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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** August 13, 2007  
**TO:** City Manager  
**FROM:** Planning & Development Services Department  
**APPLICATION NO.** Z07-0014      **APPLICANTS:** Tessco Inc.  
**AT:** 1923 Ambrosi Road      **OWNER:** 1314696 Alberta Ltd.  
1937 Ambrosi Road  
1979 Ambrosi Road  
1926 Barlee Road

**PURPOSE:** TO REZONE THE SUBJECT PROPERTIES FROM THE RU1 – LARGE LOT HOUSING ZONE TO THE RM5 - MEDIUM DENSITY MULTIPLE HOUSING ZONE IN ORDER TO ALLOW FOR THE CONSTRUCTION OF A 4 ½ - STOREY, 72-UNIT APARTMENT BUILDING..

**EXISTING ZONE:** RU1 – LARGE LOT HOUSING ZONE

**PROPOSED ZONE:** RM5 - MEDIUM DENSITY MULTIPLE HOUSING ZONE

**REPORT PREPARED BY:** NELSON WIGHT

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**1.0 RECOMMENDATIONS**

THAT Rezoning Application No. Z07-0014 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of the following properties:

1. Lot 6, District Lot 129, O.D.Y.D. Plan 14187
2. Lot 7, District Lot 129, O.D.Y.D. Plan 14187
3. Lot 8, District Lot 129, O.D.Y.D. Plan 14187
4. Lot A, District Lot 129, O.D.Y.D. Plan 34047

on Ambrosi Road, Kelowna, B.C. from RU1 – Large Lot Housing to RM5 – Medium Density Multiple Housing be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be withheld until the applicant has addressed the requirements of the Works and Utilities department.

AND THAT final adoption of the zone amending bylaw be considered following the consolidation of the lots.

AND THAT final adoption of the zone amending bylaw be considered in conjunction with final adoption of a Housing Agreement Bylaw.

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 FURTHER 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

## 2.0 SUMMARY

There are four subject properties in a contiguous block at the corner of Ambrosi Road and Agassiz Road, which are proposed to be rezoned to the RM5 zone to accommodate a 4 ½ - storey apartment building above an underground parking structure.

The applicant is seeking approval of the following applications in order for this project to proceed:

1. a rezoning application from RU1 to RM5
2. a development permit to address the form and character of the development.
3. a development variance permit to vary certain development regulations

## 3.0 ADVISORY PLANNING COMMISSION

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of May 22, 2007 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z07 0014, for 1923, 1937, 1979 Ambrosi Road; 1926 Ambrosi Road, Lots, 6, 7 and 8, Plan 14187 and Lot A, Plan 34047, Sec. 20, Twp. 26, ODYD, by Tessco Inc. (R. Manning), to rezone from the RU1 – Large Lot Housing zone to the RM5 – Medium Density Multiple Housing zone to allow for the development of 72 units of multiple family residential housing.

## 4.0 BACKGROUND

The four subject properties have a combined area of 5,569.64 m<sup>2</sup> following dedication of the required road widening along Agassiz Road. These properties have existing single-family homes that would need to be relocated or demolished, should this project go ahead.

Vehicle access is proposed from Ambrosi Road, leading to an underground parking structure, which accommodates all of the required parking. Two primary pedestrian connections are shown leading from both the Agassiz and Ambrosi Road frontages to two main entrances. In addition to these, most of the ground floor units facing the street have separate entrances.

Project stats show that there are to be eight (8) 1-bedroom units, and sixty-four (64) 2-bedroom units (72 units total).

The proposed development meets the requirements of the RM5 – Medium Density Multiple Housing zone, as follows; conflicts with the Zoning Bylaw requirements are detailed immediately following the table:

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area (m <sup>2</sup> )	5,569.64 m <sup>2</sup>	1,400 m <sup>2</sup>
Lot Width (m)	100 m (Ambrosi Rd.) 82 m (Agassiz Rd.)	30.0 m
Lot Depth (m)	35.7 m 41.15 m	35.0 m

Development Regulations		
Floor Area Ratio	1.4	1.4 (1.1 + 0.2 bonus for underground parking + 0.1 bonus for housing agreement = 1.4)
Site Coverage	40.3% <sup>A</sup> 59%	40% (buildings) 60% (buildings, parking areas, and driveways)
Height	15.61 m 4 ½-storeys <sup>B</sup>	16.5 m or 4 storeys
Front Yard (Barlee Road)	7.5 m	6.0 m
Front Yard (Agassiz Road)	6.0 m	6.0 m
Front Yard (Ambrosi Road)	6.0 m	6.0 m
Side Yard (south)	4.5 m 4.5 m <sup>C</sup>	4.5 m (< 2 ½ storeys) 7.5 m (> 2 ½ storeys)
Rear Yard (south and west)	9.0 m	4.5 m (< 2 ½ storeys) 7.5 m (> 2 ½ storeys)
Projections	(meets requirements)	maximum 0.6 m
Other Regulations		
Minimum Parking Requirements	117 spaces	<u>Residential:</u> 1.5 per 2-bdrm unit/ 1.25 per 1-bdrm unit  Total required: (64 units x 1.5 = 96) + (8 x 1.25 = 10) = <b>106 spaces</b>
Small Car Parking Spaces	38 small car spaces	Maximum 40% small car 106 x 40% = maximum 43
Visitor Parking	(not labelled on drawing) <sup>D</sup>	1 for every 7 required is to be designated for visitor parking = 96 / 7 = <b>14 spaces</b> of 96 required.
Bicycle Parking	Inside: 48 Outside: (none shown) <sup>E</sup>	<u>Residential</u> Inside: 0.5/unit = 36 Outside: 0.1/unit = 8
Private Open Space	1,480 m <sup>2</sup> <sup>F</sup>	15.0 m <sup>2</sup> of private open space shall be provided per 1-bdrm dwelling, and 25 m <sup>2</sup> for 2-bdrm dwelling. 15 m <sup>2</sup> x 8 = 120 m <sup>2</sup> 25 m <sup>2</sup> x 64 units = 1,600 m <sup>2</sup>

Landscaping	(meets requirements)	Level 2 and 3 buffer required.
Setback to Garbage Enclosure	1.0 m <sup>G</sup>	minimum 3.0 m from abutting residential zone

<sup>A</sup> The applicant is requesting a variance to allow an increase in the allowable site coverage for buildings.

<sup>B</sup> The applicant is requesting a variance to allow an increase in the height of the building.

<sup>C</sup> The applicant is requesting a variance to allow a reduced side yard setback above 2 ½-stores.

<sup>D</sup> The applicant will be required to annotate the drawings to show which stalls are designated for visitors.

<sup>E</sup> The applicant will be required to provide adequate bicycle parking for visitors or add this shortfall to the list of requested variances.

<sup>F</sup> The applicant will be required to provide adequate open space for the project or add this shortfall to the list of requested variances.

<sup>G</sup> The applicant is requesting a variance to reduce this setback to the garbage enclosure.

## 5.0 ZONING AND USES OF ADJACENT PROPERTY

North - RM5 – Medium Density Multiple Housing – Apartment Building  
 East - RU1 – Large Lot Housing – Single Family Dwellings  
 South - C10 – Service Commercial  
 West - C5 – Transition Commercial

## 6.0 EXISTING DEVELOPMENT POTENTIAL

The subject property is currently zoned RU1 – Large Lot Housing. The purpose of this zone is to provide for single detached housing and compatible secondary uses, on larger serviced lots. Commercial development is not permitted in the RU1 – Large Lot Housing zone.

## 7.0 CURRENT DEVELOPMENT POLICY

### 7.1.1 Kelowna Official Community Plan (OCP)

#### **Future Land Use**

The subject properties are designated "Multiple Unit Residential – Medium Density" in the OCP. Consequently, the proposal to rezone to the RM5 – Medium Density Multiple Housing zone is consistent with that designation.

#### **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 within Urban Centres and Village Centres 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);

**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;

**8.0 TECHNICAL COMMENTS**

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 will determine if present hydrant location, number of hydrants, and hydrant volume will be adequate.

8.2 Fortis BC

No comments.

8.3 Inspections Department

The applicant has revised the building significantly, and it appears possible to satisfy the BCBC with the new design. However, some aspects of the building may require an alternate solution or compliance report.

8.4 Ministry of Transportation

No comments.

8.5 Telus

Developer is to provide a 5 m x 8 m easement at no cost to TELUS. TELUS 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..

8.6 Works and Utilities Department

(See attached Works and Utilities Department Report, dated August 2, 2007)

## 9.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

### 9.1 Rezoning Application

Staff has no concerns with the rezoning of these properties to the RM5 zone. The subject properties are of sufficient area to accommodate the density proposed for the site in a manner that integrates well with the future development of this neighbourhood, which is identified in the OCP for medium density multiple unit residential, surrounded by commercial uses.

The applicant attempted to incorporate the adjacent two lots to the east, but were unsuccessful. These two lots have a stand alone RU5 development potential.

### 9.2 Housing Agreement

This project seeks to gain additional density equivalent to 0.1 F.A.R., as the result of providing some affordable housing units. The applicant has indicated that 220 m<sup>2</sup> of floor area is to be dedicated for this use. In previous projects contemplating an affordable housing component, Staff has maintained a 50% rule with regard to this bonus, meaning that 50% of the gain in density resulting from the bonus should be dedicated to affordability, as shown in the table below:

Affordable Housing Calculation	
Density bonus for affordable housing (F.A.R.)	0.1
Lot area	5,569.64 m <sup>2</sup>
50% of density bonus (5,569.64 m <sup>2</sup> x 0.1 x 50%)	278 m <sup>2</sup>
Applicant's existing proposal	220 m <sup>2</sup>
<b>Shortfall</b>	<b>58 m<sup>2</sup></b>

Staff, therefore, would support this density bonus for affordable housing, provided that the applicant dedicate an additional 58 m<sup>2</sup> (624 ft<sup>2</sup>) of floor area towards affordable housing.

### 9.3 Development Variance Permit and Design Issues

The project contemplates a number of variances, including the following:

- height – 4 ½-storeys, where the maximum is 4-storeys
- site coverage – 40.3 %, where the maximum is 40%
- side yard setback above 2 ½-storeys from 7.5 m to 4.5 m

Staff will be providing a report to Council at a subsequent meeting—should the rezoning application be favourably considered—providing a rationale for support of non-support of these requested variances. There are also a number of other regulations for which the applicant will need to provide further explanations as to how they are being satisfied for this project. However, Staff does not consider that these items should hold up consideration of the rezoning application.

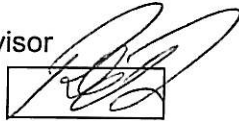
9.4 Conclusion

The applicant has revised this project significantly from its inception, such that Staff are now satisfied that they can support the development in principle. There are certain elements of the project that require clarification and possibly revision, and Staff will continue to work out these details with the applicant.



Shelley Gambacort  
Current Planning Supervisor

Approved for inclusion



David Shipclark  
Director of Corporate Services  
Acting Director of Planning & Development Services  
NW/nw

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**ATTACHMENTS**

Location of subject property

Site Plan

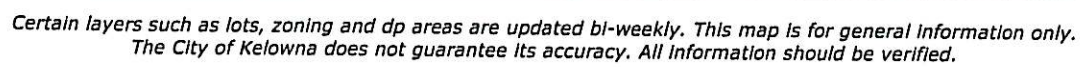
Parkade

Main Floor

Rendering

Works and Utilities Department Report, dated August 2, 2007 (5 pages)



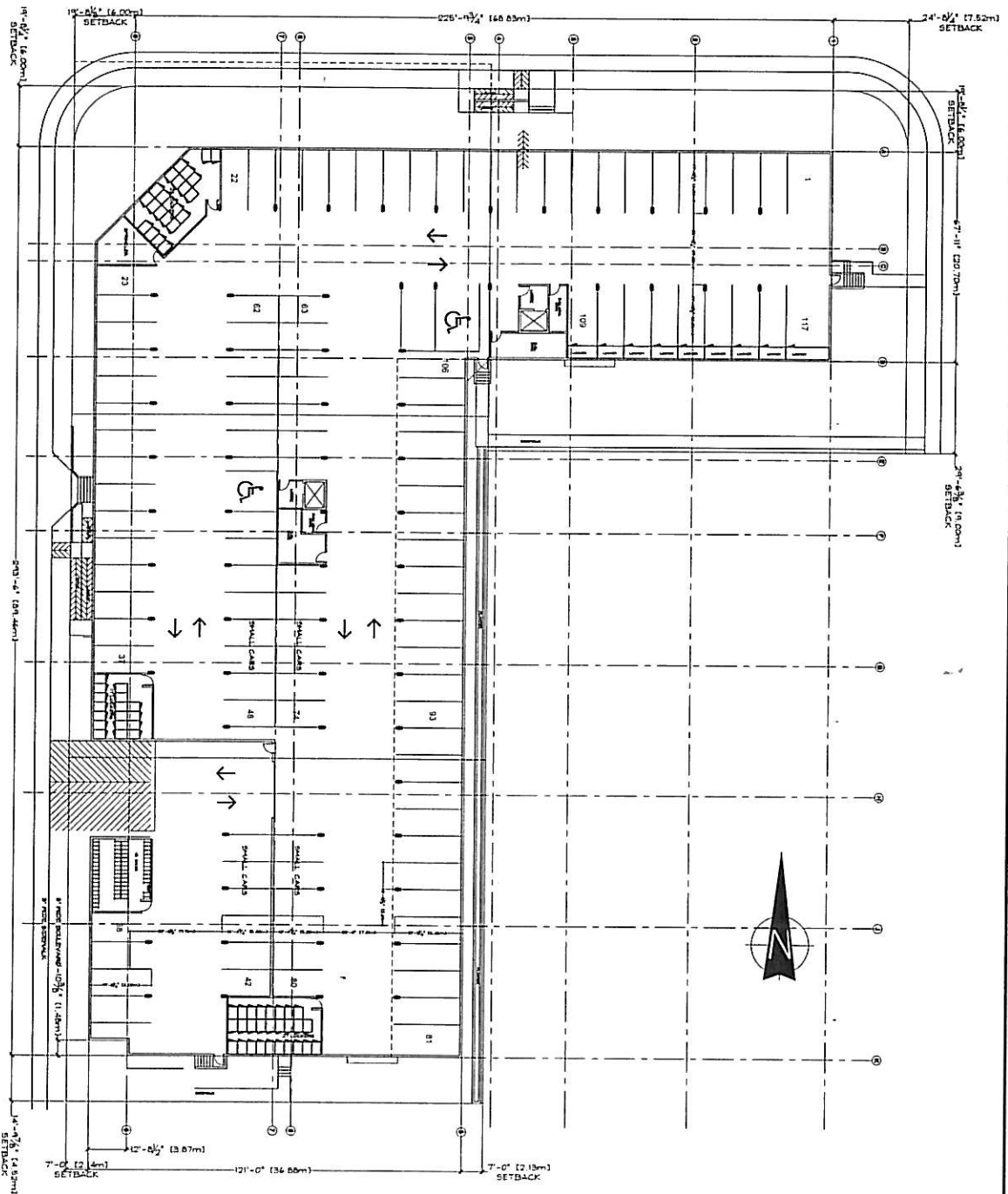






**FORM 27**

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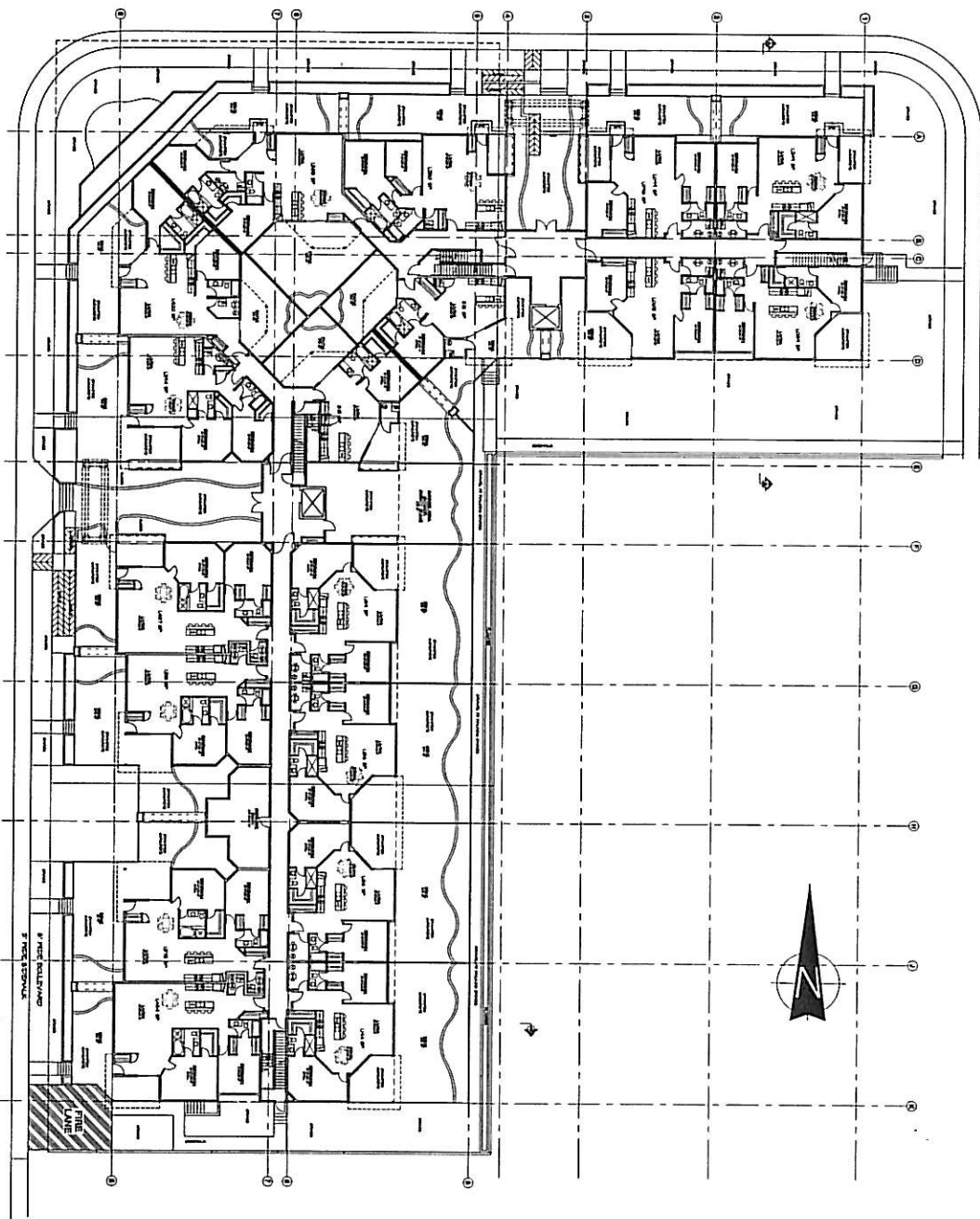
CLIENT  
TESCO INC.  
ESSEXVILLE, MI

PROJECT  
AMBROSI COURT  
KALAMAZOO, MI

PREPARED BY  
PARKADE

DATE	BY	REVISION
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**ARCH PLAN**  
 TESSCO INC.  
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TESSCO INC.  
 DAILY MAINTENANCE

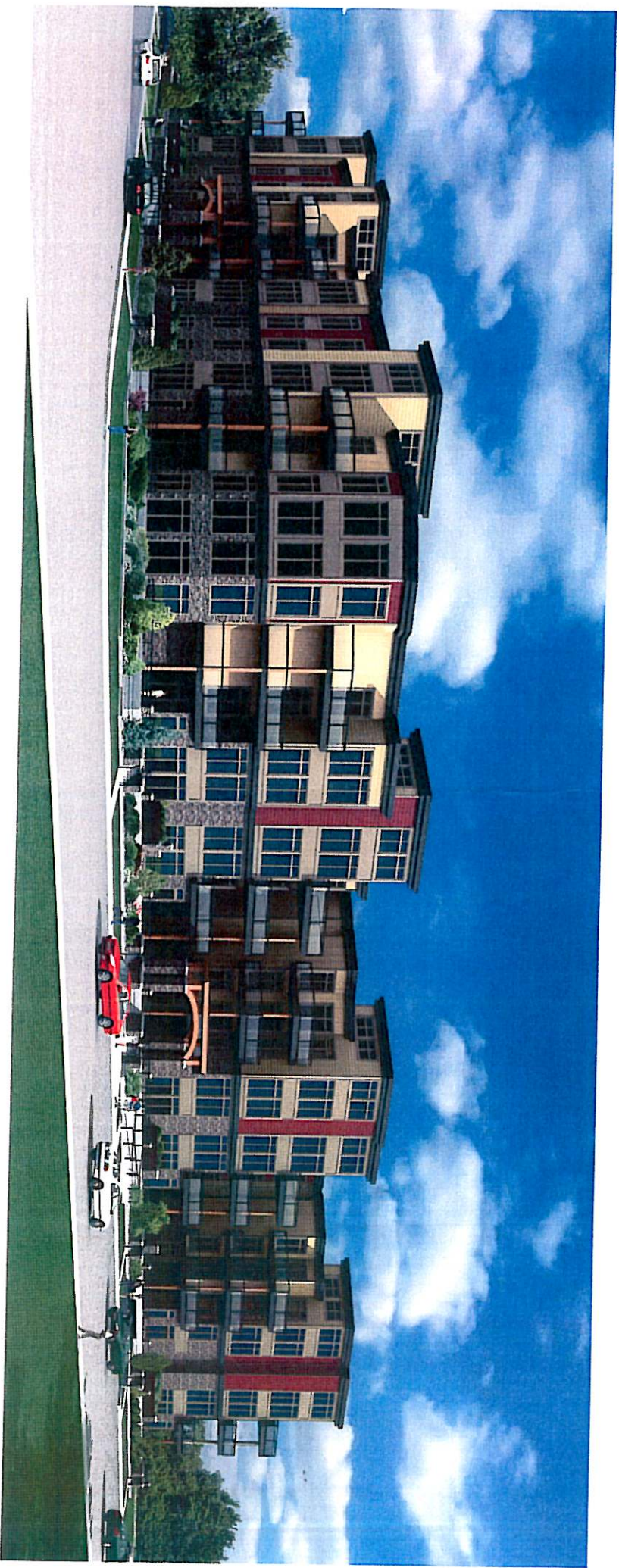
AMIRHOSSEIN COURT  
 DAILY MAINTENANCE

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

**POSTED**

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**Date:** August 2, 2007  
**File No.:** Z07-0014 DP07-0039 DVP07-0040 OCP07-0006  
**To:** Planning & Development Services Department (NW)  
**From:** Development Engineering Manager Revised Comments  
**Subject:** Proposed 72 Unit Residential Condominium Tessco Inc.  
1937 - 1979 Ambrosi Road Lots 6, 7, 8 Plan 14187 Lot A Plan 34047

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The Works & Utilities Department have the following comments and requirements associated with this application to rezone from RU-1 to RM-5. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

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

1. Domestic Water and Fire Protection

- (a) The developer must engage a consulting civil / mechanical engineer to determine the domestic and fire flow requirements of this development. The water system must be capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw. Water computations will be required to determine the demands for the identified land use designations, to determine water supply needs.
- (b) It is apparent that it will be necessary to construct a watermain, complete with a fire hydrant on Agassiz Road. The estimated cost of these improvements for bonding purposes is \$47,000.00
- (c) The existing lots are serviced with small diameter (19-mm) copper water services. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of existing services and the installation of one larger metered water service. The estimated cost of these improvements for bonding purposes is \$8,000.00
- (d) The boulevard irrigation system must be integrated with the on-site irrigation system.

2. Sanitary Sewer

- (a) The existing four lots are connected with sewer services. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs.
- (b) The applicant, at his cost, will arrange for the installation of one larger service, as well as capping of all existing unused services at the mains. Only one service will be permitted for this development. The estimated cost for construction for bonding purposes is \$12,000.00



### 3. Storm Drainage

- (a) 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 development and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage system may be connected to an existing or proposed drainage system with an overflow service. The estimated cost for providing a overflow service for bonding purposes is **\$8,000.00**
- (b) Provide a lot-grading plan.
- (c) It will be necessary for the developer to construct storm drainage facilities on the roads fronting the proposed development. The cost of this construction is included in the roads item.

### 4. Road Improvements

- (a) Ambrosi Road fronting this development, must be upgraded to a full urban standard SS-R5 (modified to include a 2.35m sidewalk), curb and gutter, pavement widening, landscaped boulevard complete with underground irrigation system, ornamental 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 **\$59,000.00** (not including the cost of relocating or adjusting of utility poles and other appurtenances)
- (b) Agassiz Road fronting this development, must be upgraded to a full urban standard SS-R5 (modified to match the existing cross-section east of Barlee Rd) including bulb outs, curb and gutter, drainage facilities (catchbasins, drywells) 1.85m sidewalk, pavement widening, landscaped boulevard complete with underground irrigation system, ornamental 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 **\$45,000.00** (not including the cost of relocating or adjusting of utility poles and other appurtenances)
- (c) Barlee Road fronting this development, must be upgraded to a full urban standard SS-R5 (modified to match the urbanized section across the road) including piped drainage system, bulb-out, curb and gutter, 1.85m sidewalk, pavement widening, landscaped boulevard complete with underground irrigation system, ornamental 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 **\$30,000.00** (not including the cost of relocating or adjusting of utility poles and other appurtenances)
- (d) Contribute a sum of **\$1,453.20** 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 Ambrosi Area Plan.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Provide an additional road allowance widening for the frontage of Agassiz Rd to achieve a full right-of-way width of 20.12m
- (b) Provide a 6.00m radius corner rounding
- (c) Lot consolidation is required
- (d) Provide statutory rights-of-way if required for utility services.

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.

7. Street Lighting

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.

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. 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:

- (a) Area ground water characteristics, including water sources on the site and overland surface drainage courses traversing across or influencing this property.
- (b) Site suitability for development; unstable soils, 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, analyze 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.

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.

11. Bonding and Levy Summary

(a) Bonding

Ambrosi Road frontage upgrading	\$ 59,000.00
Agassiz Road frontage upgrading	\$ 45,000.00
Barlee Road frontage upgrading	\$ 30,000.00
Agassiz Road watermain construction	\$ 47,000.00
Service upgrades	\$ 28,000.00
Total Bonding	<b>\$ 209,000.00</b>

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 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 4<sup>th</sup> reading of the zone amending bylaw.

(b) Levies

Ambrosi Area Plan assessment:

$$72 \text{ units} \times 0.7 = 50.4 \text{ EDU} @ \$1,453.20 = \$ 73,241.28 \text{ (951-10 -x-x-DF899)}$$

12. Development Permit and Site Related Issues

- (a) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.
- (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 layout does not identify the location of a bicycle rack.

13. Latecomer Provisions

- a) Under the provisions of the Municipal Act, Latecomer provisions are available for the following items:
  - i) Agassiz Road water main construction.

The consulting engineer is to prepare and submit the Latecomer information. The City will prepare the actual Latecomer Agreement(s) and forward to the owner(s) for signature. The Latecomer Agreements must be submitted for Council's adoption prior to the notice to proceed with the works and/or subdivision approval.

14. 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 Total Off-Site Construction Cost plus GST) in the amount of **\$4,747.74** (\$4,479.00 + 268.74 GST)

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Steve Muenz, P. Eng.  
Development Engineering Manager  
JF/jf