
CITY OF KELOWNA

MEMORANDUM

Date: November 18, 2005

File No.: DVP05-0058/DP05-0080

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP05-0058/DP05-0080 OWNER: VE Properties

AT: 3295 Lakeshore Road

APPLICANT: Water Street
Architecture

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW A NEW
COMMERCIAL BUILDING.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A
SETBACK TO PARKING OF 0.0 M WHERE 2.0 M IS REQUIRED.

EXISTING ZONE: C9 – TOURIST COMMERCIAL ZONE

PROPOSED ZONE: C4 – URBAN CENTRE COMMERCIAL ZONE

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Final Adoption of Zoning Bylaw No. 9451 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP05-0080 for Lot 2, D.L. 14, ODYD, Plan 42579 located on Lakeshore Road, 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 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 THAT Council authorize the issuance of Development Variance Permit No. DVP05-0058; for Lot 2, D.L. 14, ODYD, Plan 42579 located on Lakeshore Road, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 8.1.10 (c) – Parking and Loading

A variance to allow off-street parking to be located with a setback of 0.0m to a street where 2.0m is required.

AND 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 applicant is proposing to rezone the subject property from C9 – Tourist Commercial to the C4 – Urban Centre Commercial to allow for the construction of a new commercial building.

3.0 ADVISORY PLANNING COMMISSION

The above noted applications were reviewed by the Advisory Planning Commission at the meeting of May 17, 2005, and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP05-0058, for 3295 Lakeshore Road, Lot 2, Plan 42579, Sec. 12, Twp. 25, ODYD, by Water Street Architecture (Doug Lane), to obtain a Development Variance Permit to allow a new commercial building.

4.0 BACKGROUND

4.1 The Proposal

The applicant is proposing to construct a three storey commercial development. While the building is three storeys in height, the design of the building creates the look of a 2 ½ storey building using large windows on the main and second levels and smaller windows at the third storey. From the west elevation, the development has the appearance of two separate buildings linked by a second storey level enclosed passageway. The main building, located on the north side of the lot, consists of three storeys of commercial space. At the front of the building, a staircase leads to the second level “passage way” providing access to commercial space located in the southern building. The proposed driveway access from Lakeshore Road runs beneath the second storey “passageway” between the two buildings. Access to the site will also be available from Lanfranco Road with parking located at the rear of the property. Of the 29 parking spaces, 6 spaces are to be under the southern building. As a 2.0m setback is required from a flanking street, a variance is required to facilitate parking adjacent to the Lanfranco Road access. One loading space is to be located in the south-east corner of the lot with garbage facilities located adjacent to the building.

The building will be faced with taupe acrylic stucco with columns and planters, located at street level, are to be finished with stone veneer. The proposed roofing material is brown concrete tiles. The fascia, soffit, and timber support detailing are to consist of simulated cedar material. Adjacent to building, on-site sidewalk areas are to consist of sandstone coloured imprinted concrete. Proposed landscaping along Lanfranco Road includes several trees, such as maples, spruce, and pines, as well as a variety of ground cover plantings located between the building and the street. On the Lakeshore Road frontage, planting beds faced with stone veneer, matching the building façade, will be located adjacent to the building.

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

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)	1974m ²	460.0 m ²
Site Width (m)	30.5m	13.0 m
Site Coverage (%)	33.0%	75.0%
F.A.R.	0.74	1.0
Height (m)	11.0 m	15.0 m
Storeys (#)	3	4
Setbacks (m)		
- Front (West)	0.0	0.0 m
- Rear (East)	18.3m	0.0 m
- Side (North)	0.0m	0.0 m or 2.0 m for flanking sideyard or where site abuts a residential zone other than for the RU1, RU2, RU3, and RU4 zones
- Side (South)	0.0m	0.0 m or 2.0 m from a flanking street or where the site abuts a residential zone other than for the RU1, RU2, RU3, and RU4 zones
Parking Stalls (#)	29	$1.75/100\text{m}^2 \times 1690.8\text{m}^2 = \mathbf{28.2}$
Parking Setback		
- Front (west)	n/a (parking is within the building)	2.0 m
- Rear (east)		0.0 m
- Side (south)	0.0m	0.0 m
- Side (north)	0.0m*	2.0m
Bicycle Stalls (#)	12	0.2 per 100 m ² GLA (Class I) = 2.8 0.6 per 100 m ² GLA (Class II) = 8.3 Total = 11.1
Loading Stalls (#)	1	1 stall per 1900 m ² GFA

* A variance is required to allow parking with a setback of 0.0m where 2.0m is required.

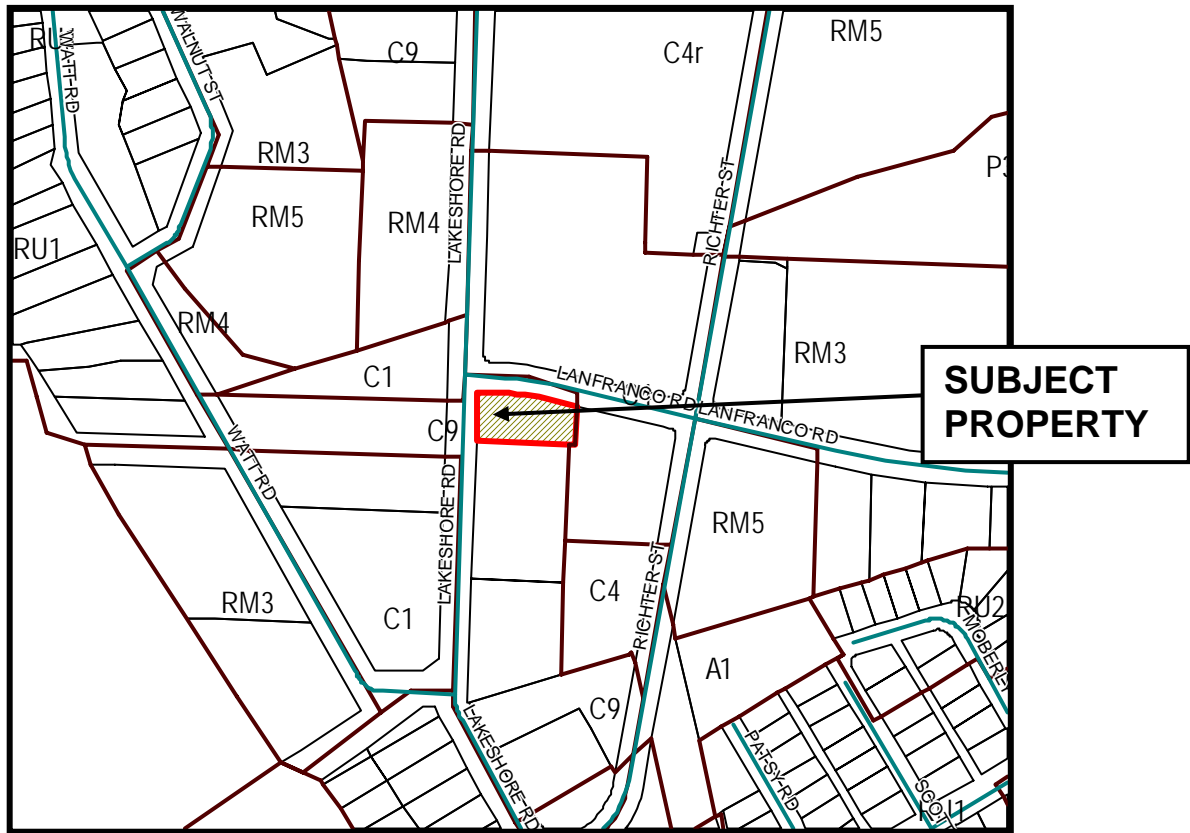
4.2 Site Context

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

Adjacent zones and uses are, to the:

- North - C4 – Urban Centre Commercial
- East - C4 – Urban Centre Commercial
- South - C9 – Tourist Commercial
- West - C9 – Tourist Commercial
- C1 – Local Commercial

Site Location Map



4.3 Development Potential

The purpose of the existing C9- Tourist Commercial Zone is to designate and preserve land for the orderly development of commercial visitor accommodation.

The purpose of the proposed C4 – Town Centre Commercial zone is to provide a zone for the development of community commercial centres to serve more than one neighbourhood.

4.4 Current Development Policy

4.4.1 Official Community Plan (OCP)

The proposal is consistent with the commercial land use designation of the Official Community Plan. The proposed building form and character is generally consistent with the Official Community Plan Commercial Development Permit Guidelines.

4.4.2 Strategic Plan (2005)

The objectives of the Strategic Plan related to commercial development include to aid in the growth and progress of Kelowna as a desirable place to do business; aid in the growth and progress of Kelowna as a desirable place to visit, shop and tour; increase the diversity of employment opportunities; and, commit to continued sound fiscal management.

5.0 TECHNICAL COMMENTS

5.1 Canada Post

No comment.

5.2 Fire Department

Fire Dept access, fire flows, and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows.

5.3 FortisBC

Fortis will provide underground electrical service.

5.4 Inspections Department

Architect should review for spatial and construction limits to property lines. Main entrance(s) to have auto openers under 3.8.3.5 BCBC. Confirm exit stairway into main lobby - where is fire separation? Ensure accessibility to all areas. Confirm occupant count for washrooms. Ensure elevator sized to 3.5.4.1. BCBC.

5.5 Interior Health

No comment.

5.6 Parks Manager

Boulevard maintenance including watering (manual or automated irrigation) will be the responsibility of the owner/occupant. All plant material (trees, shrubs, ground covers and sod) used in the boulevard to be reviewed and approved by Parks Staff. 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.

5.7 RCMP, School District No. 23

No comment.

5.8 Shaw Cable

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

5.9 Telus

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

5.10 Terasen

No comment.

5.11 Works & Utilities

The Works & utilities Department has the following comments and requirements associated with this application for the proposed development. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit, but are outlined in this report for information only.

5.11.1 Domestic water and fire protection

- (a) Lakeshore Road is serviced with a 200mm-diameter AC watermain. The lot is serviced with a 19mm copper domestic service. A larger service will be required.
- (b) The developer's consulting mechanical engineer will determine the domestic and fire flow requirements of this proposed development and establish the required size of the new service and possible hydrant location. The applicant, at his cost, will arrange for the removal of existing unused service and the required upgrades. The estimated cost of this construction for bonding purposes is \$10,000.00.
- (c) The disconnection of existing water services and the tie-in to the existing mains will be by City forces at the developer's expense.
- (d) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.
- (e) If any City of Kelowna water will be used for irrigation on this site after the site is connected to City of Kelowna sanitary sewer, then an "irrigation sewer credit meter" must also be purchased from the City and installed on the irrigation branch line. This development will have to be billed for sewer-use as a commercial account. (Sewer-use charge by metered consumption).

5.11.2 Sanitary Sewer

- (a) This parcel is serviced with a 150mm AC sanitary service. The service should be large enough for this development and can be retained. The developer will be required to install an inspection chamber at property line on the sanitary sewer service. If a larger service is required, it can be provided at the owner's cost.

5.11.3 Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of a lot grading plan, minimum basement elevation (MBE), storm water service and/or on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service at the developer's cost, with approval from the City drainage engineer.
- (b) Storm drainage systems and overflow service for the site will be reviewed and approved by Engineering when a site servicing design is submitted.
- (c) The estimated cost of the overflow service for bonding purposes is \$4,000.00

5.11.4 Road Improvements

- (a) Lakeshore Road fronting this development must be upgraded to an urban standard including concrete curb and gutter, monolithic sidewalk, fillet pavement,

storm drainage system, landscaping and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction.

Only the modifications to the access driveways and extension of the existing sidewalk around the curb return needs to be constructed at this time. This work will require sidewalk and asphalt driveway removals and replacement, adjustments to the landscaped boulevard and, if required, adjustments of utility appurtenances to accommodate this construction. The estimated cost of this construction for bonding purposes is \$6,500.00.

Cash-in-lieu of immediate construction of the remaining road frontage improvements to Lakeshore Road is required from the developer. The City will initiate the work later on its own construction schedule. The cash-in-lieu amount is determined to be \$18,253.00.

- (b) Lanfranco Road has been fully urbanized. The existing access to Lanfranco Road will need to be relocated. This work will require curb, gutter, sidewalk and driveway letdown removal and replacement, adjustments to the landscaped boulevard and relocation of utility appurtenances if required to accommodate this construction. The work must be constructed to City of Kelowna Standards. The estimated cost of this construction for bonding purposes is \$4,500.00.

5.11.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Grant Statutory Rights Of Way if required for utility services.
- (b) Provide an additional highway allowance widening of 3.00 meters for the frontage of Lakeshore Rd
- (c) Dedicate a 6.00m radius corner rounding of the Lakeshore Rd and Lanfranco Rd intersection.

5.11.6 Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by underground services. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

5.11.7 Street Lighting

Ornamental 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.

5.11.8 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.

5.11.9 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.

5.11.10 Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

5.11.11 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 will be 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) The proposed access locations are acceptable as shown.

5.11.12 Bonding and Levy Summary

(d)	<u>Bonding</u>	Lakeshore Rd frontage upgrades	\$6,500.00
		Lanfranco Rd frontage upgrades	\$4,500.00
		Service upgrades	\$14,000.00
		Total Bonding Amount	\$25,000.00

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

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 subdivision approval or building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

(e) Levies Lakeshore Road Frontage improvements

One-time cash payment for future urban upgrading.

\$18,253.00

5.11.13 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.

4.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The OCP designates the future land use of the subject property as Commercial and as being within an Urban Town Centre Development Permit Area. The proposed commercial use (C4 zone for mixed retail and office use) is consistent with this land use designation. The applicant has incorporated design features that are consistent with the OCP's guidelines for commercial development. The proposed buildings have a high quality of design therefore Staff has no concerns with the form and character of the development. In addition, the location of the building adjacent to the street frontages, with good use of windows on all elevations, is a positive design feature from a Crime Prevention through Environmental Design (CPTED) standpoint. Overall, the proposed redevelopment appears to be a good fit with the surrounding neighbourhood.

Andrew Bruce
Development Services Manager

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

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Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Subject Property Map
- Site plan
- Floor plans
- Elevations