
CITY OF KELOWNA
MEMORANDUM

DATE: August 22, 2006

TO: City Manager

FROM: Planning and Development Services Department

APPLICATION NO. OCP06-0009/Z06-0031 **OWNER:** Kelowna Elks Lodge No.52 of the Benevolent and Protective Order of Elks of Canada

AT: 2040 Springfield Road **APPLICANT:** Herman Design Group Inc.

PURPOSE: THE APPLICANT IS PROPOSING TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND USE DESIGNATION FOR THE SUBJECT PROPERTY FROM EDUCATIONAL/MAJOR INSTITUTIONAL TO COMMERCIAL

THE APPLICANT IS SEEKING TO REZONE THE SUBJECT PROPERTY FROM THE P2 – EDUCATION AND MINOR INSTITUTIONAL ZONE TO THE C4 – URBAN CENTRE COMMERCIAL ZONE IN ORDER TO ACCOMMODATE THE CONSTRUCTION OF A 12 STOREY MIXED USE DEVELOPMENT

EXISTING ZONE: P2 – EDUCATION AND MINOR INSTITUTIONAL

PROPOSED ZONE: C4 – URBAN CENTRE COMMERCIAL

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP06-0009 to amend Map 19.1 of the Kelowna Official Community Plan (2000 - 2020) Bylaw No. 7600 by changing the Future Land Use designation of Lot A, District Lot 129, ODYD Plan 30261, located on Springfield Road, Kelowna, B.C., from the Education/Major Institutional designation to the Commercial designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated August 17, 2006, be considered by Council;

THAT Rezoning Application No. Z06-0031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 129, ODYD Plan 30261, located on Springfield Road, Kelowna, B.C. from the P2 – Education and Minor Institutional zone to the C4 – Urban Centre Commercial zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP06-0009 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 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. OCP06-0009, for 2040 Springfield Road/Lot A, Plan 30261, Sec. 20, Twp. 26, ODYD, by Herman Design (Jim Herman), to amend the OCP Future Lane Use designation from Education / Minor Institutional to Commercial;

AND THAT the Advisory Planning Commission supports Rezoning Application No Z06-0031, for 2040 Springfield Road/Lot A, Plan 30261, Sec. 20, Twp. 26, ODYD, by Herman Design (Jim Herman), to rezone from the P2-Education & Minor Institutional zone to the C4-Urban Centre Commercial zone to allow for construction of a 12 storey mixed use development;

AND FURTHER THAT the Advisory Planning Commission supports Development Permit Application No. DP06-0100, for 2040 Springfield Road/Lot A, Plan 30261, Sec. 20, Twp. 26, ODYD, by Herman Design (Jim Herman), to obtain a Development Permit for the form and character of a building with 76 residential units and 2400 m2 of commercial/office area.

*It was noted by the Advisory Planning Commission that the original plans showed numerous variances. The APC stipulated at the meeting that the recommendation for the Development Permit was subject to the applicant **eliminating all variances** that may be associated with the project.*

Note: While the applicant was able to eliminate the majority of variances, two minor variances for parking setbacks remain.

3.0 SUMMARY

The applicant is proposing to construct a 12 storey mixed use development with two storeys of commercial/retail space and 9 storeys of apartment housing (75 units). In order to facilitate the development the applicant has proposed to amend the Official Community Plan Future Land Use Designation from Education/Major Institutional to Commercial and rezone the subject property from the P2 – Education and Minor Institutional zone to the C4 – Urban Centre Commercial zone. A development permit for form and character has also been submitted. Surrounding land uses are varied and include fallow agricultural land to the south, multiple family/institutional uses to the north, and commercial uses to the east and west.

The subject property is located on the north side of Springfield Road between Cooper Road and Barlee Road. The proposed 12 storey mixed use building will be located near

the centre of the existing lot and will house retail commercial at grade with space for typical office type uses and a space for Elks Lodge on the second storey. The second storey will also house 3 studio/office condo units. The 3rd through 12th storeys will house 72 residential units for a total of 75 units.

The proposed building is modern in character and the main residential core of the building steps back above the second storey before rising as an oblong (hull shaped) tower. The applicant has proposed to place the majority of the parking for the development in an underground parkade; however, surface parking is also provided. The landscape plan as proposed allows for a generous amount of landscaping around the perimeter of the site and allows for pedestrian links into the development from Springfield Road. The proposed landscape plan will also create visual interest in the neighborhood by accommodating public art type features in nodes along the road frontages as well as soft transition between sidewalk grade and the parking area.

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

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Lot Area (m ²)	6,529m ²	1300m ²
Lot Depth (m)	58.29m	30m
Lot Width (m)	112.36m	40m
Area of Buildings at Grade	4629.06m ²	N/A
Site Coverage (%) (Buildings)	70.9%	75%
Gross Floor Area (m ²)	9793.5m ²	N/A
Floor Area Ratio (FAR)	1.5	1.5
Parking Spaces	Surface: 46 Underground: 157 Total Stalls Provided: 203	Residential: 76 X 2 bedrooms units = 113 stalls Commercial: 51 stalls Total Stalls Required: 164
Setbacks to Parking		
Front (Springfield)	0.0m ^①	2.0m
Side (Barlee)	4.2m	2.0m
Side (internal)	7.5m	0.0m
Rear (north)	0.6m ^②	1.5m
Bicycle Parking	45	45
Storeys (#)	12	12
Height (m)	37.0m	37.0m
Setbacks(m)(Apartment)		
Front	0.0m	0.0m
Rear	8.25m	6.0m
Side (e)	18m	0.0m
Side (w)	21m	0.0m
Private Open Space	1300m ²	1140m ²
Drive Aisle Width	7.0m	7.0m
Refuse Bins (Setback from abutting residential areas)	N/A	N/A

❶ To vary the required front yard setback for parking from 2.0m required to 0.0m proposed.

❷ To vary the required rear yard setback for parking from 1.5m required to 0.6m proposed.

4.0 SITE CONTEXT

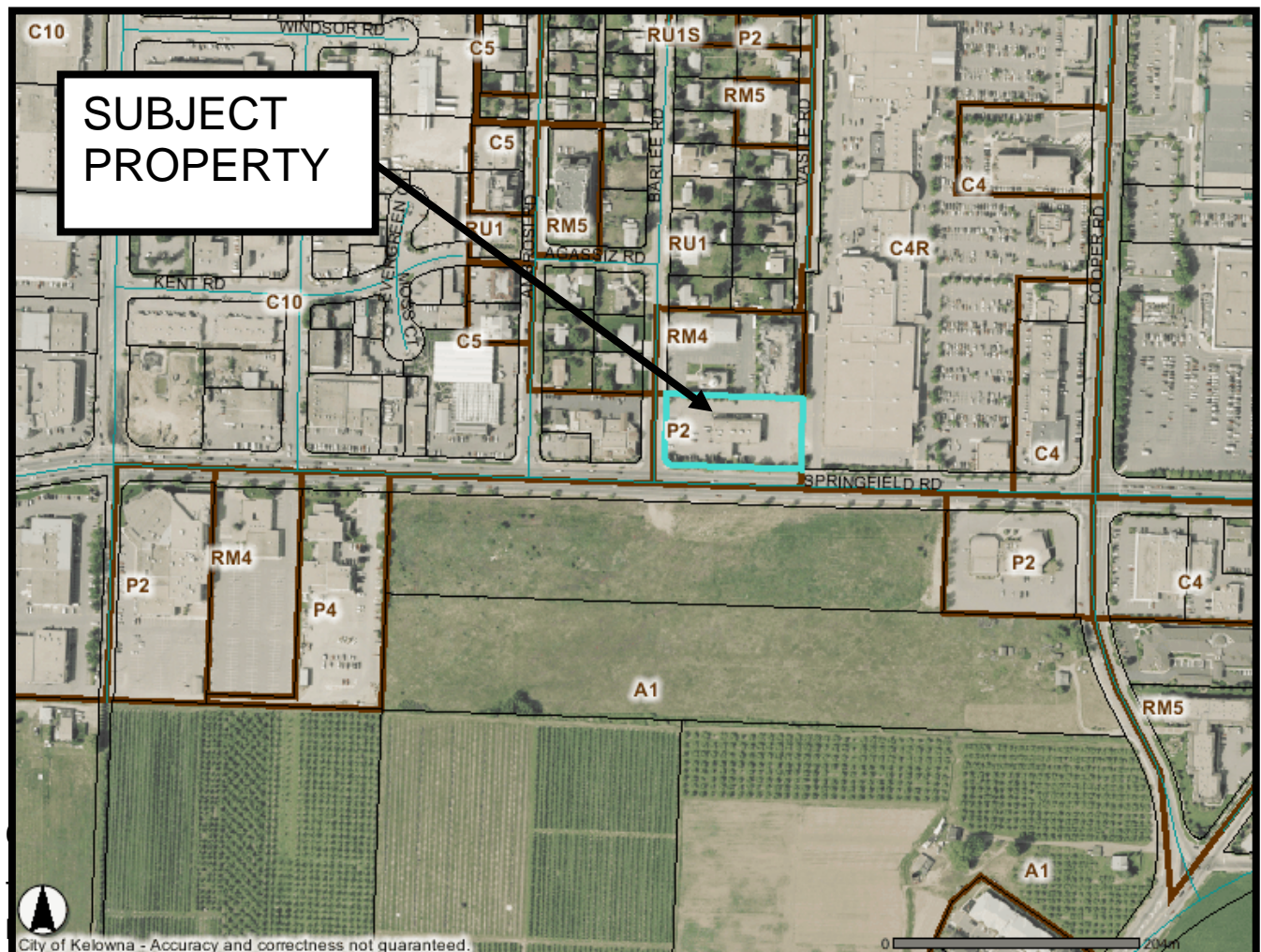
The subject property is located on the north side of Springfield Road between Cooper Road and Barlee Road.

Adjacent zones and uses are:

- North - RM4 – Transitional Low Density Housing – Ukrainian Greek Orthodox Church/Apartment Housing
- East - C4 – Urban Centre Commercial - Zellers
- South - A1 – Agriculture 1 – Vacant ALR land
- West - C10 – Service Commercial – Crematorium/Funeral Home

5.0 SITE LOCATION MAP

Subject Properties: 2040 Springfield Road



recreational uses and religious assemblies. The applicant is seeking to rezone the property to the C4 – Urban Centre Commercial zone. The purpose of this zone is to provide for the development of community commercial centres to serve more than one neighbourhood. The proposed mixed use (commercial/residential) development would be a permitted type of development in the C4 – Urban Centre Commercial zone.

7.0 CURRENT DEVELOPMENT POLICY

7.1 Kelowna Official Community Plan

Map 19.1 of Kelowna's Official Community Plan designates the subject property as Education/Major Institutional. The proposed rezoning and development permit plan are not consistent with this designation.

The Official Community Plan contains the following objectives for context and design for new multiple family developments:

Objectives for Urban Centre 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 contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).
- 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).

Guidelines for Urban Centre Development

Landscaping

- enhances public views
- appears to provide some noise buffering
- appears to complement the building's architectural features
- enhances the edges of the proposed building
- screens parking areas from view (with vegetation, berms, low walls, fences etc.)
- creates shade
- creates design interest
- may contribute to a sense of personal safety and security
- facilitate access, enjoyment and social activities for all authorized users

Relationship to the Street

- The principle front entranceway is identifiable.

- Porches/balconies are provided.
- While the building setback from the street, the applicant has provided strong landscaped pedestrian connections to the building.

Building Massing

- Development is not generally compatible with the massing and rhythm of the established streetscape; however, the subject property is in an urban centre area where the zoning permits such building height.
- Variation between architectural bays within each façade are provided.

Walls

- End walls visible from a public street or residential lots are finished to provide an attractive appearance.

Ancillary Services/Utilities

- Refuse bins are located at the rear of the building and will be screened from view.
- Utility service connections will be screened from view or be located so as to minimize visual intrusion.

Amenities

- Limited useable amenity space is available for the use of residents.

Access

- Within the site the applicant should work to improve pedestrian access to the building by clearly marking pedestrian pathways on-site.

Parking

- Underground parking is provided and handicapped parking is easily accessible.

Lighting

- Lighting should be used to create a safe and comfortable environment for pedestrians.

7.2 Kelowna Strategic Plan (2005)

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.

7.3 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.

8.0 TECHINICAL COMMENTS

This application was circulated to various City Departments and technical agencies and the following comments were received:

8.1 Fire Department

Fire department access, fire flows and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements.

- 8.2 Fortis BC
No response.
- 8.3 Inspection Services Department
Provide building code analysis prior to issuance of DP. Spatial separation calculation required for exterior of building related to property line.
- 8.4 Ministry of Transportation
No concerns.
- 8.5 Parks Department
The City of Kelowna Boulevard Maintenance By-Law No. 5708-84 requires the residents to be responsible to weed, water and mow the boulevards adjacent to their properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.
- In an effort to conserve water, all automated irrigation systems will be design to minimize over-spraying on non-landscaped areas including City sidewalks, courtyards, parking areas, roadways, etc.
- 8.6 Public Health Inspector
Commercial kitchen will require health approval.
- 8.7 Shaw Cable
Owner/Developer to install Shaw conduit, as per Shaw specifications and drawings.
- 8.8 Transportation Demand Management (Transportation Division)
Bicycle parking for visitors required adjacent to front entrance. Secure parking required indoors for residents with no strata rules disallowing such.
- 8.9 Telus
Developer to provide a 5 metre x 8 metre easement at no cost to TELUS. Developer will place a concrete Walk-in Cabinet to house TELUS switching equipment to service this property and which could also serve surrounding properties. TELUS will require 24 hour access to the Walk-in-Cabinet. TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.
- 8.10 Terasen Utility Services
No comment.
- 8.11 Works and Utilities Department
The Works & Utilities Department has the following requirements associated with this rezoning and development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit or the subdivision approval, but are outlined in

this report for information only. The Development Engineering Technologist for this project is John Filipenko. AScT

8.11.1 Domestic Water and Fire Protection

The existing lot is serviced with a small diameter (50-mm) copper water service. Only one service will be permitted for this development. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development. The applicant, at his cost, will arrange for the removal of existing service and the installation of one larger metered water service and if determined, the installation of a fire hydrant. The estimated cost of this construction for bonding purposes is \$14,000.00

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 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.

Landscaped boulevards, complete with underground irrigation systems, must be integrated with the on-site irrigation system

8.11.2 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 \$5,000.00

8.11.3 Storm Drainage

The developer's consulting civil engineer will be required to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual and the engineer will determine if the existing 150mm overflow service can be utilized. Unused services must be removed at the applicant's cost, and if a larger service is required it will be installed at the applicant's cost.

It will be necessary for the developer to construct some storm drainage facilities on Barlee Road (catch-basins and drywells) fronting the proposed development. The cost of this construction is included in the roads item.

8.11.4 Road Improvements

Barlee Road fronting this development, must be upgraded to a full urban standard (SS-R5 modified) including curb and gutter, 2.35m sidewalk, pavement widening, landscaped boulevard complete with underground irrigation system, street lights as required and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this work for bonding purposes is \$38,000.00 (not including the cost of removing, relocating or adjusting of utility poles and other appurtenances)

Springfield Road fronting this development has been urbanized. Provide an underground irrigation system for the landscaped boulevard. The neglected trees within the boulevard must also be replaced. The estimated cost of this work for bonding purposes is \$4,000.00

Protect existing curbs and sidewalks during construction. Replacement of damaged works and restoration will be at the developer's expense. The extent of the restoration works will be determined by the City Engineer once construction is complete. Provide a performance bond in the amount of \$2,000.00 to assure replacement of damaged off-site street facilities during construction.

8.11.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

Grant 7.50m statutory rights-of-way along the east property line for the existing deep sanitary trunk main.

Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

8.11.6 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.

8.11.7 Street Lighting

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

8.11.8 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.

8.11.9 Geotechnical Report

As a requirement of this application and/or prior to issue of a building permit, the applicant must provide a modified 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 and overland surface drainage courses traversing across or influencing this property.

Site suitability for development; unstable soils, 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, analyze 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.

8.11.10 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.

8.11.11 Bonding and Levy Summary

Bonding

Barlee Road frontage upgrading	\$38,000.00
Springfield Road frontage requirements	\$ 6,000.00
Service upgrades	\$19,000.00
<u>Total Bonding</u>	<u>\$ 63,000.00</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.

Levies

Contribute a sum of \$1,384.00 per equivalent development unit as this development's assessed share for future extension of Agassiz Rd. from Kent Rd. through to Vasile Rd. as required in the Barlee Area Plan.

Barlee Area Plan assessment:

Amount to be determined prior to issuance of a building permit.

NOTE: If the applicant elects to secure the levies by an irrevocable letter of credit rather than cash, a \$50.00 non-refundable processing fee must be paid to the City upon provision of the letter of credit.

8.11.12 Development Permit and Site Related Issues

Modify the building footprint to respect the required 7.50m statutory rights-of-way along the east property line

The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.

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.

A site grading plan, a site servicing plan and a storm drainage plan are a requirement of this application. Site servicing issues and road access will be further reviewed and comments related to site development will be addressed when a detailed site development design or building permit application is received.

An SU-9 standard size vehicle must be able to maneuver onto and off the site without requiring a reverse movement onto public roadways. If the

development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.

8.11.13 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.

9.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has worked extensively with this developer to achieve a form of development on this site which is appropriate to its Urban Centre context. While the proposed development calls for an amendment to the Official Community Plan Future Land Use Designation, the proposed land use is consistent with the Urban Centre Commercial zoned property which exists to the east and given the wide array of commercial services located at the Orchard Plaza Mall. Staff has no concerns regarding the proposed Official Community Plan Amendment and Rezoning on this property. Furthermore, Staff have reviewed this application, and it may move forward without affecting either the City's financial plan or waste management plan.

At this point staff would also like to point out that the architect has failed to identify handicapped parking, and grade level bicycle stalls on the site plan. The site plan must be revised to allow for both prior to the Development Permit and Development Variance Permit being forwarded for Council consideration. In addition, Planning Staff will require more detailed cross sections showing the Springfield Road frontage treatment to ensure a compatible interface with the public sidewalk.

Shelley Gambacort
Acting Manager of Development Services

Approved for inclusion

Signe Bagh
Acting Director of Planning & Development Services

SB/SG/rs
Attach

ATTACHMENTS

(not attached to the electronic version of the report)

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

MAP "A"

