
**CITY OF KELOWNA
MEMORANDUM**

Date: April 13, 2005
File No.: DP05-00005
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DP05-0005 **APPLICANT:** Thomas Gaffney
AT: 330 Hwy 33 **OWNERS:** 698848 B.C. Ltd.
(contact: Bob Buvyer)

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF 33 APARTMENT HOUSING UNITS ABOVE GROUND FLOOR COMMERCIAL SPACE AND PARKING.

EXISTING ZONE: C4 – URBAN CENTRE COMMERCIAL

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP05-0005 for Lot A, Section 26, Township 26, O.D.Y.D. Plan 18649, located on Hwy 33, 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. The landscaping be in general accordance with Schedule "C";
4. The Applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
5. Provide a copy of a "Certificate of Compliance" or a letter stating "no further action is required" from the BC Ministry of Water, Land & Air Protection to the satisfaction of the City of Kelowna Environment/Solid Waste Manager.

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

This application seeks to allow construction of a 33-unit apartment building with ground floor commercial space and below ground parking.

This proposed development is being reviewed in the context of a recent text amendment to the C4 zone (TA05-0001). These proposed changes allow for a floor area ratio (F.A.R.) bonusing structure, which is presently available in the multiple housing residential zones. The text amendment would also allow a reduction in the parking requirements, consistent with the C7 zone parking requirements.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on February 15, 2005 the Advisory Planning Commission reviewed this application, and the following recommendation was passed:

THAT the Advisory Planning Commission support application DP05-0005 to obtain a Development Permit to allow a mixed use building comprising \pm 33 residential units above ground floor commercial space.

The APC requests that the following issues be addressed:

- Recommend that the roof cornices be reviewed with regard to snow accumulation;
- Recommend a higher grade window that would recess into the building to create depth on the exterior of the building.

Note: The Applicant informed APC at the meeting that the roof cornices and roofs slope inward to drains, and the low slope roof portions should not accumulate enough snow to present a hazard. The residential windows will be PVC, flange mount type. The windows will be trimmed with acrylic stucco surrounds to provide a recess.

4.0 BACKGROUND

4.1 The Proposal

Construction of a mixed-use, four storey apartment building is proposed for the subject property. There are 33 two-bedroom units proposed above approximately 734.5 m² (7,906.5 ft²) of commercial space. Most of the required parking is to be provided in a below ground parking structure, with some surface parking for visitors and patrons of the commercial spaces.

The proposed application meets the requirements of the C4 – Urban Centre Commercial zone, as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	2,805.73 m ² (0.691 ac)	1300 m ²
Lot Width	\pm 49 m	40.0 m
Lot Depth	\pm 56 m ²	30.0 m
Development Regulations		
Floor Area Ratio	1.49	1.5 (1.3 + 0.2 bonus for parking below habitable space = 1.5)
Site Coverage	40.5%	max. 75%
Height	15.0 m	15.0 m or 4 storeys
Front Yard	4.5 m	4.5 m ^A
Side Yard (east)	0.0 m	0.0 m
Side Yard (west)	0.0 m	0.0 m
Rear Yard	0.0 m	0.0 m

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Other Regulations		
Minimum Parking Requirements	59 spaces	<u>Residential:</u> 1 per dwelling unit <u>Commercial:</u> 1.75 per 100m ² GFA Total required: 47 spaces
Setback to Parking	meets requirements	1.5 m to side or rear, 3.0 m to flanking street; 1.2 m to lane
Bicycle Parking	meets requirements	<u>Residential</u> Class I: 0.5/unit = 17 Class II: 0.1/unit = 4 <u>Commercial</u> Class I: 0.2/100 m ² = 2 Class II: 0.6/100 m ² = 5
Private Open Space	825 m ²	15 m ² per one bedroom (or more) dwelling 15 m ² x 33 units = 495 m ²
Landscaping	meets requirements	Level 4 buffer along Hwy 33; Level 3 side and rear yards; all can be reduced to setback requirement pursuant to Section 7.6.5

^A Pursuant to Section 6.10 – Setback from Provincial Highways, all buildings and structures on lots abutting Highway 97 or Highway 33 shall not be closer than 15.0 m to the Highway, except where located in an urban centre, it may be no closer than 4.5 m.

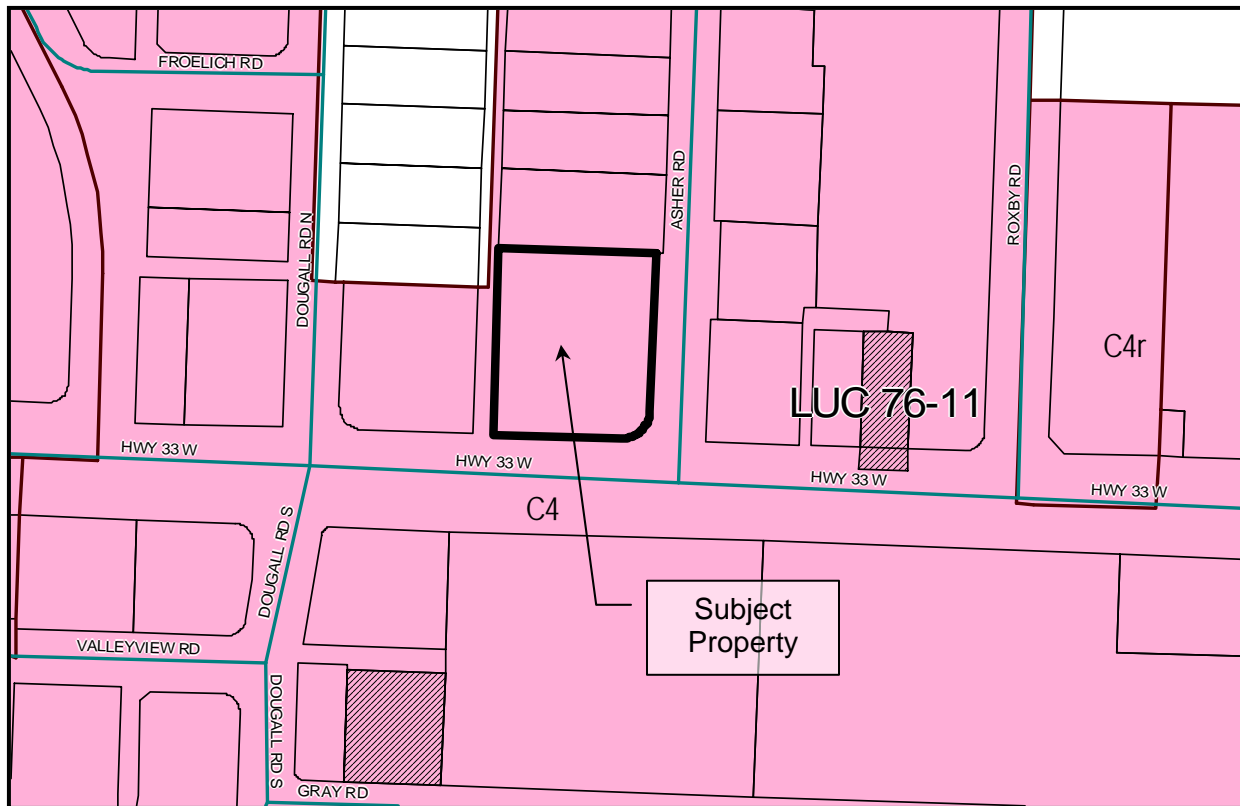
4.2 Site Context

The subject property is located on the northwest corner of Asher Road and Hwy 33, across the highway from Plaza 33. The surrounding area is almost entirely commercial, except for some single family homes west and north across the lane. More specifically, the adjacent land uses are as follows:

North-	C4 – Urban Center Commercial
East	C4 – Urban Center Commercial
South	C4 – Urban Center Commercial
West	C4 – Urban Center Commercial
	RU1 – Large Lot Housing

Site Location Map

Subject property: 330 Hwy 33



4.3 Existing Development Potential

The purpose is to provide a zone for the development of community commercial centres to serve more than one neighbourhood. In addition to the numerous commercial uses available in this zone, “apartment housing” is a secondary use.

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “to develop 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 areas” (Objective 1.1). The proposal is consistent with these objectives and with their accompanying strategies.

4.4.2 Kelowna Official Community Plan (OCP)

Objectives for Commercial and Residential Development

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP;
- All development should provide visual interest and human scale;
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community belonging, community cohesiveness);

- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility);
- All development should promote safety and security of persons and property within the urban environment (CPTED);
- All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).

Housing Policies:

- Housing Agreements: Support the use of housing agreements to assist in creating affordable and special needs housing;
- Affordable and Special Needs Housing: Encourage the private sector to provide housing that is innovative and affordable and that is targeted to groups identified in the Housing Study, a Housing Reserve Fund Bylaw, or a list published by the City;
- Mixed Use: Encourage commercial projects within Urban Centres to include a residential component wherever appropriate;

5.0 TECHNICAL COMMENTS

5.1 Environmental Manager

There is a history of petroleum hydrocarbon contamination on site. Applicant should include a copy of a "Certificate of Compliance" or a letter stating "no further action is required" from the BC Ministry of Water, Land & Air Protection with the application.

Note: The Applicant will be required to provide this information prior to issuance of the development permit.

5.2 Fire Department

No comments.

5.3 FortisBC

Front setback may conflict with existing overhead line on Highway 33. Verify with Fortis. Will provide underground service.

Note: the Applicant is aware of this issue, and will work with Fortis to arrive at a solution.

5.4 Inspection Services

Building application will require - Geotech report, Full code analysis and "For Construction Drawings". Designer to review: (1) Spatial limits and fire resistance rating at north elevation. (2) Will there be shared washrooms for the CRU units. (3) Review accessible parking to main doors.

(4) Review dead end corridors for residential units. (5) Separate interior finish permits for CRU's and separate sign permits required.

5.5 Ministry of Transportation and Highways

No objection at this time.

5.6 Public Health Inspector

No comments.

5.7 Shaw Cable

Owner/developer to supply and install an underground conduit system.

5.8 Telus

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

5.9 Terason

No comments.

5.10 Works and Utilities

5.10.1 Subdivision

Provide easements as may be required.

5.10.2 Geotechnical Study

A comprehensive geotechnical study has been submitted to the City by the applicant.

5.10.3 Domestic water and fire protection

This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.

A water meter is mandatory as well as a sewer credit meter to measure all the irrigation water. Water meters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

5.10.4 Sanitary Sewer

The subject property is adequately serviced by the Municipal wastewater collection system.

5.10.5 Storm Drainage

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. The drainage study should indicate the size and location of the ground recharge system. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

5.10.6 Power and Telecommunications Services

The subject property is located within the Rutland Town Centre. The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works

5.10.7 Road Improvements

HWY 33 – The applicant is responsible for the removal of the existing drop curbs and ramps on Hwy. 33 and the construction non-mountable curb and gutter complete with sidewalk to MOT standard. The estimated cost of this

work, for bonding purpose would be \$8,500.00, inclusive of a bonding contingency and is subject to MOT approval.

ASHER ROAD – The applicant is responsible for the removal of the existing drop curb and ramp on Asher Road and to reconstruct a new driveway in accordance with standard drawing No. SS-C7. The estimated cost for this work, for bonding purpose, would be \$8,400.00, inclusive of a bonding contingency (Utility poles relocation not included).

LANE – The applicant is responsible for the paving of the lane to current City standard complete with storm drainage and relocation of existing utilities if required. The estimated cost for this work, for bonding purpose, would be \$14,100.00, inclusive of a bonding contingency

5.10.8 Engineering

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer and MOT for the work on Hwy 33.

5.10.9 DCC Credits

None of the required improvements qualify for DCC credit consideration, as these upgradings are not identified in the current DCC schedules.

5.10.10 Bonding and Levy Summary

a) Performance Bonding

Hwy.33 frontage upgrading	\$ 8,500.00
Asher Road frontage upgrading	\$ 8,400.00
Lane reconstruction	<u>\$ 14,100.00</u>

Total Bonding **\$31, 000.00**

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The proposed project is consistent with the Rutland Town Centre Commercial Design Guidelines and with the Development Permit Guidelines for the Form and Character of Commercial Development in Chapter 9 of the OCP. In particular, Staff notes the favourable elements of the design below:

- Corner Building – considers all street frontages, and provides quality design, orientation and detail;
- Siting – building sited at minimum setbacks;
- Parking – most parking below ground, and remaining surface parking at rear of building;
- Form and Character – Complementary architectural style with strong visual interest created by varied roof line, mix of siding materials, window trim, cornice lines at pedestrian scale, addition of more vivid colours, and entrance features;
- Pedestrian Oriented – driveways minimize conflicts with pedestrian, good visual cues for entrances, balconies overlooking the street provides good connection and natural surveillance.

- Landscaping – outdoor open space achieves a high level of design.

This is a commendable project with simple detailing that overall provides a high level of visual interest and presents a friendly face to the public realm.

On March 8, 2005, Council adopted a text amendment bylaw affecting the C4 – Urban Centre Commercial zone. The changes made to the C4 zone are as follows:

- (a) allow an increased F.A.R. for mixed-use projects incorporating social housing components or parking below habitable space;
- (b) ensure that a minimum commercial component at the street level is achieved;
- (c) reduce the parking requirement for the residential component of mixed-use development.

Under the amended C4 zone, this application meets all requirements of the Bylaw, and no variances are required. Consequently, Staff is in support of this application, pursuant to the recommendation on the first page of this report:

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

NW/nw

ATTACHMENTS

Location of subject property

State of Title

Site Plan

Elevations

Floor Plans

Landscape Plans