
CITY OF KELOWNA
MEMORANDUM

Date: August 2, 2006
To: City Manager
From: Planning and Development Services Department
Subject:

APPLICATION NO. Z06-0028/OCP06-0007
OWNER: 0701849 BC Ltd.
AT: 1094 Lawson Avenue
APPLICANT: Herman Planning Group Inc.

PURPOSE: TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND USE DESIGNATION FOR THE SUBJECT PROPERTY FROM MULTIPLE UNIT RESIDENTIAL - LOW DENSITY TO MULTIPLE UNIT RESIDENTIAL – MEDIUM DENSITY

TO REZONE THE SUBJECT PROPERTY FROM THE RU6-TWO DWELLING HOUSING ZONE TO THE RM4-TRANSITIONAL LOW DENSITY HOUSING ZONE TO FACILITATE THE CONSTRUCTION OF A 3-STOREY, 12 UNIT CONDOMINIUM DEVELOPMENT

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: RM4 – TRANSITIONAL LOW DENSITY HOUSING

EXISTING OCP DESIGNATION: MULTIPLE UNIT RESIDENTIAL – LOW DENSITY

PROPOSED OCP DESIGNATION: MULTIPLE UNIT RESIDENTIAL – MEDIUM DENSITY

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP06-0007 to amend Map 19.1 of the Kelowna 2020 Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 2, District Lot 138, ODYD Plan 3809, located on Lawson Avenue, Kelowna, B.C., from the Multiple Unit Residential – Low Density designation to the Multiple Unit Residential – Medium Density designation, as shown on Map “A” attached to the report of Planning & Development Services Department, dated July 28, 2006, be considered by Council;

THAT Rezoning Application No. Z06-0028 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 138, ODYD Plan 3809, located on Lawson Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RM4 – Transitional Low Density Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP06-0007 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 on the subject property;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

2.0 SUMMARY

The applicants are proposing to construct a 12-unit condo/apartment building on the subject property located at 1094 Lawson Avenue. In order to achieve this development the applicant's are proposing to rezone from the RU6- Two Dwelling Housing to the RM4-Transitional Low Density Housing Zone. As the future land use designation for the subject property is Multiple Unit Residential Low Density, the applicant is also seeking an amendment to the Official Community Plan to allow a future land use designation of Multiple Unit Residential Medium Density. Also associated with this development proposal are a development permit for form and character and a development variance permit to address several zoning bylaw regulation deficiencies.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of June 6, 2006 it was resolved:

THAT the Advisory Planning Commission supports Official Community Plan Amendment No. OCP06-0007, for 1094 Lawson Avenue, Lot 2, Plan 3809, Sec. 19, Twp. 26, ODYD, by J Herman Group Inc (J. Herman), to amend the Official Community Plan Future Land Use designation from Multiple Unit Residential – Low Density to Multiple Unit Residential – Medium Density;

AND THAT the Advisory Planning Commission supports Rezoning Application No. Z06-0028, for 1094 Lawson Avenue, Lot 2, Plan 3809, Sec. 19, Twp. 26, ODYD, by J Herman Group Inc (J. Herman), to to rezone from the RU6-Two Dwelling Housing zone to the RM4-Transitional Low Density Housing zone to allow for a 12 unit apartment building;

4.0 BACKGROUND

Development on this site was formerly controlled by a Land Use Contract. This contract was removed in a re-development attempt which occurred in 2003/2004. This Land Use Contract limited the permitted uses on this site to parking for the employees of People's Food Market. The People's Food Market and its successor IGA are no longer in operation and the site which they formerly occupied is now being re-developed as the Centuria Urban Village mixed use development.

5.0 PROPOSAL

The proposed 12-unit building would measure 3.5 storeys in height and would be accessed via a driveway from Lawson Avenue. The development would accommodate 20 stalls in the underground parkade and 2 stalls at grade. The applicant is planning to provide 3 two-bedroom and 1 one-bedroom units on the first storey and 4 two-bedroom suites on each of the two floors above. The applicant will designate the one-bedroom

unit on the first-storey as an affordable unit which will be protected by a housing agreement.

The pedestrian entrance to the building is also facing Lawson Avenue. The applicant has chosen a tan hardi-plank with olive and red accents to finish the exterior walls of the building. The applicant has also indicated that cultured stone will also be used as an accent around the base of the building. The proposed roofing material is a dark asphalt shingle.

A significant amount of mature vegetation currently exists along the Gordon Drive frontage of the property as well as the western property line. This vegetation will be removed in order to accommodate the new development. The applicant is however proposing a comprehensive landscape scheme which will allow for landscape buffering along the street frontages, a pergola type entry feature to the building, and private open space on the northwest corner of the property.

The applicant is seeking a Development Variance Permit to address three setback variances at the parkade level (as the parkade extends more than 0.6m above grade). The applicant is proposing a setback of 1.89m to the northern property line where the bylaw requires 4.5m (side yard). The applicant is also proposing a setback of 3.92m to the eastern property line where a setback of 6.0m (front yard) is required and a setback of 7.95m to the parking structure where 9.0m is required along the western property line. In addition to the variances listed above, the applicant has also applied to vary the maximum site coverage for buildings and parking from 60% permitted to 61.4% proposed and the height from 3 storeys permitted to 3.5 storeys proposed to accommodate a parkade structured that will be located half below grade.

The application meets the requirements of the RM4 – Transitional Low-Density Housing zone as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Lot Area (m ²)	1494m ² (Includes required road widening)	900m ²
Lot Width (m)	30.45m	30m
Lot Width (m) (after dedication)	27.45m ^①	30m
Lot Depth (m)	49.0m	30m
Area of Buildings at Grade	732.06m ²	746.7m ²
Area of Pavement, Accessory Buildings, etc...	917.3m ²	896.1m ²
Site Coverage (%) (Buildings)	49%	50%
Site Coverage (%) (Buildings and paved areas)	61.4% ^②	60%
Net Floor Area (m ²)	1267m ²	
Floor Area Ratio (FAR)	0.85 (after dedication)	0.85
Private Open Space	190.01m ² ^⑦	290m ²
Parking Spaces	20	11 units x 1.5 stalls/unit 1 units x 1.25 stalls/unit Total: 18 stalls
Bicycle Parking	10	10
Storeys (#)	3.5 ^③ / 14.2m	3/ 13m
Setbacks (building)(m)		
- Front	6.7m	6.0m
- Rear	10.1m	9.0m
- Side (n)	2.5m	4.9m

- Side (s)	2.5m	4.5m
Setbacks (to parkade)(m)		
- Front (Gordon)	3.92m ^④	6.0m
- Rear	7.95m ^⑤	9.0m
- Side (n)	1.89m ^⑥	4.9m
- Side (s) (Lawson)	4.5m	4.5m
Drive Aisle Width	7.0m	7.0m
Refuse Bins (Setback from abutting residential areas)	3.0m	3.0m

- ① Applicant seeking to vary the lot width in the RM4 zone from 30.0m required to 27.48m proposed.
- ② The applicant is seeking to vary the site coverage for buildings, parking and paved areas from 60% permitted to 61.4% proposed.
- ③ The applicant is seeking to vary the proposed height from 3 storeys permitted to 3.5 storeys proposed.
- ④ The applicant is proposing to vary the front yard setback for the encroachment of the top of the parkade structure from 6.0m required to 3.92m proposed.
- ⑤ The applicant is proposing to vary the rear yard setback for the encroachment of the top of the parkade structure from 9.0m required to 7.95m proposed.
- ⑥ The applicant is proposing to vary the northern side yard setback for the encroachment of the top of the parkade structure from 4.5m required to 1.89m proposed.
- ⑦ The applicant is proposing to vary the private open space from 290m² required to 190.01m² proposed.

6.0 SITE CONTEXT

The subject property is located on the northwest corner of Gordon Drive and Lawson Avenue. The current use of the property is a parking lot.

Adjacent zones and uses are:

North - RU6 – Two Dwelling Housing – Single Family Dwelling
 East - RU6 – Two Dwelling Housing – Single Family Dwelling
 South - RM5 – Medium Density Multiple Housing – Apartments
 West - RU6 – Two Dwelling Housing – Single Family Dwelling

7.0 SITE LOCATION MAP

Subject Properties: 1094 Lawson Avenue



8.0 CURRENT DEVELOPMENT POLICY

Staff have reviewed this application, and it may move forward without affecting either the City's financial plan or waste management plan.

8.1 Existing Development Potential

The subject property is currently zoned RU6 – Two Dwelling Housing. The RU6 zone allows for the development of a maximum of two dwelling units per lot.

8.2 Kelowna Official Community Plan

The subject property is designated for Multiple Unit Residential – Low Density by Map 19.1 of Kelowna's Official Community Plan. The applicant is proposing Multiple Unit Residential – Medium Density development for the subject property which is one increment above the designation identified in the OCP. The OCP contains the following policy direction to evaluate such proposals:

Rezoning to Higher Densities. Consider supporting an OCP amendment and rezoning application for residential densities greater than those provided for on the Generalized Future Land Use Map 19.1 where a portion of the proposed units are available for affordable, special needs or rental housing identified to be in short supply (guaranteed through a Housing Agreement). To mitigate the neighborhood impact of higher densities, it is important that:

- supporting infrastructure and park land is sufficient to accommodate the proposed development (or the developer is prepared to upgrade the necessary infrastructure and park land); and
- the proposed densities do not exceed the densities provided for on Map 19.1 by more than one increment (e.g. medium density multiple units might be entertained where low-density has been provided for, and low-density multiple units might be entertained where single/two unit residential densities have been provided for); and
- the project be sensitively integrated into the surrounding neighborhood, with no more than a one-storey height gain between the proposed development and the height permitted within land use designations assigned to adjacent parcels (Where the property being proposed for redevelopment is large, consideration may be given to providing greater heights at the centre of the property provided that the new building is sensitively integrated with the surrounding neighborhood); and
- Approval of the project will not destabilize the surrounding neighborhood or threaten viability of existing neighborhood facilities (e.g. schools, commercial operations etc.).

In addition, Staff has reviewed this application, and it may move forward without affecting either the City's financial plan or waste management plan.

8.3 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 re-developing transitional area to increase densities for more efficient use of existing land. Also recommended is that the City will emphasize a density of development higher than presently occurring to allow for more efficient use of the land.

9.0 TECHNICAL COMMENTS

This application was circulated to various City Departments and Technical Agencies and the following comments were received:

9.1 Works and Utilities

The Works & utilities Department comments and requirements regarding this application are as follows:

9.1.1 Domestic Water and Fire Protection

The proposed development site is serviced with a 13mm diameter water service. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development, a larger service will be required. Only one water service is permitted. Unused services must be removed by City forces at the applicant's cost.

The estimated cost for the new service for bonding purposes is \$7,500.00

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 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.

City of Kelowna water will be used for on-site irrigation and within the fronting road boulevards. After the site is connected to City of Kelowna sanitary sewer, a "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).

9.1.2 Sanitary Sewer

The proposed development site is serviced with a 100mm-diameter sanitary service. The developer's consulting mechanical engineer will determine the requirements of this development.

Only one sanitary service is permitted and all unused services must be removed at the applicant's cost. A larger sanitary sewer service will likely be required.

The estimated cost for bonding purposes is \$5,500.00.

9.1.3 Storm Drainage

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.

To utilize the existing 200mm storm service as a overflow service, the construction of a build-over manhole on the existing service will be required just inside the property line. The consulting engineer will determine the 100 year hydraulic grade line and the need for a backflow prevention devise.

9.1.4 Road Improvements

Lawson Avenue: Access modifications to Lawson Avenue will require curb, sidewalk removal, construction of a driveway letdown and boulevard restoration.

Damage to existing curb and sidewalk sections will likely occur during the excavation and construction period. Replacement of damaged works will be at the developer's expense. Replacement of the new concrete driveway access will require removing existing curb and sidewalk sections and it may be necessary to relocate or adjust existing facilities.

The cost for bonding purposes is \$4,000.00

Gordon Drive has been fully urbanized and no further work is anticipated at this time.

9.1.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

Provide a highway allowance widening of 2.5 m wide along the full frontage of Gordon Drive to provide a total road width of 20.0 m. It is anticipated that an additional 5.0 m road widening will be required along the Gordon Drive frontage in the future. The applicant should take this into consideration when locating the building footprint.

Provide an additional highway allowance widening of 3.14 m for the full frontage of Lawson Avenue

Dedicate a 6.0 m corner rounding at the intersection of Gordon Drive and Lawson Avenue.

Grant statutory rights of way if required for utility services.

9.1.6 Electric Power and Telecommunication Services

The electrical and telecommunication services to this building 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.

9.1.7 Street Lighting

Street lighting including underground ducts have been installed on all roads fronting on the proposed development. It may be necessary to relocate or add new light standards. The cost of this requirement will be at the applicant's cost.

9.1.8 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.

9.1.9 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:

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 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.

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.

9.1.10 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.

9.1.11 Bonding and Levy Summary

Bonding

Road access modifications	\$ 4,000.00
Water service upgrades	\$ 7,500.00
Sanitary service upgrades	\$ 5,500.00
<u>Total Bonding</u>	<u>\$17,000.00</u>

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.

9.1.12 Development Permit and Site Related Issues

The developer must obtain the necessary permits.

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.

The property has several mature trees within its boundaries. Excavation, lot grading and material storage within the drip-line of the tree will have to be done with great care.

9.1.13 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.

9.2 Inspection Services

Variance for setbacks on parking and height should be reviewed prior to issuance of development permit. Code analysis required for spatial separation between common area's and units.

9.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows may be required to determine hydrant placement.

9.4 Parks Manager, RCMP, School District No.23, Public Health Inspector, Terasen

No comment.

9.5 Shaw Cable

Owner/developer to supply and install conduit.

9.6 Telus

Will provide underground facilities; developer to supply and install conduit.

10.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

Staff has consistently recommended that this property be developed with the lot to the north in order to make the best use of the land in this area and avoid creating an orphan parcel. It must be noted that the current applicant has attempted to acquire this parcel but has not been successful. As a stand alone development parcel, the lot to the north would be large enough to accommodate a "four-plex" type of development.

In response to staff concerns, that applicant has agreed to designate a one-bedroom unit (of the 12 proposed) as "affordable housing" which will be protected by a housing agreement.

With the provision of this affordable housing component, and given that the proposed development is consistent with OCP Policy for rezoning to higher densities, staff are willing to support this Rezoning application with the related Official Community Plan Amendment.

In terms of form and character, the building does display “walk-up” style entrances from the street (Gordon Drive) which serves to strengthen its connection with the street. Staff has considered the variances and while the variances to building height and setback from the parkade are reasonable on a development of this nature which must deal with a high water table, the variance to total site coverage is of concern to staff. It should be noted that the variance could easily be reduced to meet the bylaw standard by decreasing the size of the building slightly, in turn this would also help the developer meet the private open space requirement for the development, which is also the cause of one of the variances. Despite staff’s recommendation regarding the reduction of site coverage, the applicant has directed staff to proceed with the application and variances as described in this report. Should Council give favorable consideration to this OCP Amendment and Rezoning application, the Development Permit and Development Variance Permit will be forwarded to Council for consideration.

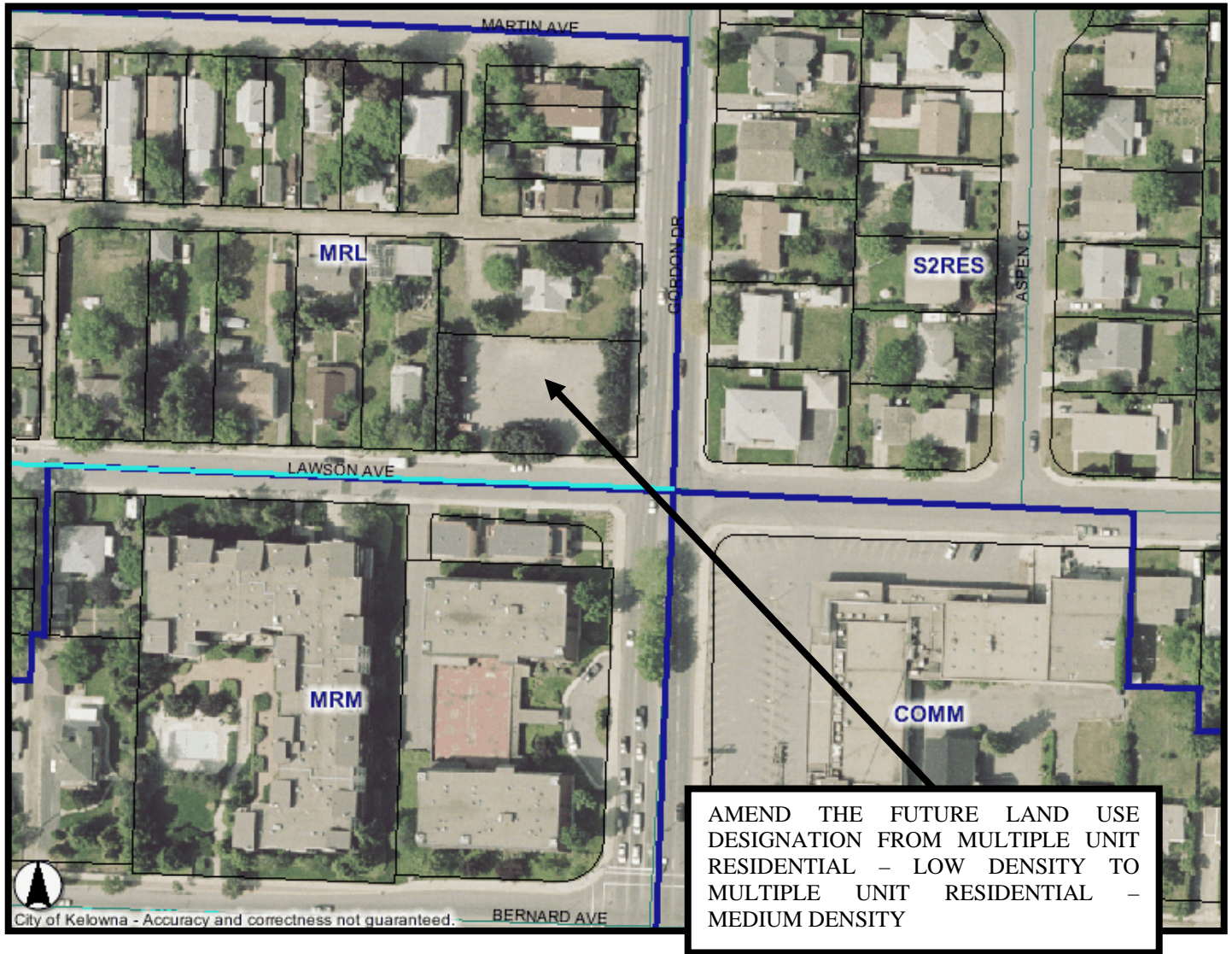
Shelley Gambacort
Acting Manager of Development Services

Approved for inclusion ☐

Signe Bagh
Acting Director of Planning & Development Services

SB/SG/rs
Attach

Map "A"



ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Landscaping plan
- Map “A”