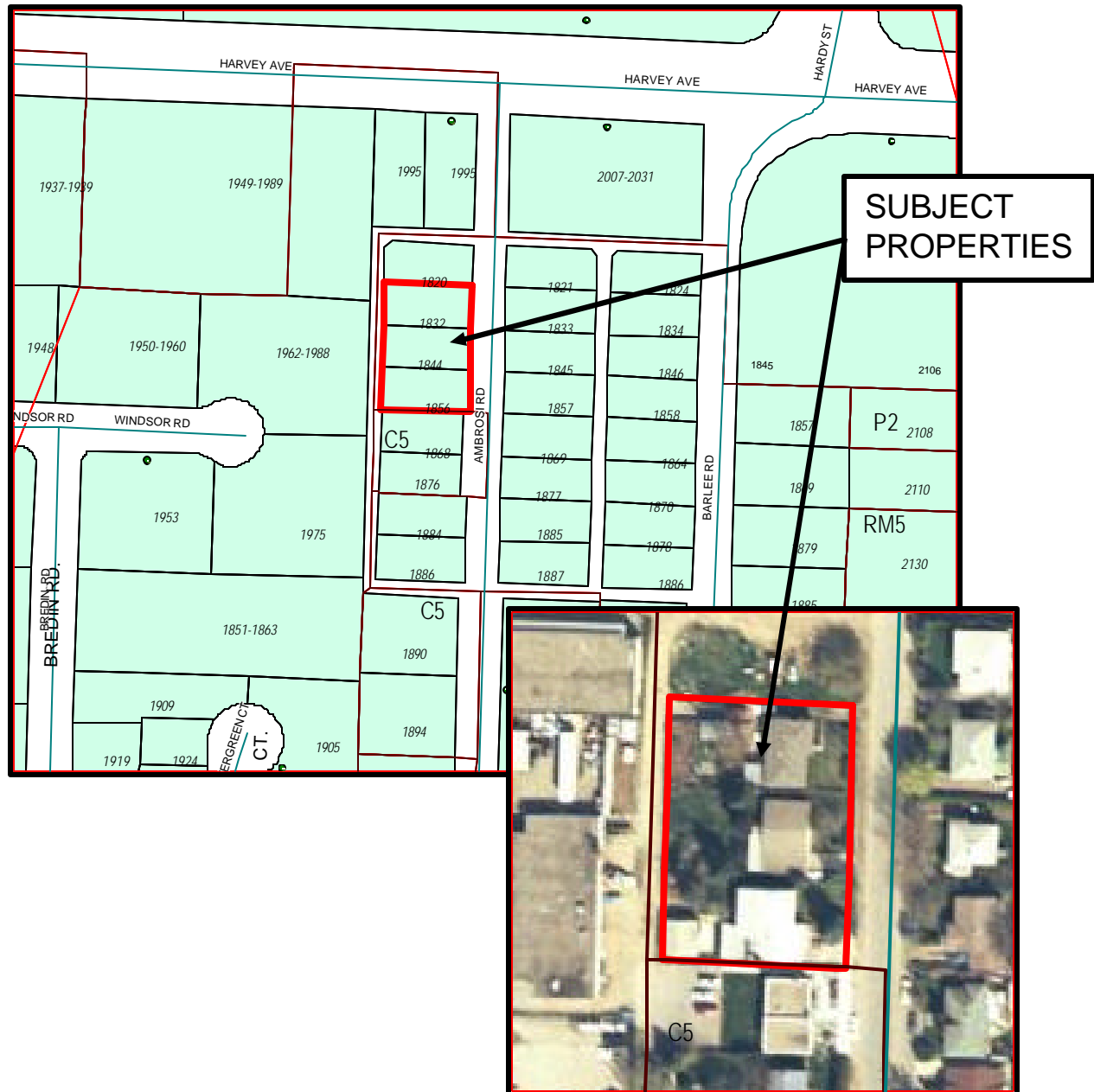
CRITERIA	PROPOSAL	C5 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	2065m <sup>2</sup>	460m <sup>2</sup>
Lot Width (m)	56.7m	13.0m
Lot Depth (m)	39.62m	35.0m
<b>Storeys (#)</b>	2	2.5
Building Area at Grade	825m <sup>2</sup>	825m <sup>2</sup>
Site Coverage	40%	40%
Net Floor Area	1237m <sup>2</sup>	1239m <sup>2</sup>
Residential Floor Area Ratio	0.39 (131m <sup>2</sup> )	0.4
Commercial Floor Area Ratio	0.19 (277.7m <sup>2</sup> )	0.2
<b>Building Setbacks</b>		
Front Yard	4.5m	4.5m
Side Yard (n)	2.3m	2.3m
Side Yard (s)	2.3m	2.3m
Rear Yard	7.9m	6.0m
Private Open Space	100m <sup>2</sup>	75m <sup>2</sup>
Parking Spaces	19	17 (Office Commercial 2.5 per 100m <sup>2</sup> (1.25 per 1 bed and 1.5 per 2 bedroom)
Loading Space	1	1
Bicycle Parking Spaces	4 X Class 1 2 X Class 2	4 X Class 1 2 X Class 2

#### 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 - RU1 – Large Lot Housing – Single Family Dwelling
- East - RU1 – Large Lot Housing – Single Family Dwelling
- South - C5 – Transition Commercial – Martial Arts Dojo
- West - C10 – Service Commercial – Service Commercial Oriented Uses



#### 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:** Provide 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 was submitted to various internal departments and external technical agencies and the following comments were received:

##### 5.1 Aquila

Will provide underground service. Overhead wiring cannot be salvaged until full redevelopment of Ambrosi Road is undertaken.

##### 5.2 Inspection Services

Exit stair shaft is not protected - dead end corridor is too long.

##### 5.3 Works and Utilities

The Works & Utilities Department has the following requirements associated with this rezoning and development application. 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.

### 5.3.1 Domestic Water and Fire Protection

The existing three lots are serviced with small diameter (19-mm) copper water services. Only one service will be permitted for this development. The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development, and establish the required size of the new service. Removal of the unused 19mm diameter service and the installation of the new service will be at the applicant's cost.

The estimated cost of this work for bonding purposes is \$9,000.00

Tie-ins and disconnections at the existing watermain must be by City forces and at the applicant's cost.

A water meter is mandatory for this development and must be installed inside the new 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 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.

### 5.3.2 Sanitary Sewer

The existing three lots are serviced with 100mm diameter domestic sanitary sewer services. The applicant, at his cost, will arrange for the capping of the existing services and the installation of one larger (150mm) sanitary sewer service. The estimated cost of this work for bonding purposes is \$6,000.00

Tie-ins to the mains and the capping of existing services must be by City forces and at the applicant's cost.

### 5.3.3 Storm Drainage

The subject development must include the design of a drainage system for Ambrosi Street in front of the subject lots, including a piped drainage system and catch basins for curb and gutter construction. The cost of the work is included in the road design calculations.

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 5 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). 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.

#### 5.3.4 Road Improvements

Ambrosi Road fronting this development, must be upgraded to a full urban standard (SS-R5 modified) including curb and gutter, 2.35m sidewalk, 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 \$47,000.00 (not including the cost of relocating or adjusting of utility poles and other appurtenances)

The existing concrete driveway ramp to Ambrosi Road and concrete retaining walls within the road right-of-way must be removed.

The rear lane has recently been resurfaced with asphalt grindings. Future upgrading to a paved commercial standard including a piped storm drainage system will be required. The estimated cost of this construction for bonding purposes is \$14,700.00.

Contribute a sum of \$1,384.00 per equivalent development unit as this development's assessed share for future extension of Agassiz Rd. From Kent Rd. through to Vasile Rd. as required in the Ambrosi Area Plan.

#### 5.3.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

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

#### 5.3.6 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.

#### 5.3.7 Street Lighting

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.

#### 5.3.8 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.

#### 5.3.9 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.

#### 5.3.10 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.

#### 5.3.11 Bonding and Levy Summary

##### Bonding

Ambrosi Road frontage upgrading	\$47,000.00
Service upgrades	\$15,000.00
Lane improvements	\$14,700.00.



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.

#### Levies

Ambrosi Area Plan assessment:

8.62 EDU @ \$1,384.00 = \$11,930.00 (951-10 -x-x-DF899)

NOTE: 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.

#### 5.3.12 Other Engineering Comments

The City wishes to defer the commercial pavement and storm drainage upgrade to the Lane fronting the development 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 \$12,750.00.

#### 5.3.13 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.

The layout does not identify the location of a bicycle rack.

#### 5.3.14 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.

5.4 Shaw Cable

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

5.5 Telus

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

5.6 Public Health Inspector

No comment.

3.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department supports the proposed rezoning and development permit. The proposal is consistent with the Official Community Plan and with the strategic plan and is a form of development that staff supports. The ground level access and landscape scheme help to relate the commercial units to the street and the provision of the common amenity space on the second storey of the development is a positive attribute to the overall proposal. The applicant is also proposing vehicle access via the rear lane. This will serve to reduce potential conflicts between vehicles and pedestrians along Ambrosi Street. The mixed use nature of the building (provision of residential units) will also support CPTED guidelines by creating an added element of surveillance on the property. Staff feel that the character of the development will complement the ongoing redevelopment of Ambrosi Street.

The applicant has been advised as to the comments of the Inspections Services Development and will be required to address these concerns prior to issuance of a building permit.

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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

## FACT SHEET

1. **APPLICATION NO.:** Z04-0009
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** Mamre Holdings Inc.  
 . **ADDRESS** 416 Tulameen Road  
 . **CITY** Kelowna, BC  
 . **POSTAL CODE** V1W 4T9
4. **APPLICANT/CONTACT PERSON:** Renee Wasylyk  
 . **ADDRESS** 416 Tulameen Road  
 . **CITY** Kelowna, BC  
 . **POSTAL CODE** V1W 4T9  
 . **TELEPHONE/FAX NO.:** 718-0708
5. **APPLICATION PROGRESS:**  
 Date of Application: July 17, 2003  
 Date Application Complete: July 17, 2003  
 Servicing Agreement Forwarded to Applicant: N/A  
 Servicing Agreement Concluded: N/A  
 Staff Report to APC: September 9, 2003  
 Staff Report to Council:
6. **LEGAL DESCRIPTION:** Lots 4,5,Block 1, District Lot 129, ODYD Plan 5109
7. **SITE LOCATION:** The subject properties are located on the west side of Ambrosi Road between Harvey Avenue and Springfield Avenue.
8. **CIVIC ADDRESS:** 1856 Ambrosi Road
9. **AREA OF SUBJECT PROPERTY:** 754m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** 754m<sup>2</sup>
11. **EXISTING ZONE CATEGORY:** RU1- Large Lot Housing
12. **PROPOSED ZONE:** C5- Transition Commercial
13. **PURPOSE OF THE APPLICATION:** TO REZONE THE SUBJECT PROPERTIES FROM RU1- LARGE HOUSING TO C5- TRANSITION COMMERCIAL  
  
 TO CONSTRUCT A TWO STORY MIXED COMMERCIAL/RESIDENTIAL DEVELOPMENT
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** .....  
**NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**

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| 15. | <b>DEVELOPMENT PERMIT MAP 13.2<br/>IMPLICATIONS</b> | N/A |
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**ATTACHMENTS**

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

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