
CITY OF KELOWNA
MEMORANDUM

Date: June 16, 2004
File No.: (3360-20) **Z02-1012, OCP02-0003, TA04-0004**

To: City Manager

From: Planning & Corporate Services Department

Subject:

APPLICATION NO.	Z02-1012, OCP02-0003 TA04-0004	OWNER:	GAZELLE ENTERPRISES INC. / GREEN PROJECTS LTD.
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AT:	530 SARSONS ROAD / 4392 LAKESHORE ROAD / 4388 LAKESHORE ROAD	APPLICANT:	GAZELLE ENTERPRISES INC./ MR. G. GAUCHER
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PURPOSE:

- i) TO AMEND THE OCP TO CHANGE THE FUTURE LAND USE DESIGNATION OF THE EASTERN SECTION OF THE SUBJECT PROPERTIES FROM "MULTIPLE UNIT RESIDENTIAL – LOW DENSITY" TO "COMMERCIAL"
- ii) TO REZONE LOT 1 PLAN 75687 FROM THE "RU1- LARGE LOT HOUSING" ZONE TO THE "C3-COMMUNITY COMMERCIAL" ZONE AND TO REZONE LOT 2 PLAN 75687 FROM THE "RU1 – LARGE LOT HOUSING" ZONE TO THE "RM3-LOW DENSITY MULTIPLE HOUSING" ZONE
- iii) TEXT AMENDMENT TO ADD "PUBLIC LIBRARIES AND CULTURAL EXHIBITS" AS A PRINCIPLE PERMITTED USE AND "COMMUNITY RECREATION SERVICES" AS A SECONDARY PERMITTED USE TO THE C3 – COMMUNITY COMMERCIAL ZONE

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RU1 – LARGE LOT HOUSING
RM3 – LOW DENSITY MULTIPLE HOUSING
C3 – COMMUNITY COMMERCIAL ZONE

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP02-0003 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of part of Lot 1, DL 167, O.D.Y.D., Plan KAP75687, located on Lakeshore Road, Kelowna, B.C., from the "Multiple Unit Residential – low density" designation to the "Commercial" designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated June 16, 2004, be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA04-0004 to amend City of Kelowna Zoning Bylaw No. 8000 by adding "Public Libraries and Cultural Exhibits" to the list of permitted principal uses in the C3 – Community Commercial zone, and by adding "Community Recreation Services" to the list of permitted secondary uses in the C3 – Community zone as outlined in the report of the Planning & Corporate Services Department dated June 16, 2004 be considered by Council;

THAT Rezoning Application No. Z02-1012 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, DL 167, O.D.Y.D., Plan KAP75687, located on Lakeshore Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C3 – Community Commercial zone, and by changing the zoning classification of Lot 2, DL 167, O.D.Y.D., Plan KAP75687, located on Sarsons Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM3 – Low Density Multiple Housing as shown on Map "B" attached to the report of Planning & Corporate Services Department, dated June 16, 2004 be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP02-0003, Zoning Bylaw Text Amendment No. TA04-0004, and 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 and a Development Variance 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;

AND THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

2.0 SUMMARY

The applicant wishes to develop a mixed-use commercial and residential development and multiple unit residential dwelling units on the properties located at the northwest corner of Lakeshore Road and Sarsons Road. As the subject properties are designated "Multiple Unit Residential – Low Density" in the Official Community Plan, the proposal requires an Official Community Plan amendment to change the future land use of the eastern section of the subject properties from "Multiple Unit Residential – Low Density" to "Commercial". The subject properties are currently zoned RU1-Large Lot Housing. The applicant wishes to rezone the western section of the site to RM3 – Low Density Multiple Housing and the eastern section to C3 – Community Commercial. There have

also been applications have been made concurrently for a Development Permit to address the form and character of the proposed multiple family residential and commercial components, as well as for a Development Variance Permit to vary the maximum building height for the RM3 apartment building from the 2 ½ storey height permitted to the 3 storey height proposed. Council will have an opportunity to consider these applications in the future should they support this application. As well, while reviewing this application, it was discovered that several community oriented uses that had been previously permitted in the Community Commercial (C-3) zone of Zoning Bylaw 4500 had been left out of the new Zoning Bylaw 8000 in error.

2.1 Advisory Planning Commission

The above noted applications (OCP02-0003 & Z02-1012) were 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 Official Community Plan Amendment No. OCP02-0003 and Rezoning Application No. Z02-1012, for 4388, 4392 Lakeshore Road & 530 Sarsons Road, Lot 1, Plan 27559, Lot A, Plan 9000 and Lot C, Plan 54451, Sec. 36, Twp. 28, ODYD, by Gaucher Holdings Ltd (Grant Gaucher), to amend the Official Community Plan Future Land Use designation for the eastern section of the subject properties from Multi-Family Residential - Low Density to Commercial; and to rezone a portion of Lot C, Plan 54451, and a portion of Lot 1, Plan 27559 from the RU1-Large Lot Housing zone to the RM3-Low Density Multiple Housing zone and to rezone a portion of Lot A, Plan 9000, a portion of Lot 1, Plan 27559 and a portion of Lot C, Plan 54451 from the RU1 – Large Lot Housing zone to the C3-Community Commercial zone;

Please note that as shown in the APC recommendation above, that the APC supported the change in land use on the subject properties to include commercial land uses in this location. However, the associated Development Permit and Development Variance Permit were not supported as the APC had concerns with the proposed height of the apartment building and felt that there was not enough buffering to the adjacent residences proposed with the landscape plan submitted. There will be an opportunity to address these issues with the associated Development Permit and Development Variance Permit applications in the future, should the rezoning application progress to a successful public hearing.

3.0 BACKGROUND

3.1 The Proposal

The subject properties are located at the northwest corner of the intersection of Lakeshore Road and Sarsons Road, a location that falls within the North Mission / Crawford Sector Plan area. The proposed development site consists of three lots, all of which are currently zoned “RU1 – Large Lot Housing”. Lot A Plan 9000 is currently developed with one single family dwelling, a mobile home, and out buildings. Lot C Plan 54451 is currently occupied with a single family dwelling and an old barn. Lot 1, Plan 27559 is currently occupied with a single family dwelling and an artist studio building. The original proposal previously reviewed by APC on January 14, 2003 only considered development of Lot A Plan 9000 and Lot C Plan 54451 for commercial and multiple unit residential development.

The applicant wishes to construct a mixed-use commercial and residential project, and multiple unit residential development on the subject properties. There has been an application made to subdivide the properties in order to create three new lots out of the existing three lots. The proposed lot located at the south-western end of the site would remain as a single family lot with a “panhandle” to connect to Sarsons Road, with the existing house to remain in place. The proposed lot along the eastern side of the site adjacent to Lakeshore Road is designed as the proposed site for the mixed-use commercial and residential development. The proposed lot for the western section of the site is proposed to be developed with 16 semi-detached dwelling units in 8 buildings, and a “L” shaped, 3 storey apartment building. The site plan is designed with 4 of the semi-detached units located at the south side of the property adjacent to Sarsons Road. The other 4 of the semi-detached units are designed to be located between the proposed commercial uses and the existing single family residential development. The existing single dwelling housing unit located on Lot C, Plan 54451 will remain on its own lot, with a panhandle access to Sarsons Road.

Multiple Unit Residential

The proposed multiple family residential development at the western side of the development site requires a rezoning of the properties from the existing RU1 – Large Lot Housing to the proposed RM3 – Low Density Multiple Housing zone, as well as a Development Permit to address the form and character of the proposed development, and a Development Variance Permit to address the increased building height from the 2 ½ storeys permitted to the 3 storeys proposed for the proposed apartment building. The proposed residential development is designed as eight 2 ½ storey, 3-bedroom semi-detached residential units, and a 3 storey, 58 unit (6–one bedroom, 52–two bedroom) apartment building constructed over an underbuilding parking garage for 88 vehicles.

The semi-detached units are designed as 2 ½ storey, 3 bedroom units, with a double garage for each unit attached to the main building level. The upper storey has deck areas provided to the master bedroom and adjacent to a small den area. The exterior of the proposed building is designed to be finished with a with a cultured stone material on the main level, and with a blend of “light tan” coloured horizontal hardi-plank and “medium tan” coloured stucco finishes.

The apartment building is designed in an “L” shape with the apex truncated to provide an area for the main pedestrian entrance to the building located on the outside of the apex, at the northeast corner of the proposed building. There is a large, semi-circular canopy located above the main entry to provide a visual clue to the location of the main entrance to the building, as well as provide a measure of weather protection to the people using this entrance. Internally, this entry area also provides space on the main floor level for some common amenity uses such as a common room and a small gym. The exterior of the apartment building is designed with a low pitch sloped roof, that includes a number of gable end features above the living areas of the 3rd. storey units. These features break up the horizontal lines of the roof, and reduce the perception of long unbroken expanses of the roof area. The exterior wall areas are designed to be finished with a cultured stone material on the main level, and with a blend of “light tan” coloured horizontal hardi-plank and “medium tan” coloured stucco finishes. The balconies incorporate guards built with glass panels and painted railings. There are a number of

roof elements incorporated over several of the second floor balconies. The gable end roof features utilize “heavy timber” bracket and beam end detailing.

The site plan indicates access to the residential portion of the site development from Sarsons Road, near the western extent of the multi-family component. The access road is intersected with the driveway from the first bank of 4 semi-detached residential buildings. The main driveway continues towards the north end of the residential development area, where there is a 45° bend to the left (west) which is widened to provide a drop-off area at the main entrance to the apartment building. The main driveway continues past the main apartment entrance, where the driveway splits to a driveway to the right to provide access to the remaining bank of 4 semi-detached residential buildings and a driveway to the left to provide access to an at-surface “visitors” parking area for 13 vehicles, as well as the access ramp to the parking structure located under the apartment building.

The residential development area will include perimeter landscaping consisting of existing and new deciduous and coniferous trees. The parking lot will be landscaped with several islands of trees and shrubs, and additional trees and shrubs will be planted around the buildings. Further details regarding form and character of the buildings, site access and landscaping can be reviewed at the Development Permit stage should Council support the OCP and Rezoning applications.

Commercial and Mixed-Use Buildings

The commercial component of the proposed development is designed to consist of five buildings, ranging in building footprint size from approximately 371.5 m² to 2,267.7 m². The largest building, intended for a food store, would be located in the approximate centre of the site, (shown as building “E”, identified as “Food Store & CRU 5” on the site plan). The next largest building (shown as building “D”, identified as “Library & CRU 4” on the site plan) is located to the north of the “Food Store” building. The remaining 3 buildings, (identified as CRU 1 CRU 2 CRU 3”) on the site plan, are located fronting Lakeshore Road. Each of the buildings are designed to incorporate both commercial and residential uses within a 2 storey building, except CRU1 which is only one storey.

The site plan shows access to the commercial portion of the development site coming from Lakeshore Road, located near the centre of the Lakeshore frontage and near the north end of the development site. There is a vehicle access between the residential and commercial areas. As well, the site plan indicates a substantial network of pedestrian sidewalks and crosswalks to connect the individual buildings, as well as a pedestrian link between the commercial component and residential area.

Building “A” which includes CRU1, is 1 storey high and approximately 371.6 m² (4,000 SF) in building area. This building does not contain any residential uses. The building is located at the intersection of Lakeshore and Sarsons Roads. There is a small plaza area located south of the building, and walkways on both the west and north sides.

Building “B” which includes CRU2, is two storeys in height and 418.0 m² (4,500SF) in building foot print area, and approximately 1393.5 m² (15,000SF) in gross floor area.

This proposed building includes a 557.4 m² (6,000 SF) area on the parking level below grade for use as a fitness centre, as well as the entire second storey above the commercial developed with 3 residential units. The building is setback 3m from the Lakeshore Road property line to provide space for a light well to provide natural light to the fitness area on the basement level. There is also a depressed plaza area located to the north of the proposed building.

Building “C” which includes CRU3, is two storey in height and 418.0 m² (4,500SF) in building footprint area, and approximately 836.1 m² (9,000SF) in gross floor area. The entire second storey is developed with 3 residential units.

Building “D” which includes the “Library” and CRU4 is two storeys in height and a total of 1,322.9m² (14,240SF) in footprint area, and approximately 2,239.4m² (24,106SF) in gross floor area. The second storey is developed with 8 residential units which surround a central landscaped green space, and a small roof garden located on the south side of the building. There will also be space for a “community meeting room” and office space for the applicant.

Building “E” which include the “Foodstore” and CRU5 is two storeys in height and 2,267.7 m² (24,410SF) in footprint area, and approximately 3,693.9m² (39,763SF) in gross floor area. The entire second storey is developed with 12 residential units which surround a central landscaped green space, and a small roof garden area located on the north side of the building.

All of the commercial and mixed-use buildings incorporate a common exterior design theme comprised of having the lower storey areas finished with a “dark grey” coloured cultured stone finish, and a “light grey” coloured hardi-plank board and batten detail area or a “light grey” coloured stucco highlight area located above the first storey. The glazing consists of tinted glass in store front units. The sloped roof areas utilize a concrete roof tile in a “burnt sienna” colour. The sloped roof areas are also broken up by the use of gable end details at regular intervals, or dormer features. The main entrances to each of the buildings or retail spaces are identified through the use of raised roof areas, substantial column elements, or canopy features. There are also several elevators that provide vertical movement from the parking level up to the upper residential area that are identified by substantial raised roof areas on the adjacent buildings. The long wall area of the proposed library is broken up by the use of trellis features that will provide for enhanced landscape planting areas.

The site plan indicates a substantial amount of landscaping around the commercial area of the site. Included with the site development is also a major plaza feature located at the south east corner of the site, as well as a depressed plaza area adjacent to CRU 2, and a landscaped square located south of the northern driveway. The food store, library, and CRU 2 and CRU3 are separated by a network of cobblestone like pathways, which are designed to create an internal pedestrian walkway and public meeting area. The adjacent buildings utilize extensive balcony features and heavy timbered detailing to enhance the notion of a public meeting space that is reminiscent of an European setting.

Please note that the above description is based on the drawings submitted by the applicant at the time of the Advisory Planning Commission meeting. Council will have an opportunity to address the form and character of the proposed development in the future, should Council support the proposed change in land use for the subject properties.

The **commercial** proposal as compared to the C3 zone requirements is as follows:

CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Site Area (m ²)	16,530 m ²	1,300m ²
Site Width (m)		40m
Site Coverage (%)	32.4%	50%
Community uses		16,530 m ² max @FAR = 1.0
Library	1,111 m ²	
Fitness centre	557 m ²	
Ground floor commercial	3,688 m ²	
Second floor residential	5,075 m ²	
Total Floor Area (m ²) (gross)	10,431 m ²	
F.A.R.	0.631	FAR = 1.0 max
Storeys (#)	2 storeys (9.75 m)	4 Storeys (15m) max
Setbacks (m)		
- Front	3.0 m	3.0m
- Rear	18.0 m	0.0m except 6.0m abutting residential
- North Side	25.0 m	The minimum side yard is 0.0 m, except it is 2.0 m from a flanking street or where the site abuts a residential zone other than an RU1, RU2, RU3, and RU4 zone. In these latter zones, the minimum side yard is the greater of 4.5 m or half the height of the building.
- South Side (Sarsons)	15.0 m	0.0m except 2.0m from a flanking street,
Parking Stalls (#)	397 stalls provided	4.4 stalls per 100 m ² GLA 2 stalls per residential unit 292 stalls required
Loading Stalls (#)	4 stalls provided	1 stall per 1,900 m ² 5,356 m ² /1,900 m ² = 3 stalls req'd

PARKING REVIEW;

Commercial 5,356 m² @ 4.4/100 m² (shopping centre) = 235 stalls required
 Residential 26 residential units @ 2 stalls per units = 56 stalls required
TOTAL STALLS REQUIRED 292 STALLS

Maximum stalls permitted 292 x 125% = 365 stalls permitted

Please note that the applicant has agreed to reduce the number of parking stall provided to the maximum permitted by the Bylaw requirements.

The **residential** proposal as compared to the RM3 zone requirements is as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	1,379 m ²	900m ²
Site Width (m)		30m
Site Coverage (%)	37.9% Buildings 49.5% Buildings and Pavement	The maximum building site coverage is 40%, provided that the maximum site coverage of buildings, driveways, and parking areas is 50%.
Total Floor Area (m ²)	9,603 m ²	1705 m ² max @ FAR = 0.5
F.A.R.	0.696	FAR = 0.5 + 0.2 parking bonus
Storeys (#)	3 storeys ❶	2½ storeys (9.5m)
Setbacks (m)		
- Front (from Sarsons Rd.)	4.5 m	The minimum site front yard is 4.5 m, except it is 6.0 m for a garage or carport.
- Rear	7.5 m	The minimum site rear yard is 7.5 m, 4.5 m for common recreation buildings, and 1.5 m for other accessory buildings.
- East Side	4.5 m	The minimum site side yard is 4.0 m for a 1 or 1½ storey portion of a building or an accessory building or structure and 4.5 m for a 2 or 2½ storey portion of a building
- West Side	4.5 m	The minimum site side yard is 4.0 m for a 1 or 1½ storey portion of a building or an accessory building or structure and 4.5 m for a 2 or 2½ storey portion of a building, except it is 4.5 m from a flanking street
Parking Stalls (#)	109 stalls required 133 stalls provided	5 - 1 br @ 1.25 stalls = 5 stalls 48 - 2 br @ 1.5 stalls = 72 stalls 16 - 3 br @ 2.0 stalls = 32 stalls

NOTE;

❶ DVP02-0023 has been made to vary the maximum permitted building height of the apartment building from the 2 ½ storeys permitted to the 3 storeys proposed.

3.2 Site Context

The existing Lot A Plan 9000 is currently developed with one single family dwelling, a mobile home, and out buildings, and Lot C, Plan 54451 has one single family dwelling located on it and an old barn. Lot C was created in 1995, when there were two single family residential lots subdivided off of the parent property. Lot 1, Plan 27559 is currently developed with a single family dwelling and an artist's studio. The properties are generally level, and are bounded by Lakeshore Rd. to the east and Sarsons Rd. to the south. The surrounding neighbourhood consists of established single family homes on large lots.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing/ Single Unit housing
- East - RU1 – Large Lot Housing/ Lakeshore Rd, Single Unit housing
- South - RU1 – Large Lot Housing/ Sarsons Road, Single Unit housing
- West - RU1 – Large Lot Housing/ Single Unit housing

3.3 Proposed Development Potential

The proposed “C3 – Community Commercial” zone allows for the following permitted uses; amusement arcades-major, animal clinics-minor, animal daycare, broadcasting studios, business support services, care centres-major, commercial schools, custom indoor manufacturing, drive-in food services, emergency and protective services, financial services, food primary establishment, gas bars, government services, group homes-major, health services, hotels, liquor primary establishment, major (C3lp/rls only), liquor primary establishment-minor, motels, non-accessory parking, offices, participant recreation services-indoor, personal service establishments, private clubs, recycled materials drop-off centres, religious assemblies, retail liquor sales establishment (C3lp/rls only), retail stores-convenience, retail stores-general, service stations-minor, spectator entertainment establishments, used goods stores, and utility services-minor impact as principle permitted uses, and; amusement arcades-minor, apartment housing, care centres-minor, and home based businesses-minor as permitted secondary uses.

The applicant has indicated that a restrictive covenant will be registered to prohibit the following uses;

- (a) **amusement arcades**
- (b) **drive-in food services**
- (c) **gas bars**
- (d) **hotels**
- (e) **motels**
- (f) **pawnshops**
- (g) **thrift stores**
- (h) adult video
- (i) **gaming facilities**
- (j) neighbourhood pub

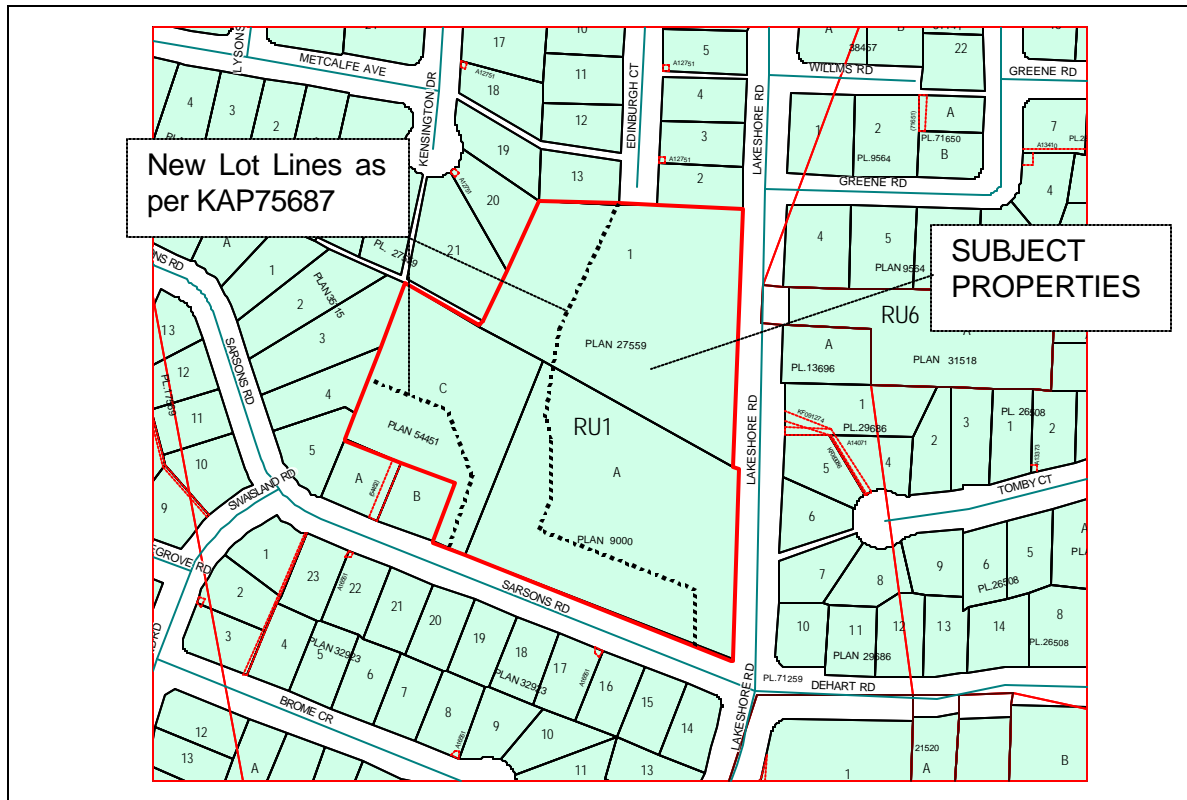
Furthermore, the applicant is prepared to restrict approximately 12,000 SF (1,115 m²) of the commercial floor space for community oriented uses as follows;

- (a) **community recreation services**
- (b) **emergency and protective services**

- (c) **health services**
- (d) **public libraries and cultural exhibits**
- (e) **participant recreation services - indoor**
- (f) **religious assemblies**
- (g) **care centre - major**
- (h) **private club**
- (i) **commercial schools**

The proposed “RM3 – Low Density Multiple Housing” zone allows for the following permitted uses; multiple dwelling housing, congregate housing, group home-major, and boarding or lodging houses as principle permitted uses, and apartment housing, row housing, semi-detached housing, stacked row housing, and permitted accessory buildings and structures as secondary permitted uses.

Site Location Map (Old Legals)



3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

This proposal to add a “Commercial” future land use to the subject properties is **not** consistent with the "Multiple Unit Residential - Low Density" designation of the Official Community Plan.

The applicant has applied for an amendment to the Kelowna Official Community Plan to add a “Commercial” future land use designation to a portion of the subject development site.

The Official Community Plan does contain information in the definition section relating to the range of sizes of commercial uses that would be supported in “Neighbourhood Centre”, as well as “Village Centres”. Please refer to the Planning and Development Services Department Comments seen below.

3.4.2 City of Kelowna Strategic Plan (1992)

The Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban area.

3.4.3 North Mission / Crawford Sector Plan

This proposal is **not** consistent with the "Multi - Family Residential (Low Density)" designation of the North Mission / Crawford Sector Plan.

The applicant has applied for an amendment to the Kelowna Official Community Plan to add a “Commercial” future land use designation to a portion of the subject development site.

The North Mission & Crawford Sector Plan also contains the following statements in relation to commercial uses in the Community Vision section;

“Residents feel commercial development should be encouraged to focus in two urban villages. The primary urban village, the North Mission Urban Residential Village, is located immediately south of Mission Creek on Lakeshore Road. This Urban Village is seen as a focal point in the community comprising commercial, higher density residential, and mixed use development.

The second and smaller, neighbourhood village is located immediately south of Bellevue Creek on Lakeshore Road. The Bellevue Creek Neighbourhood Village Centre is a smaller neighbourhood focal point serving the traditional convenience store needs of the area. The Bellevue Creek Neighbourhood Village, although located outside the sector plan study area, has an influence on the residents who live in the North Mission area.”

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Aquila Networks Canada (Fortisbc)

Will provide u/g electrical service.

4.2 Canada Post

This application will require the installation of centralized mail delivery equipment.

4.3 Fire Department

Fire department access and hydrants as per the BC Building Code and city of Kelowna Subdivision By-law.

Engineered fire flows will be required.

Contact FPO for preferred location(s) of new hydrant(s).

Turfstone pavers are shown and should be designed to support aerial ladder truck.

4.4 Inspection Services Department

The rear lot line of the residential project is the north PL not the west. Hydrants will be required for townhouses and may be needed for commercial. Access to u/g parking doubles as manoeuvring for loading dock - difficult access!

4.5 Kelowna Regional Transit

Require provision of a bus pullout

4.6 Parks Manager

Parks will require a right-of-way agreement in favour of public access for a neighbourhood connection between the existing cul-de-sac on Kenisington Dr, through the subject's property to Sarsons Rd.

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

Landscape Plan Requirements:

The Landscape Plan will have the following standard information and requirements:

A.Planting plan will include a plant materials list:

i)latin name

ii)common name

iii)size at planting

iv)plant symbol key

v)indicate existing trees

vi)indicate existing trees to be removed

B.Minimum plant material specifications for BLVDs as follows:

i)Deciduous Trees ? minimum calliper 60 mm @ 300mm above rootball

ii)Evergreen Trees - minimum height 2500 mm

iii)Seed/Sod Mix according to location and proposed activity use.

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

D.Scale of plan and north arrow clearly indicated on plan.

E.Planting plan to include all u/g utility locations in BLVD.

Tree Planting to conform with Master Municipal Specifications (MMCD) Section 02950 and British Columbia Landscape Standard (1997) Section 9.3.

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

BLVD 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.

4.7 Public Health Inspector

Subject to provisions of sanitary sewer and water to all lots affected.

4.8 School District #23

Prime crossing point for elementary students travelling to school - traffic and pedestrian movement needs to be reviewed to ensure safety standards are met.

4.9 Shaw Cable

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

4.10 Telus

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

4.11 B.C. Gas (Terasen Utility Services)

Gas is available to this site from Sarsons Road. Lot 2 has an existing gas service. Lots 1 & 3 require application.

4.12 Works and Utilities Department (revised)

The Works & utilities Department has the following comments and requirements associated with this application for the proposed Condominium, Townhouse and Commercial Area. The existing parcels are zoned RU-1. The road and utility upgrading requirements outlined in this report are provided for information purposes.

1. Domestic Water and Fire Protection

- (a) Domestic water and fire protection for this development can be provided from a watermain on Lakeshore Road and or, alternatively from Sarsons Rd.
- (b) The existing lots are presently serviced from Sarsons Road and Lakeshore Road with water services, which will likely need replacing.
- (c) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish the required size and preferred location of the new services.

Only one service will be permitted for each development site. The applicant, at his cost, will arrange for the removal of existing unused services and the installation of new larger metered water services. The estimated cost of this construction for bonding purposes is \$24,000.00.

- (d) The disconnection of existing water services and the tie-in of new services will be by City forces at the developer's expense.
- (e) Water meters are mandatory for this development and must be installed inside the buildings on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meters 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.
- (f) The boulevard irrigation systems must be integrated with the on-site irrigation system.

2. Sanitary Sewer

- (a) Sanitary sewer services for this development will be provided from a sanitary sewer mains on Sarsons Road and or, alternatively from Lakeshore Road.
- (b) The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and preferred location of the new services. The existing 150mm diameter service to proposed lot 2 may be utilized if it is of sufficient size and depth. Only one service will be permitted for each development site. The applicant, at his cost, will arrange for the installation of new larger services. The estimated cost of this construction for bonding purposes is \$9,000.00
- (c) Removal and capping of unused existing sanitary services and the tie-in of the new service must be by City crews and will be at the applicant's cost.

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for each 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, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage systems may be connected to the street drainage system with overflow services.
- (b) The subject development must include the design of drainage systems for Lakeshore Road and Sarsons Road fronting each site, including catch basins for curb and gutter construction. The cost of the work was included in the road design calculations.

- (c) Storm drainage systems and overflow service(s) for the sites will be reviewed and approved by Engineering when site servicing designs are submitted.

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 and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost for this construction for budget purposes is \$149,100.00. Not included in the estimate are costs for pole relocations and modifications to the existing traffic control signalization system.
- (b) Provide a bus pullout for the bus stop on Lakeshore Road.
- (c) Sarsons Road must be upgraded to a full urban standard (SS-R5) along the full frontage of this proposed development, including curb and gutter, monolithic 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 and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost for this construction for budget purposes is \$109,200.00. Not included in the estimate are costs for pole relocations and modifications to the existing traffic control signalization system.
- (d) Provide Street Sign, Markings and Traffic Control Devices Drawings. The City will install or modify the required signs and traffic control devices at the developer's expense.
- (e) Dedicate and construct a hammer head / cul-de-sac at the end of Edinburgh Ct The estimated cost for this construction for budget purposes is \$12,000.00
- (f) On-site roads will be designated as private roads.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Provide a 3.05m highway allowance widening of Lakeshore Rd for the full frontage of existing Lot A Plan 9000
- (b) Provide a 6.0m corner rounding at the intersection of Lakeshore Road and Sarsons Road.
- (c) A cross access agreement must be registered for vehicular traffic between proposed lots 1 and 2

- (d) Dedicate sufficient road allowance to accommodate the Edinburgh Court turn-around.
- (e) Grant Statutory Rights Of Way if required for utility services.

6. Electric Power and Telecommunication Services

The existing overhead electrical and telecommunication distribution wiring on Lakeshore 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.

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 east side of Lakeshore Road, this source must be in underground ducts.

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.

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.

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.

11. Development Permit and Site Related Issues

- (a) A site grading plan, a site servicing plan and a storm drainage plan are a requirement of this application. Site servicing issues and road access will be further reviewed and comments related to site development will be addressed when a detailed site development design or building permit application is received.
- (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.
- (c) A bike rack must be provided in accordance with current bylaws and policies.
- (d) Access and Manoeuvrability
 - (i) Modify the proposed Sarsons access road as noted in red on the attached drawing.
 - (ii) Should traffic conditions dictate, The City of Kelowna wishes to reserve the right to restrict the proposed southern access onto Lakeshore Road to right in and right out only.
 - (iii) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.
 - (iv) Revised site access and egress designs onto Sarsons Road as well as the parking lot configuration must be submitted for approval by the City Works & Utilities Department before final adoption of the zoning bylaw. This is required to guarantee that the requirements and the limitations of access and egress required by the City have been addressed to the City's satisfaction.
 - (v) The development should not be permitted to access the Kensington Drive walkway. This walkway should be closed and sold to the abutting property owners.
 - (vi) Perimeter access must comply with the BC Building Code.

12. Bonding and Levy Summary

(a) Bonding

Service Upgrades	\$ 33,000.00
Lakeshore Road Frontage Improvements	\$149,100.00
Sarsons Road Frontage Improvements	\$109,200.00
Edinburgh Court turn-around	\$ 12,000.00

<u>Total</u>	<u>\$ 303,300.00</u>
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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

No levies are applicable. Off-site service connection costs will be included in the servicing agreement.

13. OCP Amendment

We have no concerns or requirements of the OCP amendment application.

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.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The proposed development project is comprised of two components; a mixed use commercial/residential component and a multiple unit residential component. These two land use groups could be processed separately but the applicant has chosen to combine them in an effort to put forward a comprehensively designed project. In looking at the overall development, the Planning and Corporate Services Department is prepared to support the application based on the following evaluation.

Multiple Unit Residential Component

The current designation for Future Land Use in the Official Community Plan designates the subject property for Low Density – Multiple Unit Residential. As such, the rezoning to RM3 is consistent with the OCP land use designation. There is additional detail provided in the North Mission Sector Plan by way of a Development Scenario which represents conceptual parameters for development of the site. Although the Sector Plan indicates that development in a multiple unit form is supported, the concept for development indicates that the density of such a development should be relatively consistent with what could be achieved by single family development of the subject properties.

Planning staff acknowledge that the proposed development is higher in density than what could be achieved through single family development but choose to support this component of the plan as presented. The proposed development is consistent with the OCP designation and is within the density permitted by the RM3 zoning. It is important to note that there have been several other sites that were identified by the Sector Plan for Low Density Multiple Unit development potential that have developed for lower density uses. Specifically, a portion of the Fairview Golf Course site was developed for Institutional uses, and the Capozzi, Hobson and Reid properties have developed as single family residential – all displacing potential multiple unit residential.

The Planning and Corporate Services Department does not view this opportunity to “make up for lost ground” by supporting higher density than the OCP calls for, but the department does not feel that the Multiple Unit Residential portion of the site should be under-developed according to the Future Land Use designation.

Mixed Use Commercial/Residential Component

The mixed use component of this project has been well designed to promote a pedestrian oriented commercial experience while recognising the auto dependence of the Mission area. By providing for a significant portion of the parking underground, the applicant has tried to minimise the amount of surface parking and, in turn, promotes a pedestrian mall or plaza to connect the commercial spaces. The commercial component has also been oriented to provide a multiple unit residential buffer to most of the existing residential uses surrounding the subject property while presenting an architecturally interesting façade towards Lakeshore Road. The buildings have been limited to two stories in height with the predominant second floor use being residential units. The applicant has furthermore included private amenity areas on the rooftop areas of the commercial buildings to provide some refuge for the second floor residential units. The one commercial building that has limited exposure to Sarsons Road has been reduced to one storey in height.

The overall design for the mixed use commercial component is generally consistent with commercial guidelines in the OCP. However, commercial land use for this location is not supported by the current OCP with respect to Future Land Use. Furthermore, the OCP sets a hierarchy for commercial nodes or centres and also specifies that new commercial opportunities should generally be directed to Neighbourhood Centres that are not currently served by higher order commercial centres.

By definition in the Official Community Plan, a Neighbourhood Centre is defined as less than 3,000 square metres of commercial floor space located in an area not serviced by an Urban (City or Town Centre) or Village Centre. A Neighbourhood Centre is generally designed to serve approximately 3000 people within a one kilometre radius. A Village

Centre is defined as having between 3,000 to 7,000 square metres of floor space and not within two kilometres of another Village or Urban Centre.

This application proposes a total of approximately 4,800 square metres of commercial floor area with approximately 1,100 square metres being restricted to community oriented use (as described in Section 3.1 of this report). The remaining 3,700 square metres of commercial floor space could be used for any of the permitted uses in the C3 zone, unless further restricted by a voluntary covenant as currently proposed. The commercial component would therefore be classified as a Village Centre within the commercial hierarchy of the OCP. As well, the location at Sarsons Road would be within two kilometres of the North Mission Village Centre (approximately 1.95 kilometres from the intersection of Lakeshore Road and Lexington Drive to Lakeshore Road and Sarsons Road). The proposed 3,700 – 4,800 square metres of floor space is too large to be classified as a Neighbourhood Centre. In addition, the Sarsons Road location would be within the area considered to be serviced by the North Mission Village Centre and within one kilometre of the Neighbourhood Centre (Mission Market and Sunshine Market are approximately 800 m away) at Lakeshore and Collett Roads. There is no OCP restriction regarding proximity of Neighbourhood Centres.

The subject property is located between the North Mission village centre (located south of Mission Creek, approximately 2km away) and the Mission Village (Kettle Valley, approximately 4km away) village centre. The applicant has submitted a Commercial Study for the Okanagan Mission area of Kelowna, authored by Hudema Consulting Group Ltd. that concludes that there is sufficient market capacity, now and in the future, such that the proposed commercial development will not impact the areas currently designated for or developed as commercial use. The study also acknowledges that there is a disproportionately low amount of commercial floor space as compared to population in the Mission area which contributes to a significant net outflow of shopping trips from this sector of the city. The Hudema study projects that even with a relatively low capture rate (the percentage of shopping done in this sector by its resident population) there is more than adequate demand in the south Mission area to warrant the proposed development and future commercial development as supported by the OCP. Providing more commercial space in this sector of the city will also reduce the need for longer shopping trips out of this sector.

Summary

The Planning and Corporate Services Department is recommending Council consider the proposed OCP Amendment and Rezoning application positively and advance the applications to a Public Hearing for further consideration. Staff recognise that the scope of the commercial land use exceeds the hierarchy of commercial floor space that could be considered consistent with the OCP. However, the integration of multifamily and commercial development to create a true mixed use development which creates an opportunity for a mix of housing types in the Mission, live - work opportunities and a reduction of vehicular travel on increasingly busy arterials, the department feels the project warrants further consideration. There has been an historic lack of commercial opportunities in the central Mission area and although the department feels that it would be better scaled down to meet the OCP hierarchy, the applicant has provided information to suggest that the additional commercial will not significantly impact the overall market demand in this sector nor neighbouring commercial areas such as the South Pandosy area.

On a technical basis, the applicant has presented an overall design for both the mixed use component and the multiple unit residential component that warrants consideration

and has provided a commercial study that seems to address the majority of concerns that staff have presented to the applicant. Staff recommend Council advance this application to a public hearing.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

PMc/pmc
Attach.

FACT SHEET

- | | |
|---|--|
| 1. APPLICATION NO.: | Z02-1012/OCP02-0003/TA04-0004 |
| 2. APPLICATION TYPE: | Rezoning / OCP Amendment / Text Amendment |
| 3a. OWNER: | Gazelle Enterprises Inc. (Inc. 696169) |
| . ADDRESS | #200 – 3275 Lakeshore Rd |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 3S9 |
| 3b. OWNER: | Green Projects Ltd. (Inc. 695177) |
| . ADDRESS | #200 – 3275 Lakeshore Rd |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 3S9 |
| 4. APPLICANT/CONTACT PERSON: | Gazelle Enterprises Inc. |
| . ADDRESS | Mr. Grant Gaucher |
| . CITY | #200 – 3275 Lakeshore Rd |
| . POSTAL CODE | Kelowna, BC |
| . TELEPHONE/FAX NO.: | V1W 3S9
763-4444/763-1000 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | March 26, 2002 |
| Date Application Complete: | March 28, 2002 |
| Servicing Agreement Forwarded to Applicant: | May 20, 2004 |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | June 16, 2004 |
| 6. LEGAL DESCRIPTION: | a) Lot 1, DL 167, O.D.Y.D., Plan KAP75687
b) Lot 2, DL 167, O.D.Y.D., Plan KAP75687 |
| 7. SITE LOCATION: | North West Corner of Sarsons Road and Lakeshore Road |
| 8. CIVIC ADDRESS: | 530 Sarsons Rd.
4392 Lakeshore Rd.
4388 Lakeshore Rd. |
| 9. AREA OF SUBJECT PROPERTY: | 32,290 m ² |
| 10. AREA OF PROPOSED REZONING: | 30,320 m ² |
| 11. EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 12. PROPOSED ZONE: | RU1 – Large Lot Housing
RM3 – Low Density Multiple Housing
C3 – Community Commercial |

13. PURPOSE OF THE APPLICATION:

i) To Amend The OCP To Change The Future Land Use Designation Of The Eastern Section Of The Subject Properties From “Multiple Unit Residential – Low Density” To “Commercial”

ii) To Rezone Lot 1 Plan 75687 From The “RU1- Large Lot Housing” Zone To The “C3-Community Commercial” Zone And To Rezone Lot 2 Plan 75687 From The “RU1 – Large Lot Housing” Zone To The “RM3-Low Density Multiple Housing” Zone

iii) Text Amendment To Add “Public Libraries And Cultural Exhibits” As A Principle Permitted Use And “Community Recreation Services” As A Secondary Permitted Use To The C3 – Community Commercial Zone

**14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY**

N/A

**15. DEVELOPMENT PERMIT MAP 6.2
IMPLICATIONS**

General Commercial; notify GIS of addition
General Multi-Family; notify GIS of addition

Attachments

Subject Property Map
Schedule A, B & C (11 pages)
10 pages of site elevations / floor plan diagrams