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

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**Date:** October 19, 2004  
**File No.:** TA04-0005/Z04-0046/OCP04-0011/**DP04-0075**

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** TA04-0005/Z04-0046/OCP04-0011/**DP04-0075**

**OWNER:** LAKE PLACID DEVELOPMENTS INC.

**AT:** 1120/1134/1148/1158/1168  
BERNARD AVENUE

**APPLICANT:** BKDI ARCHITECTS

**PURPOSE:** TO OBTAIN A DEVELOPMENT PERMIT IN ORDER TO ALLOW A MIXED USE DEVELOPMENT WITH A 16 STOREY RESIDENTIAL TOWER (147 UNITS), WITH 3180M<sup>2</sup> OF COMMERCIAL/RETAIL SPACE, A SPA (800M<sup>2</sup>) AND FIVE GROUND LEVEL TOWN-HOUSE STYLE UNITS WHICH FORM PART OF THE OVERALL TOWER

**EXISTING ZONE:** RU6 – TWO DWELLING HOUSING / C4 - URBAN CENTRE COMMERCIAL

**PROPOSED ZONE:** CD17- HIGH DENSITY MIXED USE COMMERCIAL

**REPORT PREPARED BY:** RYAN SMITH

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

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**1.0 RECOMMENDATION**

THAT Final Adoption of Official Community Plan Amending Bylaw No. 9303 be considered by Council;

AND THAT Final Adoption of Text Amending Bylaw No. 9304 be considered by Council;

AND THAT Final Adoption of Zone Amending Bylaw No. 9305 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP04-0075 for Lot A, ODYD Plan 31667/Lot A, ODYD Plan 31666/ Lots 2 and 3, ODYD Plan 17333/Lot 2, ODYD Plan 17857/Lot B, ODYD Plan 18052, located on Bernard Avenue, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

## 2.0 SUMMARY

The applicants are proposing to construct a 16 storey mixed use development on the subject properties.

## 3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of July 20, 2004 it was resolved:

THAT the Advisory Planning Commission supports Official Community Plan Amendment No. OCP04-0011, for 1148, 1158, 1168 Bernard Avenue, Lot 3, Plan 17333, Lot 2, Plan 17857, Lot B, Plan 18052, Sec. 19, Twp. 26, ODYD, by BKDI Architects (Brian Kilpatrick) to amend the OCP future land use designation from single/two family residential to commercial to facilitate a proposed mixed use development;

AND THAT the Advisory Planning Commission supports Text Amendment Application No. TA04-0005 and Rezoning Application No. Z04-0046, for 1120, 1134, 1148, 1158, 1168 Bernard Ave/Lot A, Plan 31667 & Lot A, Plan 31666, Lots 2 & 3, Plan 17333, Lot 2, Plan 17857, Lot B, Plan 18052, Sec. 19, Twp. 26, ODYD, by BKDI Architects (Brian Kilpatrick) to create a CD zone to accommodate a proposed mixed use development, and to rezone from the C4-Urban Centre Commercial zone and the RU6 – Two Dwelling Housing zone to the proposed Comprehensive Development zone;

AND THAT the Advisory Planning Commission supports Development Permit Application No. DP04-0075, for 1148, 1158, 1168 Bernard Avenue, Lot 3, Plan 17333, Lot 2, Plan 17857, Lot B, Plan 18052, Sec. 19, Twp. 26, ODYD, to obtain a Development Permit in order to allow a mixed use development with a 16 storey residential tower (152 units), with 3980m<sup>2</sup> of commercial/retail space, a spa and five ground level entry town-house units.

## 4.0 BACKGROUND

The subject properties were formerly occupied by an IGA Grocery Store, Funeral home and three single family dwellings. The grocery store and funeral home are both vacant at this time.

#### 4.1 The Proposal

The applicant is proposing to create a Comprehensive Development zone for the subject properties that would accommodate a high density residential/commercial mixed use development. The proposed Comprehensive Development zone is based on the RM6 and C4 zones with some minor modifications. The proposal requires a text amendment to the zoning bylaw, OCP amendment, rezoning and development permit.

The proposed development would encompass 6 legal lots. The primary portion of the development site comprises the site formerly occupied by an IGA grocery store and an adjacent site formerly occupied by a funeral home. Three residential lots abutting Bernard Avenue are also included as part of the development proposal.

The applicant is proposing 3446M<sup>2</sup> of commercial/retail space at grade and 533m<sup>2</sup> on a second storey. The commercial units will wrap around the exterior of the Gordon Drive and Bernard Avenue frontages and parking will be located in the interior of the lot – accessed via Lawson Avenue. An urban plaza of stamped concrete will adorn the Gordon/Bernard corner of the development. The applicant has indicated that an art feature will be placed in this plaza but it is not clear yet whether the City will be involved with the selection process. A break in the buildings will also occur at this point in order to provide pedestrian access to the interior of the site (parking area). Proposed uses for the retail units includes a large pharmacy, coffee shop, bakery and restaurant. The commercial portions of the development will range in height from 1-2 storeys (restaurant will be located on second storey overlooking Bernard/Gordon intersection). The applicant is also proposing a future 2<sup>nd</sup> storey commercial expansion space above the pharmacy. All commercial retail units fronting onto Bernard Avenue and Gordon Drive will have pedestrian access from the sidewalk. The applicant is proposing to provide 75 stalls at grade to accommodate the commercial portion of this development.

A spa measuring 800m<sup>2</sup> is proposed for the north-east corner of the property adjacent to Lawson Avenue. The spa will be a single storey structure that is connected to the residential portion of the development to the south. The space will have pedestrian access from Lawson Avenue and will be buffered from adjacent residential development by a landscape buffer.

The residential portion of the development will take on two different forms. Surrounding the base of proposed 16 storey residential tower are five townhouse style units. Four of these units front onto Bernard Avenue while one unit faces the interior of the development. The 16 storey residential tower will house 147 residential units. The main access to the residential development will be via a drive aisle from Bernard Avenue and parking will be provided below the development. The applicant is proposing to provide 290 stalls under the development.

The proposed development is of a contemporary style and presents a mainly brick façade that is anchored at the first storey level by architectural concrete elements. The building rises in a series of terraces and is capped by a steeply sloping pre-finished metal roof. All of the proposed terraces will be landscaped and the applicant is exploring the possibility of a living roof feature above the pharmacy. The north and east sides of the site area also landscaped heavily in order to provide both public open space and a buffer from abutting residential areas. The applicant is proposing an urban plaza feature at the corner of Bernard and Gordon that will shaded by street trees and possibly some additional landscape features.

The application meets the requirements of the CD17- High Density Mixed Use Commercial zone as follows:

CRITERIA	PROPOSAL	CD17 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	11,206m <sup>2</sup>	11,173m <sup>2</sup>
Lot Depth (m)	144.6m	
Lot Width (m)	90.3m	
Area of Buildings at Grade	5292m <sup>2</sup>	4767.6m <sup>2</sup>
Area of Pavement, Accessory Buildings, etc...	3047m <sup>2</sup>	3047m <sup>2</sup>
Site Coverage (%) (Buildings)	45%	45%
Site Coverage (%) (Buildings and paved areas)	71%	75%
Site Coverage (Soft/Hard Landscaped Areas at grade)	3701m <sup>2</sup>	4000m <sup>2</sup>
Gross Floor Area (m <sup>2</sup> )	27,394m <sup>2</sup>	
Floor Area Ratio (FAR)	2.1	2.2
Parking Spaces(Underground)	290 stalls	224 stalls
Parking Spaces(Surface)	75 stalls	75 stalls
Total Parking	365 stalls	294 stalls
Bicycle Parking	As required by Zoning Bylaw No.8000	As required by Zoning Bylaw No.8000
Storeys (#)		
<b>Setbacks(m)(Apartment)</b>		
Front	0.0m	0.0m
Rear	22m+	6.0m
Side (n)	0.0m	0.0m
Side (s)	0.0m	0.0m
Private Open Space	2,646m <sup>2</sup>	952m <sup>2</sup>
Drive Aisle Width	7.0m	7.0m
Refuse Bins (Setback from abutting residential areas)	No refuse bins in close proximity to property lines	N/A

#### 4.2 Site Context

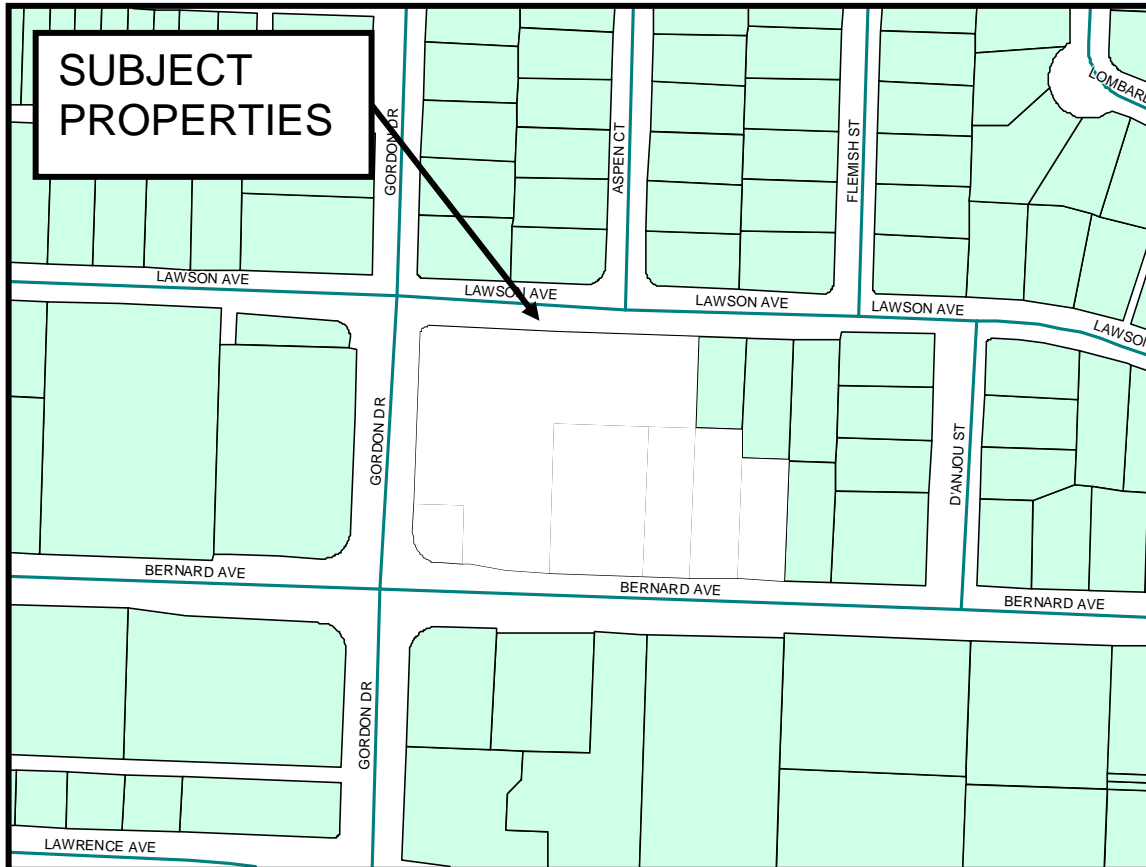
The subject properties on the northeast corner of Gordon Drive and Bernard Avenue in the Capri Village Centre.

Adjacent zones and uses are:

- North - RU6 – Two Dwelling Housing – Single Family Dwelling
- East - RU6 – Two Dwelling Housing – Single Family Dwelling
- South - C4 – Urban Centre Commercial – 7-Eleven / New Mixed Use Development / Kiwanis Tower
- West - RM5 – Medium Density Multiple Family – Apartment Development

#### 4.3 Site Location Map

Subject Properties: 1120/1134/1148/1158/1168 Bernard Avenue



#### 4.4 Existing Development Potential

The subject properties are currently zoned C4 – Urban Centre Commercial and RU1 – Large Lot Housing. The purpose of the C4 – Urban Centre Commercial zone is to provide for the development of community commercial centres to serve more than one neighbourhood. The purpose of the RU1 – Large Lot Housing zone is to provide for single detached housing, and compatible secondary uses, on larger serviced urban lots.

#### 4.5 Current Development Policy

##### 4.5.1 Kelowna Official Community Plan

The future land use designation of the subject properties in the Official Community Plan is Commercial and Single/Two Unit Residential. The subject properties are not in an Urban Centre designated area; however, they are on the fringe of such an area. The OCP contains the following policy which relates to this proposal (commercial development permit guidelines are not included below but are considered by staff):

*Encourage the development of a variety of housing forms to ensure that housing supply meets the needs of Kelowna's diverse population and satisfies a range of life cycle and lifestyle choices.*

*Encourage commercial projects with Urban Centers to include a residential component wherever appropriate.*

*Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighborhood diversity and healthy communities;*

The OCP also supports amendments and rezoning to densities greater than those provided for on the general land-use map in cases where:

- Supporting infrastructure is sufficient to accommodate the proposed development;
- Proposed densities do not exceed the densities provided for on map 19.1 by more than one increment;
- Provided the project can be sensitively integrated into the surrounding neighbourhood;
- Contributes to the City's goal of over the 1994-2013 timeframe of having 67% of new residential units to be in the form of apartments, townhouses and multi-unit dwellings;
- Support a land use approach where residential densities increase as proximity to the core of Urban Centres increases, as shown on future land use map 19.1.

\*Note: The proposal does not meet all of the above noted conditions.

The OCP also contains the following policies relating to building form/height which would not generally support the proposal:

Policy 6.1.25.

Encourage a general decrease in building height and density as the distance from the Urban Centre core increases.

Policy 8.1.32

Support a land use approach where residential densities increase as proximity to the core of Urban Centres increases . . .

#### 4.5.2 Kelowna Strategic Plan (1992)

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

#### 4.5.3 Glenmore/Clifton/Dilworth Sector Plan

The future land use designation for the subject properties in this sector plan was commercial (IGA Site/Funeral Home) and Single/Two Unit Residential (residential lots on Bernard).

Provide for a diversity of housing in all neighborhoods which addresses the full spectrum of life cycles, life styles, social needs and income levels.

Create sensitive transitions between differing uses.

Use building form, character, roof slopes, design details, landscaping, street orientation and other methods to reduce the impression of mass in multiple unit housing developments.

Incorporate urban design elements (e.g. plazas, focal points, view points) which reinforce continuity with the surrounding neighborhood.

Examine the use of zoning to provide innovative ways of increasing housing alternatives. Examples include:

- Increasing density through infilling
- Mixed use zoning (more residential above commercial)

#### 4.5.4 Crime Prevention Through Environmental Design

##### **Natural Surveillance**

- dumpsters should not create blind spots or hiding areas;
- lighting should be even to avoid casting shadows where people can hide; using numerous low wattage lights accomplishes this better than a few high wattage lights;
- loading areas should not create hiding places;
- all four facades of a building should have windows;
- the lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- exterior of buildings should be well-lit;
- wherever it is appropriate, a mix of uses should be encouraged to increase natural surveillance at different times of the day; placement of residential uses above commercial is a good example of this;
- elevators and stairwells should be clearly visible from windows and doors;
- shrubbery should be no more than three feet (one metre) high for clear visibility;
- stairwells should be well-lit and open to view; not behind solid walls.

##### **Territorial Reinforcement**

- property boundaries, where possible, should be marked with hedges, low fences or gates;
- private and semi-private areas should be easily distinguishable from public areas;
- all public and semi-private areas should be well-maintained to convey pride and ownership, which discourage negative activity;

##### **Natural Access Control**

- Public paths should be clearly marked;
- signs should direct patrons to parking and entrances;
- there should be no easy access to the roof;
- entrances to dwellings within a commercial building should be separate from the commercial entrance to enable distinction of residential visitors from those frequenting businesses;
- rear access to shops should be provided from rear parking lots.

## 5.0 TECHNICAL COMMENTS

This application was circulated to various internal departments and technical agencies and the following comments were received:

### 5.1 Ministry of Transportation

We have reviewed the D.A. Watt Consulting report dated August 31, 2004 and addendum dated September 7, 2004. Based on the accepted traffic assignment pattern and the trip generation rates used it is reasonable to expect that the amount of development traffic at the Highway 97/Gordon Drive intersection will be near 100 vph. and that this will not require any further analysis.

On this basis the Ministry has no objection to the rezoning or development permit. The City should be aware however, that any vehicle delay issues on Gordon Drive at Highway 97 may be exacerbated and there will not likely be any flexibility at the signal to redistribute green time.

### 5.2 Parks Manager

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

All plant material (trees, shrubs, ground covers and seed/sod) used in Boulevard to be reviewed by City Parks Division. All materials located in Boulevard to meet city standard for size and method of installation.

#### 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 calipre 60 mm @ 300mm above rootball
- ii) Deciduous Shrub: minimum spread 450mm
- iii) Evergreen Trees: minimum height 2500 mm
- iv) Evergreen Shrub: minimum spread 450mm

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) 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.

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.

5.3 Fire Department

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

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

5.4 Fortis BC

No response.

5.5 Inspection Services Department

No concerns subject to detailed plan check to determine compliance with BC Building Code.

5.6 Kelowna Regional Transit Operations Manager

No comment.

5.7 Public Health Inspector

No comment.

5.8 RCMP

No response.

5.9 School District 23

No response.

5.10 Shaw Cable

Owner/developer to supply and install an u/g conduit system.

5.11 Transportation Demand Management

a) This development will need to be serviced by transit directly from the curb lane (North Bound Gordon). No allowance has been considered in their design for a bus bay. At this time we don't have any service North bound on Gordon but I anticipate we will in the future. We do have West bound service but it stops across the intersection of Gordon, and further to the east at D'Anjou. A nearside stop at this location would not be desirable, given the proximity to the intersection.

b) Bicycle parking to be provided at store frontages (near the entries) as well as in the plaza area at the corner.

c) The handicapped parking stalls in the middle aisle should be located at stall #15 and 18. This way they would have immediate access to the sidewalk as per point # 3 above.

5.12 Telus

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

5.13 Terasen

No response.

5.14 Works and Utilities Department

The Works & Utilities Department have the following requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit approval, and are outlined in this report for information only.

#### 5.14.1 Domestic Water and Fire Protection

The developer's consulting civil / mechanical engineer will determine the domestic and internal fire protection requirements of this proposed development and establish the required main sizes and service needs. The development site is serviced with several small diameter services. A larger service will be required. Only one service is permitted. Tie-in of new services to existing mains will be by City forces at the developer's expense. Decommissioning and disconnection of existing small diameter water services will be by City forces at the applicant's cost. The estimated cost for this construction for bonding purposes is \$12,000.00.

The existing water main on Bernard Avenue fronting this property is 200mm in diameter.

The existing water main on Gordon Drive fronting this property is 250mm in diameter.

The existing water main on Lawson Avenue fronting this property is 150mm in diameter.

It may be necessary to upgrade the existing 150mm diameter water main on Lawson Avenue. The estimated cost for this construction, if required, for bonding purposes is \$38,800.00.

Upgrade the existing hydrants without a 100mm pumper port fronting this development and install additional fire hydrants as determined by the developer's consulting civil / mechanical engineer, the estimated cost for this construction for bonding purposes is \$8,000.00.

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 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 may also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

#### 5.14.2 Sanitary Sewer

The developer's consulting civil / mechanical engineer will determine the requirements of this proposed development and establish the required service needs. Tie-in of new services to existing mains will be by City forces at the developer's expense.

The existing sanitary main on Bernard Avenue fronting this property is 400mm in diameter.

The existing sanitary main on Gordon Drive fronting this property is 200mm in diameter.

The development site is serviced with several small diameter sanitary services. A larger sanitary sewer service will be required. Only one sanitary service is permitted and all unused services must be decommissioned by City forces at the applicant's cost. The estimated cost for this construction for bonding purposes is \$5,000.00.

#### 5.14.3 Storm Drainage

The developer must engage a consulting civil engineer to provide a storm water management plan for the 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 lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service.

It will be necessary for the developer to construct a piped storm drainage system on Bernard Avenue fronting the proposed development. The cost is included in the Road upgrading item.

#### 5.14.4 Road Improvements

##### a) Gordon Drive

Gordon Drive fronting this development is fully urbanized. Frontage improvements anticipated at this time include the removal and replacement of the existing sidewalk, installation of ornamental street lighting and the re-location and adjustment of existing utility appurtenances. The cost for bonding purposes is \$18,000.00

##### b) Bernard Avenue

Bernard Avenue fronting this development will require pavement widening, curb, gutter, piped storm drainage system, sidewalk and driveway access removal and replacement, boulevard landscaping and adjustment and / or re-location of existing utility appurtenances including lamp standards, to accommodate this construction.

Upgrades will also include modifications to the existing traffic median, signage and line painting. The estimated cost for bonding purposes is \$148,000.00.

Re-location and adjustment of existing traffic signals and related appurtenances will be required. The estimated cost for bonding purposes is \$10,000.00

c) Lawson Avenue

The existing access driveways to Lawson Avenue will be removed and replaced with the proposed driveway access. This work will require curb, gutter, sidewalk and ramp removal and replacement. It is anticipated that the existing curb and sidewalk will be replaced for the full frontage of this development and upgrades will include ornamental street lighting and re-location or adjustment of existing utility appurtenances to accommodate the construction. The cost for bonding purposes is \$31,000.00

Damage to existing asphalt road surfaces will likely occur during the excavation and construction period. Replacement of damaged works, as determined by the city engineer, will be at the developer's expense.

#### 5.14.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

Lot consolidation.

Provide a highway allowance widening of Bernard Avenue and Gordon Drive for the additional turning lanes, alignment modifications, and corner rounding requirements. See D.A. Watt Consulting Design Drawing No. FP03-579501 for the widening details.

These widening may be accomplished by:

A dedication on the subdivision plan.

Sale of the land to the City of Kelowna provided sufficient funds are available in the City's current budget. Contact Mr. D.L. Shipclark, Manager, Community Development & Real Estate, if this option is selected.

#### 5.14.6 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 an underground service. 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.

#### 5.14.7 Street Lighting

Ornamental street lighting including underground ducts must be installed on all roads fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

#### 5.14.8 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.

#### 5.14.9 Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, and in conformance with the City of Kelowna Subdivision Development & Servicing Bylaw No. 7900, the owner is eligible to apply for latecomer protection for the following:

If required, water main upgrades on Lawson Avenue.  
Piped storm drainage construction on Bernard Avenue.

#### 5.14.10 Geotechnical Report

As a requirement of this application, 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:

Area ground water characteristics, including water sources on the site.

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

Drill and/or excavate test holes on the site and install pisometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

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

Additional geotechnical survey may be necessary for building foundations, etc.

#### 5.14.11 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.

#### 5.14.12 Bonding and Levy Summary

##### Bonding

Gordon Dr. Road Improvements	\$18,000.00
Bernard Ave. Road Upgrade	\$148,000.00
Traffic signal modifications	\$10,000.00
Lawson Ave. Road Upgrade	\$31,000.00
Service and Hydrant Requirements	\$25,000.00
<b>Total Bonding</b>	<b>\$232,000.00</b>

Lawson Ave. Watermain Upgrade, if required, add \$38,800.00

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.

#### 5.14.13 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.

The developer must obtain the necessary permits and have all existing utility services disconnected prior to moving existing houses. The existing homes have been fitted with small water meters at the City's cost. The owners must give the City adequate notice to remove these meters prior to moving or demolishing these houses. If the meters cannot be recovered, the owners will be billed \$235.00 per meter to compensate for the loss of the meters

#### 5.14.14 Access and Maneuverability

The site plan should illustrate the ability of an SU-9 vehicle to maneuver onto and off-site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

If a gated entrance is proposed, the entrance area before the gate must allow for a vehicle (who has been denied gate access) to turn around and re-enter the public street in a forward direction. The area must allow for an "SU-9" vehicle turning radius and the gate must open into the site.

The site access and egress design onto the frontage roads as well as the parking lot configuration must be submitted for approval by the City Works & Utilities Department before final adoption of the development permit. 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.

Should future traffic conditions dictate, The City of Kelowna wishes to reserve the right to extend the existing traffic median, restricting access onto Bernard Avenue to right in, right out only.

#### 5.14.15 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.

5.14.16 Transportation related Requirements are as follows:

A Traffic Impact Study (TIS) for the proposed development was prepared by D.A.Watt Consulting, following a 'terms of reference' agreed to by the City of Kelowna.

The TIS indicates that the Bernard Ave, Gordon Dr. signalized intersection will operate at a satisfactory level of service, provided that the eastbound approach functions as a left, a through, and a through plus right turn lane. The two existing easting east bound lanes east of the intersection function without any modifications.

Westbound traffic approaching the intersection requires a left, a through, a through and right lane. The City of Kelowna recommends the construction of two westbound lanes from their parkade entrance.

An opposing left turn lane is required from D'Anjou Street to a point approximately 100 meters west. This is required in order to deal with traffic safety and capacity issues adjacent to their parkade entrance.

The Lawson Avenue, Gordon Drive intersection is not expected to be congested. However, as Gordon Drive volumes increase it will become necessary to restrict westerly Lawson approach traffic to right turns only. Faced with this restriction, traffic will have to circle the block via D'Anjon Street.

The re-routing of this site traffic will increase volumes on both Lawson Avenue and D'Anjon Street to levels higher than usually experienced on local streets. However, the pavement tops on these roads is more typical of collector streets, so we do not expect operational problems to arise.

The developer is required to supply adequate secure bicycle parking in order to encourage non-motorized travel.

## 6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department did not support the rezoning and official community plan amendment portions of this applications based on existing policies; however, Council has supported these applications through third reading of the respective bylaws. Given that the land use has been supported by Council the Planning and Corporate Services Department supports this development permit application. Positive aspects of this application include the pedestrian friendly design, high quality design features and provision of public amenity space. The applicant is also proposing a green-roof system for the roof area above the pharmacy. If completed as proposed by the applicant this would be a first of this type of roof system in a Kelowna context.

The proposed development meets the following commercial development permit guidelines:

### Relationship to the street

First storey units provide ground-level access and outdoor amenity space.

Porches are provided along the Bernard Avenue frontage.

### Building Massing

Buildings contain different, but compatible shapes, masses, and exterior finishes.

Developments is generally sensitive to and compatible with the massing and rhythm of the established streetscape. All buildings step back at the property lines in order to meet heights that are consistent with the surrounding neighbourhood.

### Walls

End walls visible from a public streets or residential lots are finished to provide an attractive appearance. Blank or solid walls (without glazing) do not exceed 5m in height or width.

Walls longer than 5 m should incorporate wall detailing that will provide visual interest.

### Access

Design facilitates pedestrian and bicycle access.

Vehicle access and on-site circulation shall minimize interference with pedestrian movement (particularly with the Multiple Family portion of the development).

Vehicle access to the commercial portion of the development is via Lawson Avenue (a local road), however, vehicle access to the residential portion of the development is via Bernard Avenue which is discouraged.

Vehicle access to the site does not significantly interfere with pedestrian movement.

Vehicle access (loading) is from a local road (a lane does not exist in this case)

Pedestrian access to the commercial and multiple family components of the development are clearly identifiable.

### Buildings and Structures

Buildings are generally designed and sited in a manner compatible with adjacent buildings and open areas. The residential tower is set near the middle of the site and steps back towards the edges of the site.

### Amenities

A high quality, public space is proposed in the form of an urban plaza at the corner of Gordon and Bernard. The applicant is also seeking to provide a public art feature in this space.

Amenities such as benches, garbage receptacles will be provided on site and in the proposed urban plaza space.

### Ancillary Services/Utilities

Loading, garbage and other ancillary services are located at the rear of buildings or are contained within buildings and are not visible from the street.

Utility service connections will be screened from view or will be located so as to minimize visual intrusion.

### Landscaping

The proposed landscaping scheme provides for the following:

- provides noise buffering
- complements building's architectural features
- enhance the edges of the buildings
- screens parking areas from view (with vegetation, berms)
- provide visual buffers of new buildings
- provides colour
- creates shade
- creates design interest
- contribute towards a sense of personal safety and security
- provide equal access for mobility-challenged individuals
- incorporate native plants where practical

### Lighting

External lighting will be provided to enhance safety.

Parking

Underground parking is provided.

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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.:  | TA04-0005/Z04-0046/<br>OCP04-0011/ <b>DP04-0075</b>   |
| 2. APPLICATION TYPE:   | Development Permit  |
| 3. OWNER:  | Lake Placid Developments  |
| • ADDRESS  | 2100 840 7 <sup>th</sup> Avenue SW  |
| • CITY   | Calgary, Alberta  |
| • POSTAL CODE  | T2P 3G2   |
| 4. APPLICANT/CONTACT PERSON:                                   | Brian Kilpatrick  |
| • ADDRESS  | 300-640 8 <sup>th</sup> Avenue SW   |
| • CITY   | Calgary, AB   |
| • POSTAL CODE  | T2P 1G7   |
| • TELEPHONE/FAX NO.:   | 250-860-8604  |
| 5. APPLICATION PROGRESS:                                       |   |
| Date of Application:   | June 28, 2004   |
| Date Application Complete:                                     | June 28, 2004   |
| Servicing Agreement Forwarded to Applicant:                    | N/A   |
| Servicing Agreement Concluded:                                 | N/A   |
| Staff Report to APC:   | July 13, 2004   |
| Staff Report to Council  | N/A   |
| 6. LEGAL DESCRIPTION:  | Lot A, ODYD Plan 31667; Lot A, ODYD Plan 31666; Lots 2 and 3, ODYD Plan 17333; Lot 2, ODYD Plan 17857; Lot B, ODYD Plan 18052   |
| 7. SITE LOCATION:  | The subject properties on the northeast corner of Gordon Drive and Bernard Avenue in the Capri Village Centre.  |
| 8. CIVIC ADDRESS:  | 1120/1134/1148/1158/1168 BERNARD AVENUE   |
| 9. AREA OF SUBJECT PROPERTY:                                   | 11,206m <sup>2</sup>  |
| 10. AREA OF PROPOSED REZONING:                                 | 11,206m <sup>2</sup>  |
| 11. EXISTING ZONE CATEGORY:                                    | C4 – Urban Centre Commercial / RU6 – Two Dwelling Housing   |
| 12. PROPOSED ZONE:   | CD17 – High Density Mixed Use Commercial  |
| 13. PURPOSE OF THE APPLICATION:                                | TO OBTAIN A DEVELOPMENT PERMIT IN ORDER TO ALLOW A MIXED USE DEVELOPMENT WITH A 16 STOREY RESIDENTIAL TOWER (152 UNITS), WITH 3980M <sup>2</sup> OF COMMERCIAL/RETAIL SPACE, A SPA AND FIVE GROUND LEVEL ENTRY TOWN-HOUSE STYLE UNITS |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:                         | N/A   |
| NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY |   |

**ATTACHMENTS**

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

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

## APPENDIX “A”

Add the following to Zoning Bylaw No.8000:

### CD17 – Mixed Use Commercial - High Density

#### 1.0 Purpose

The purpose is to provide a **zone** for large scale mixed-use commercial/residential developments.

#### 1.1 Principal Uses

The **principal uses** in this **zone** are:

- (a) **apartment hotels**
- (b) **business support services**
- (c) **commercial schools**
- (d) **financial services**
- (e) **food primary establishment**
- (f) **government services**
- (g) **health services**
- (h) **hotels**
- (i) **liquor primary establishment, major**
- (j) **liquor primary establishment, minor**
- (k) **non-accessory parking**
- (l) **offices**
- (m) **participant recreation services, indoor**
- (n) **personal service establishments**
- (o) **public libraries and cultural exhibits**
- (p) **retail liquor sales establishment**
- (q) **retail stores, convenience**
- (r) **retail stores, general**

#### 1.2 Secondary Uses

The **secondary uses** in this **zone** are:

- (a) **apartment housing**
- (b) **home based businesses, minor**

#### 1.3 Subdivision Regulations

- (a) The minimum **lot width** is 13.0 m, except it is 40.0 m if there is no **abutting lane**.
- (b) The minimum **lot depth** is 30.0 m.
- (c) The minimum **lot area** is 10,000m<sup>2</sup>.

**\*Note:** The strata-titling of lots is not subject to the subdivision regulations listed above.

## 1.4 Development Regulations

- (a) The maximum **floor area ratio** is 2.0. Where **parking spaces** are provided totally beneath habitable space of a principal **building** or beneath useable common amenity areas providing that in all cases, the **parking spaces** are screened from view, an amount may be added to the **floor area ratio** equal to 0.2 multiplied by the ratio of such **parking spaces** to the total required **parking spaces**, but in no case shall this amount exceed 0.2. In no case shall the **floor area ratio** exceed 2.2.
- (b) The maximum **site coverage** for principal buildings and accessory structures is 45%. The maximum site coverage including parking areas and driveways is 75%.
- (c) The maximum **height** is the less of 55.0m or 16 storeys.
- (d) The minimum **front yard** is 0.0 m, except **non-accessory parking** shall have a landscaped buffer in accordance with Section 7.
- (e) The minimum **side yard** is 0.0m, except it is 2.0m where the **site** abuts a residential **zone** other than an RU1, RU2, RU3 or RU4 zone, in which case the minimum **side yard** is 4.5m. From a **flanking street** the minimum **side yard** is 0.0m
- (f) The minimum **rear yard** is 0.0 m, except it is 6.0 m where **abutting** a residential **zone**.

## 1.5 Other Regulations

- (a) Apartment housing and **major group homes** require access to grade separate from the **commercial uses**. In the case of elevator equipped **buildings**, **uses** can share elevators provided security measures are in place to restrict access to residential areas.
- (b) A minimum area of 7.0 m<sup>2</sup> of **private open space** shall be provided per **bachelor dwelling, congregate housing bedroom or group home bedroom**, 12.0 m<sup>2</sup> of **private open space** shall be provided per 1 **bedroom dwelling**, and 18.0 m<sup>2</sup> of **private open space** shall be provided per **dwelling** with more than 1 **bedroom**.
- (c) **Financial services** shall have a maximum total **gross floor area** of 500 m<sup>2</sup> unless a larger branch of the **Financial services** establishment is located within the C7 zone.
- (d) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6 (accessory **development, yards**, projections into **yards**, accessory **development**, lighting, stream protection, etc.), the **landscaping** and fencing provisions of

Section 7, the parking and loading regulations of Section 8, and the specific **use** regulations of Section 9.

(e) Commercial parking shall be calculated in accordance with the C4 – Urban Centre Commercial zone and residential parking shall be calculated based on the apartment housing standard.

MAP “A”

