
CITY OF KELOWNA

MEMORANDUM

Date: June 15, 2004
File No.: DP04-0041

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. DP04-0041

OWNER: 678222 BC Ltd.

AT: 3945 – 3957 Lakeshore Road

APPLICANT: 678222 BC Ltd. (William Morel)

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF A MIXED USE COMMERCIAL/RESIDENTIAL DEVELOPMENT.

EXISTING ZONE: C2- NEIGHBOURHOOD COMMERCIAL

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP04-0041 for Lot 1, Section 6, Township 26, ODYD, Plan KAP54650, 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 provide, by way of registered plan, the required widening of Lakeshore Road and the closure of a portion of Haug Road.

2.0 SUMMARY

The subject property is currently zoned C2 – Neighbourhood Commercial. The C2 zone allows for commercial uses with apartment housing as a secondary use. The proposed development

consists of 798.7 m² of commercial space on the main floor with 11 residential units located above.

3.0 ADVISORY PLANNING COMMISSION

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of May 11, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP04-0041, for 3945-3957 Lakeshore Road/Lot 1, Plan 54650, Sec. 6, Twp. 26, ODYD, by 678222 BC Ltd. (William Morel), to obtain a Development Permit to allow for a mixed use commercial/residential (11-unit) development.

4.0 BACKGROUND

4.1 The Proposal

The proposed development will be accessed from Lakeshore Road via a driveway located mid-way along the front property line. Haug Road, currently undeveloped, is not required and will therefore be closed. The applicant will be responsible for making arrangements with the City to obtain ownership of a portion of Haug Road. In addition, the applicant will be required to make arrangements with the City to provide a portion of the property for the future widening of Lakeshore Road.

The main entrance to the residential component of the building will be located on the front façade in the middle of the building. This entrance will be defined by large windows on both levels. Additional accesses to the residential component of the building are provided at the rear of the property providing convenient access to the parking stalls located at the rear of the property. The applicant has been required to recess the rear doorways to avoid having the doors swinging out into the driving aisle. In addition, the doors were recessed to address Staff concerns that residents would be within the driving aisle when entering and exiting the building.

The applicant has attempted to define and contrast the commercial and residential components of the building. A brown, "winter oak" coloured, band circles the building defining the main floor from the second storey. The main floor commercial façade of the building will be faced with cultured stone veneer with beige stucco accents. The proposed storefront doors and windows are to be medium bronze in colour. The second storey of the building is to be beige stucco. Windows are accented with brown trim. In addition, subroofs are used in an attempt to break up the long building frontage. A brown fiberglass laminated roof is proposed.

A front surface parking lot will provide 34 parking spaces. Walkways provide pedestrian linkages from Lakeshore Road to the development at the corners and in the middle of the site. The walkways will be defined with stamped concrete extending into the driving aisle to delineate areas of pedestrian crossing. The applicant has also provided fourteen bicycle parking spaces (7 on each end of the building) at the front of the building. An additional 9 parallel parking stalls are located at the rear of the building.

Landscaping is proposed at the front and rear of the property. Eight London Plane trees are to be planted within the required 2.0 m wide planting bed running along the front of the property. In addition, an arbour feature is proposed adjacent to the driveway access in order to enhance the identity of the project from Lakeshore Road and encourage pedestrians onto the site. At the rear of the property, a 1.5 m wide landscaped buffer is proposed adjacent to the existing concrete wall which separates the site from the abutting residential development. Eight Armstrong maple trees are thus proposed along the rear property line in order to provide a visual and noise buffer. The north and south property lines will be defined by a 5' high cedar

fence. The garbage facilities, located in the south east corner of the site are to be screened from view and setback the minimum required 3.0 metres from the rear property line.

Private amenity space for the residents of the building is provided in the form of two roof top patios. The patios are screened by the roofline of the building and are therefore not be visible from the street or adjacent properties. Each patio will include an arbour with several benches. In addition, the periphery of each patio will be surrounded by planters containing a variety of plants. Two of the residential units at the rear corners of the building will have a balcony.

The application meets the requirements of the proposed C2 – Neighbourhood Commercial zone as follows:

CRITERIA	PROPOSAL	C2 ZONE REQUIREMENTS
Site Area (m ²)	3511.23 m ²	1500 m ²
Site Width/Depth (m)	73.65m / 43.07m	40.0m/30.0m
Site Coverage (%)	29.7%	40.0%
Total Floor Area (m ²)	1644.18 m ² (total) 843.39 m ² commercial 809.80 m ² residential	
F.A.R.	0.23 (commercial), 0.19 (residential)	0.3 commercial/ 0.2 residential
Height (m)	7.8m	10.5 m
Storeys (#)	2	2.5
Setbacks (m)		
- Front	19.7m	4.5 m
- Rear	8.83 m	3.0 m except 6.0 abutting a residential zone
- Side (north)	4.50 m	2.0 m (1-1.5 storey), 3.0m (2-2.5 storey), or 4.5 m abutting a street
- Side (south)	4.50 m	2.0 m (1-1.5 storey), 3.0m (2-2.5 storey), or 4.5 m abutting a street
Parking Stalls (#)	43 stalls	1.5 per 2 bedroom unit (16.5 stalls) 2.2 per 100 m ² (18 stalls) TOTAL min 35 stalls / max 44 stalls (125%)
Setbacks to parking	2.0 m 1.5m	2.0 m front or street 1.5 m side or rear abutting residential zone
Aisles	7.0 m front 3.7m side and rear	7.0 m for 2 way aisle and 90 degree parking 3.5 m for parallel stalls with one way
Bicycle Stalls (#)	14	0.2 per 100 m ² GLA ; or 1 per 10 employees (Class I) 0.6 per 100 m ² GLA (Class II) 0.5 per dwelling (Class I), 0.1 per dwelling (Class II) TOTAL 13.3
Loading Stalls (#)	1 stall	1 stall per 1900 m ² GFA
Private Open Space	165.5m ² (rooftop decks and balconies)	15.0m ² per 1plus bedroom units (165 m ²)

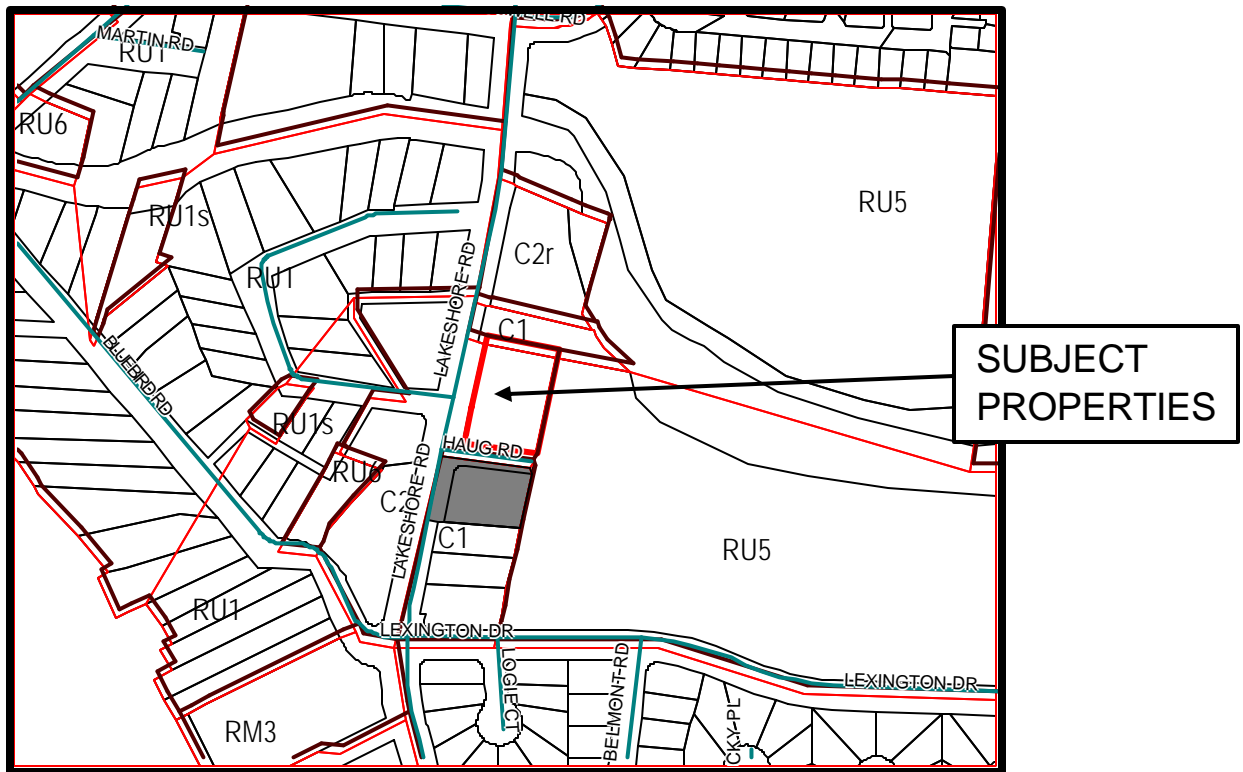
4.2 Site Context

The subject property is located within the Urban Town Centre area of the South Pandosy/KLO Sector Plan that is developed with a mix of commercial and residential uses of various densities.

Adjacent zones and uses are, to the:

- North - C1 - Local Commercial
- East - RU5 - Bareland Strata
- South - C1 - Local Commercial
- West - C2 - Neighbourhood Commercial

Site Location Map



4.3 Development Potential

The property is zoned C2 – Neighbourhood Commercial. The purpose of the C2 zone is to provide a zone for the range of services needed on a day to day basis by residents within their neighbourhoods.

4.4 Current Development Policy

4.4.1 Strategic Plan (1992)

The proposal is consistent with the intent of the Strategic Plan, which states: “The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill, and will provide for an increased density of development within established urban areas through redevelopment of areas which are in transition. Urban areas which are targeted include the Central City area with

emphasis on the waterfront and north end, Rutland and South Pandosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor

4.4.2 Official Community Plan (OCP)

The proposal is consistent with the commercial land use designation of the Official Community Plan. The proposed building form and character is generally consistent with the Official Community Plan Commercial Development Permit Guidelines. The OCP also calls for the increase in the number of buildings with mixed uses by encouraging developers to incorporate retail uses on the lower storeys with office and/or residential above.

4.4.3 Crime Prevention Through Environmental Design (1999)

The City of Kelowna Crime Prevention Through Environmental Design guidelines include the following suggestions:

Natural Surveillance

- building entrances and exterior doors should be clearly visible from the street or by neighbours;
- all four facades of a building should have windows;
- visitor parking should be designated;
- parking areas should be visible from windows and doors;
- parking areas and pedestrian walkways should be well-lit;
- dumpsters should not create blind spots or hiding areas;
- elevators and stairwells should be clearly visible from windows and doors;
- buildings should be sited so that the windows and doors of one unit are visible from another;

Territorial Reinforcement

- property lines should be defined by landscaping or fencing which does not create a visual barrier;
- building entrances should create a strong sense of identity and presence on the street with the use of architectural elements, lighting and /or landscaping;
- balconies should be large enough to provide a useable activity area for residents, thereby increasing influence over the adjacent neighbourhood;

Natural Access Control

- balcony railings should never be a solid opaque material;
- entrances into parking lots should be defined by landscaping, or architectural design;
- access to the building should be limited to no more than two points.

Target Hardening

- cylinder dead bolt locks should be installed on all exterior doors;

5.0 TECHNICAL COMMENTS

5.1 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Hydrant required within 90m of each principal entrance. Contact FPO for location of any new hydrant(s).

5.2 FortisBC

Will provide underground servicing.

5.3 Inspection Services

Address class/bike parking

5.4 Parks Department

The Landscape Plan and Planting List is acceptable to the Parks Division.

Minimum plant material specifications for BOULEVARDS as follows:

i) Deciduous Trees - minimum calipre 60 mm @ 300mm above rootball

ii) Evergreen Trees - minimum height 2500 mm

All entry feature signs for the proposed development will be located on private property and not on City boulevard.

Shrub and flower beds will require plastic edging beside all areas abutting a city sidewalk, boulevard, or city land to prevent migration of mulch.

Boulevard maintenance including watering (manual or automated irrigation), shrubs, ground cover, sod, and seeded areas will be the responsibility of owner/occupant.

Boulevard tree maintenance will be the responsibility of Parks Division. However, the adjacent owner will be responsible for watering and replacement of trees during the establishment period, for at least two growing seasons after planting.

In an effort to conserve water, all automated irrigation systems will be design to minimize overspraying on non-landscaped areas including City sidewalks, courtyards, parking areas, roadways, etc.

5.5 Shaw Cable

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

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 Works & Utilities

The Works & Utilities Department has the following comments and requirements associated with this rezoning and development application for the proposed Low Density Residential Development. The road and utility upgrading requirements outlined in this report are provided for information purposes.

5.7.1 Domestic Water and Fire Protection

- (a) Domestic water and fire protection for this development can be provided from a watermain on Lakeshore Road.
- (b) The developer's consulting mechanical engineer will determine the domestic and fire flow requirements of this proposed development and establish the required size and preferred location of the new service. Decommissioning of the three existing small diameter services, the installation of one larger service as well as a fire hydrant will be at the applicant's cost.
- (c) The estimated cost of this work for bonding purposes is \$18,000.00
- (d) 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.
- (e) The boulevard irrigation system must be integrated with the on-site irrigation system.
- (f) The subject lot is included into Water Specified Area Number 1.

5.7.2 Sanitary Sewer

- (a) A sanitary sewer service for this development will be provided from a sanitary sewer main on Lakeshore Road.
- (b) The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size of the new service.
- (c) Removal and capping of the three existing 100mm sanitary services and the tie-in of the one new larger service must be by City crews and will be at the applicant's cost.
- (d) The estimated cost of this work for bonding purposes is \$6,000.00
- (e) The subject lot is included into Sanitary Sewer Specified Area Number 13.

5.7.3 Storm Drainage

- (a) 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 storm water management plan must also include provision of a lot grading plan, minimum basement elevation (MBE), storm water service 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.
- (b) The subject development must include the design of a drainage system for Lakeshore Road in front of the subject lot, including a piped drainage system and catch basins for curb and gutter construction. The cost of the work was included in the road design calculations.

- (c) Storm drainage systems for the site will be reviewed and approved by Engineering when a site servicing design is submitted.

5.7.4 Road Improvements

- (a) Lakeshore Road must be upgraded to a full urban standard along the full frontage of this proposed development, including curb and gutter, separate sidewalk, storm drainage system including catch basins, manholes / dry-wells and pavement widening. Also required is a landscaped boulevard complete with underground irrigation system, street lighting required and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is \$64,800.00 (not including the cost of relocating or adjusting of utility poles and other appurtenances)

5.7.5 Road Dedication and Subdivision Requirements

- (a) Provide an additional highway allowance widening for the frontage of Lakeshore Rd consisting of a wedge 6.00m wide at the north property line, tapering to 4.30m wide at the south property line. See preliminary design of the Lakeshore Road Parkway Arterial prepared by D.A. Watt Consultants Drawing A-6

This widening may be accomplished by:

- (i) A dedication on the subdivision plan.
 - (ii) A Road Exchange with the proposed road closure of Haug Road
 - (iii) Sale of the land to the City of Kelowna provided sufficient funds are available in the City's current budget. Contact the City's Assistant Land Agent, if this option is selected.
- (b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
 - (c) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
 - (d) Register a cross access agreement through the parking lot of the development site with Lot A Plan 28767 and Lot 1 Plan 12477.

5.7.6 Electric Power and Telecommunication Services

The existing overhead electrical and telecommunication distribution wiring on Lequime Road fronting this development must be relocated to an approved offset within the proposed boulevard area. The developer may choose to have the

wiring installed in an underground duct system, and have the buildings 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.

5.7.7 Street Lighting

Street lighting including underground ducts must be installed on Lakeshore Road fronting on the proposed development. The cost of this requirement is included in the roads upgrading item. If the electrical source for the street lighting is on the west side of Lakeshore Road, this source must be in underground ducts.

5.7.8 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.

5.7.9 Geotechnical Report

As a requirement of this application and building permit approval 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, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements 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, analyse 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.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

5.7.10 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.

5.7.11 Development Permit and Site Related Issues

A site grading plan, a site servicing plan and a storm drainage plan are a requirement of this application. Site servicing issues will be reviewed and comments related to site development will be addressed when a detailed site development design or building permit application is received.

- (a) The centreline of the Lakeshore Road access driveway must line up with the centreline of Radant Road. The entry signs to the development must be designed and installed on-site so as not to cause sight-line obstructions.
- (b) A cross access agreement is required through the parking lot of this development with the adjoining parcel to the north and south.
- (c) 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.
- (d) A bike rack must be provided in accordance with current bylaws and policies.
- (e) Perimeter access must comply with the BC Building Code.

5.7.12 Other Engineering Comments

- (a) Only the service upgrades and separate sidewalk with pole relocation must to be completed at this time. The City wishes to defer the remainder of the upgrades to Lakeshore Road fronting this development. 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 \$ 42,000.00

5.7.13 Bonding and Levy Summary

(a) Bonding	
Lakeshore Road frontage sidewalk	\$11,500.00
Service upgrades	\$24,000.00
Total bonding amount	\$35,500.00

NOTE: The bonding amount 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.

The owner must also enter into a servicing agreement in a form provided by the City prior to or issuance of a building permit.

(b) Levies
Lakeshore Rd Frontage improvements

One-time cash payment for future urban upgrading. **\$42,000.00**

5.7.14 Administration Charge

An administration charge is applicable to this development in the amount of 3% (+ GST) of the total off-site servicing costs. The administration charge will be assessed and must be paid prior to release of any security deposits.

5.8 Canada Post, Interior Health, School District No. 23, RCMP, Terasen
No Comment.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department is generally supportive of the proposed mixed use development. The Official Community Plan supports commercial future land uses on the subject property, and the property is currently zoned C2 - Neighbourhood Commercial. Staff is also supportive of the proposal to close of Haug Road. Haug Road has not yet been developed and Staff does not foresee the need for this roadway in the future. The applicant will be required to make arrangements with the City with regards to the purchase of the property as well as make arrangements for the road reserve along Lakeshore Road. Should the applicant intend on stratifying the building, a Section 219 covenant, identifying the road reserve, will be required.

Staff has some concern with the design of the proposal as it appears that the applicant is attempting to maximize the footprint of development while compromising some design elements. For example, Staff is concerned with the need to inset the entryways located at the rear of the building. The inset entryways are required in order to avoid conflicts between pedestrians and vehicles as well as to ensure the doors do not swing into the driving aisle. The inset entryways, however, are not consistent with the City's Crime Prevention Through Environmental Design guidelines as they create areas of poor natural surveillance that are not visible from the proposed development nor from the adjacent properties.

Staff would prefer to see the building broken up, through alternate building configurations and reduction in the building footprint, in order to eliminate the long building frontage. Staff, however, acknowledges that building design is limited by the long and narrow shape of the property. It is also noted that the applicant has revised the drawings to ensure that the proposed development meets the requirements of the Zoning Bylaw. The applicant has also addressed Staff concern with regards to the pedestrian linkage of the development to Lakeshore Road through the addition of well defined walkways linking the building to the street. The addition of the arbour feature, adjacent to the driveway entrance, has also served to enhance the identity of the project from Lakeshore Road. Staff also acknowledges that the applicant has made significant effort to create a pedestrian friendly development. The applicant is encouraged to further explore ways to improve the design of the development by providing further architectural detailing that breaks up the building façade and provides the greater visual interest to the building.

The applicant has addressed Staff concerns with regards to the quality of private open space provided. The plans for roof top patios were revised adding seating areas and a significant amount of landscaping in the form of planters along the periphery of each patio. The quality of private open space has therefore been significantly enhanced and thus compensates for the lack of views from the patio. Staff notes that it seems possible to open partial view lines from the roof top areas. Staff, however, appreciates that providing view corridors from these areas may also expose the patios to increased traffic noise from Lakeshore Road. Staff is also satisfied that the plantings at the rear of the property will provide visual and noise buffering for the existing residential development at the rear of the property.

Andrew Bruce
Development Services Manager

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

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Attach.

FACT SHEET

- | | |
|---|---|
| 1. APPLICATION NO.: | DP04-0041 |
| 2. APPLICATION TYPE: | Development Permit |
| 3. OWNER: | 678222 BC Ltd. |
| . ADDRESS | 4382 Hobson Road |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 1Y3 |
| 4. APPLICANT/CONTACT PERSON: | 678222 BC Ltd. (William Morel) |
| . ADDRESS | 4382 Hobson Road |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 1Y3 |
| . TELEPHONE/FAX NO.: | 764-1918 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | March 23, 2004 |
| Date Application Complete: | April 28, 2004 |
| Servicing Agreement Forwarded to Applicant: | n/a |
| Servicing Agreement Concluded: | n/a |
| Staff Report to APC: | May 5, 2004 |
| Staff Report to Council: | June 14, 2004 |
| 6. LEGAL DESCRIPTION: | Lot 1, Section 6, Township 26, ODYD, Plan KAP54650 |
| 7. SITE LOCATION: | On the north east corner of Haug Road |
| 8. CIVIC ADDRESS: | 3945-3957 Lakeshore Road |
| 9. AREA OF SUBJECT PROPERTY: | 3552m ² |
| 10. AREA OF PROPOSED REZONING: | n/a |
| 11. EXISTING ZONE CATEGORY: | C2 – Neighbourhood Commercial |
| 12. PROPOSED ZONE: | n/a |
| 13. PURPOSE OF THE APPLICATION: | TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF A MIXED USE COMMERCIAL/RESIDENTIAL DEVELOPMENT. |
| 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