
**CITY OF KELOWNA
MEMORANDUM**

DATE July 02, 2009
TO City Manager
FROM Community Sustainability Division
PURPOSE To rezone the subject properties from the RU1 – Large Lot Housing zone to the RM5 – Medium Density Multiple Housing zone to facilitate a 32-unit condominium building.
FILE NO. Z08-0114
OWNER Windmill Ventures Ltd. **APPLICANT** Windmill Ventures Ltd.
AT 332 Lake Avenue, 1853 Water Street, 1869 Water Street
EXISTING ZONE RU1 – Large Lot Housing
PROPOSED ZONE RM5 – Medium Density Multiple Housing
REPORT PREPARED BY Andrew Browne

1.0 RECOMMENDATION

THAT Rezoning Application No. Z08-0114 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of Lots 1, 2, and 4 District Lot 14 ODYD Plan 2709, located at 1853 Water Street, 1869 Water Street, and 332 Lake Avenue, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM5 – Medium Density Multiple Housing zone 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 considered subsequent to the registration of a plan of subdivision to consolidate properties into one title;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and 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 Development Engineering Branch being completed to their satisfaction.

AV

2.0 ADVISORY PLANNING COMMISSION

At a meeting held on February 17, 2009, the following resolution was passed by the Advisory Planning Commission:

THAT the Advisory Planning Commission support Rezoning Application No. Z08-0114, for 332 Lake Avenue; Lot 4; 1853 & 1869 Water Street, Lots 1 & 2; Plan 2709, by Windmill Ventures, to rezone from the RU1 - Large Lot Residential zone to the RM5 - Medium Density Multiple Housing zone for a 32-unit condo building.

3.0 SUMMARY

A rezoning from the RU1 – Large Lot Housing zone to the RM5 – Medium Density Multiple Housing zone is being sought to facilitate a proposed 32-unit condominium project. A Development Permit for form and character and a Development Variance Permit are being considered and will be reviewed by Council at a later date.

Two variances are proposed: to vary the rear yard setback from 7.5 m required to 4.5 m proposed and to vary the permitted height from 4 storeys permitted to 4 storeys plus mezzanine (5 storeys) proposed.

4.0 BACKGROUND & PROPOSAL

A 32-unit condominium project, with parkade below, is proposed on the subject properties. Of the 32 units, 26 are to be bachelor (studio) units, 4 are to be one-bedroom units, and 2 are to be two-bedroom units. The applicant’s goal is to offer housing in the City Centre for those who work in the area and, by virtue of the modest unit areas proposed, to do so at a reasonable price.

The scope of the project had originally included the corner property (1891 Water Street), at the intersection of Lake Avenue and Water Street, but the applicant was not able to acquire the parcel from the landowner at a mutually agreeable price. As a result, the original scope of the project has been modified. The building is to be placed on the northern two parcels, facing Water Street, and the one parcel to the south, facing Lake Avenue, is to be used for landscaped surface parking. The project has been arranged in such a way to make a second phase possible should the remaining parcel be acquired at some time in the future. Any future phase will be required to replace any lost surface parking required by this development.

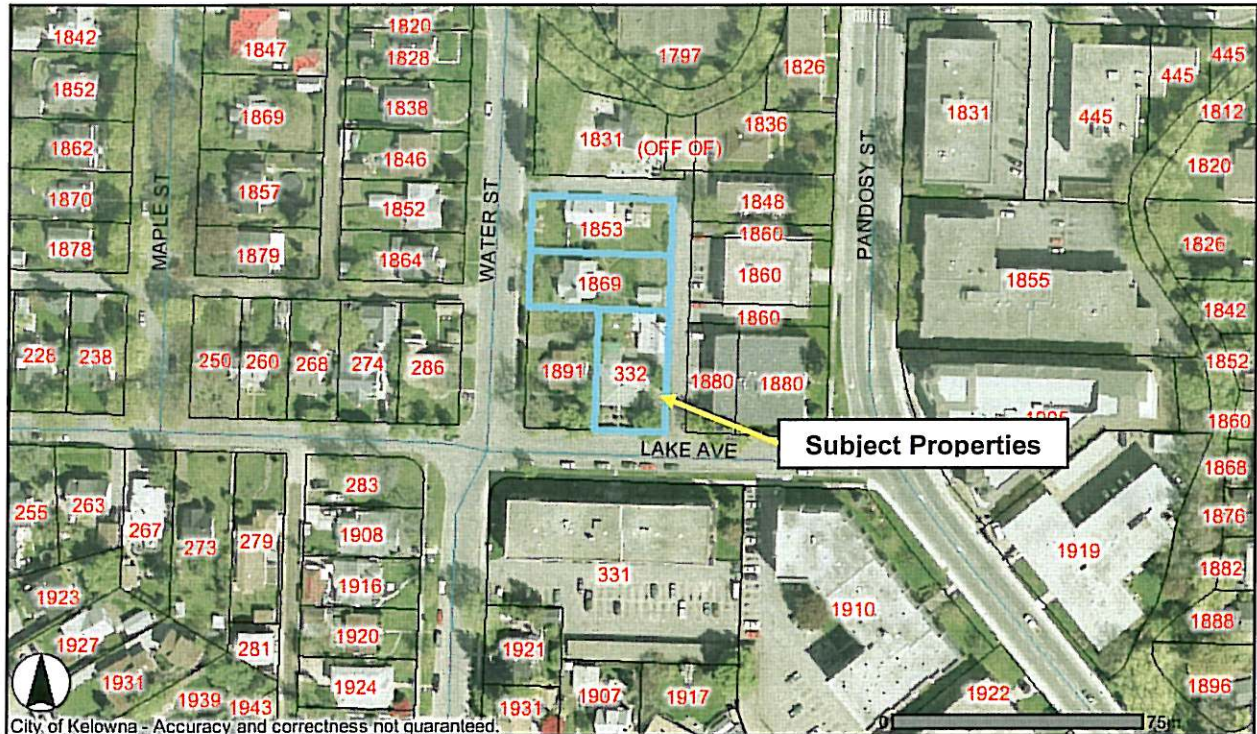
Zoning Bylaw No. 8000		
Criteria	Proposed	RM5 Zone Requirements
Subdivision Regulations		
Site Width	21.30 m to 42.73 m (1)	30.0 m
Site Depth	33.53 m to 70.11 m (1)	35.0 m
Site Area	2210 m ²	1400 m ²
Development Regulations		
Floor Area Ratio (FAR)	0.99	1.1
Site Coverage (buildings)	35.7%	40%

Site Coverage (buildings, driveways, and parking)	59.6%	60%
Height	16.5 m and 5 storeys (2)	Lesser of 16.5 m or 4 storeys
Front yard setback (Water St frontage)	6.0 m	6.0 m
Side yard setback (Lake Ave frontage)	4.5 m for a portion of a building not over 2½ storeys and 7.5m for portions of a building in excess of 2½ storeys	4.5 m for a portion of a building not over 2½ storeys and 7.5m for portions of a building in excess of 2½ storeys
Side yard setback (north lane frontage)	4.5 m for a portion of a building not over 2½ storeys and 7.5m for portions of a building in excess of 2½ storeys	4.5 m for a portion of a building not over 2½ storeys and 7.5m for portions of a building in excess of 2½ storeys
Rear yard setback (east lane frontage)	4.5 m (2)	7.5 m
Other Regulations		
Private Open Space	531.0 m ²	7.5 m ² per bachelor unit, 15 m ² per one-bedroom unit, 25 m ² per unit above one-bedroom = 305 m ²
Continuous Building Frontage	33.5 m	40.0 m maximum for buildings in excess of 2 storeys
Vehicle Parking	39 stalls (34 stalls for residents and 5 stalls for visitors)	1 stall per bachelor unit, 1.25 stalls per one-bedroom unit, 1.5 stalls per two-bedroom unit = 34 stalls
Bicycle Parking	16 Class I 4 Class II	Class I – 0.5 per dwelling unit Class II – 0.1 per dwelling unit = 16 Class I, 4 Class II
<p>(1) The site is an irregular shape; for clarification, refer to the site plan attached to this report.</p> <p>(2) Indicates a required variance to the Zoning Bylaw.</p>		

5.0 SITE CONTEXT

The subject properties are located in the City Centre on the east side of Water Street and the north side of Lake Avenue, and are adjacent to the Abbott Street Heritage Conservation Area. Land use and density in the vicinity are varied—higher densities are present to the east while single detached housing is present to the west. Specifically, the adjacent land uses are as follows:

- North P4 – Utilities
- South RM5 – Medium Density Multiple Housing & RU1 – Large Lot Housing
- East RM5 – Medium Density Multiple Housing
- West RU1 – Large Lot Housing



6.0 POLICY AND REGULATION

6.1 Kelowna 2020 – Official Community Plan

Housing Policies:

Infrastructure Availability. Give preference to supporting new housing in areas where required services already exist or can be provided most economically and efficiently.

Apartments and Townhouses. Encourage development to contribute to the City's goal of, over the 2000 - 2020 timeframe, having 53% of new residential units be in the form of apartments, townhouses (and cluster housing), or other multiple unit buildings.

Housing Variety. Encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna's diverse population and satisfies a range of lifestyle choices.

Integration. Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities.

Housing in the Urban Corridor. A more varied housing supply and means of increasing affordability should be actively sought for the neighbourhoods surrounding and including the Urban Town Centres and the Highway 97 corridor extending to the north boundary of the City, north, south and east of Highway 97 as it changes to a northerly direction.

7.0 TECHNICAL COMMENTS

Refer to “Development Application File Circulation Report” and “Development Engineering comments,” both attached to and forming part of this report.

8.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The proposed development is consistent with the future land use designaton for the subject property, Multiple Unit Residential (Medium Density), as expressed in the City of Kelowna Official Community Plan.

Staff preference is that the corner parcel should be included within the scope of the project. Ideally, any potential phasing would be comprehensively planned now and take into account the development potential of the full site.

This rezoning will be considered in conjunction with a Development Permit for the form and character of the proposed development as well as a Development Variance Permit that seeks to vary height and setback requirements (refer to zoning requirement table within this report).

Locating new residential units within Urban Centres is a stated objective of the City of Kelowna and strong, livable centres contribute to the economic and social sustainability of the community. In addition, development in this area has the potential to revitalize and strengthen the Pandosy Street corridor. Land Use Management staff recommend support for this application on the basis of the proposal's compliance with the Official Community Plan.

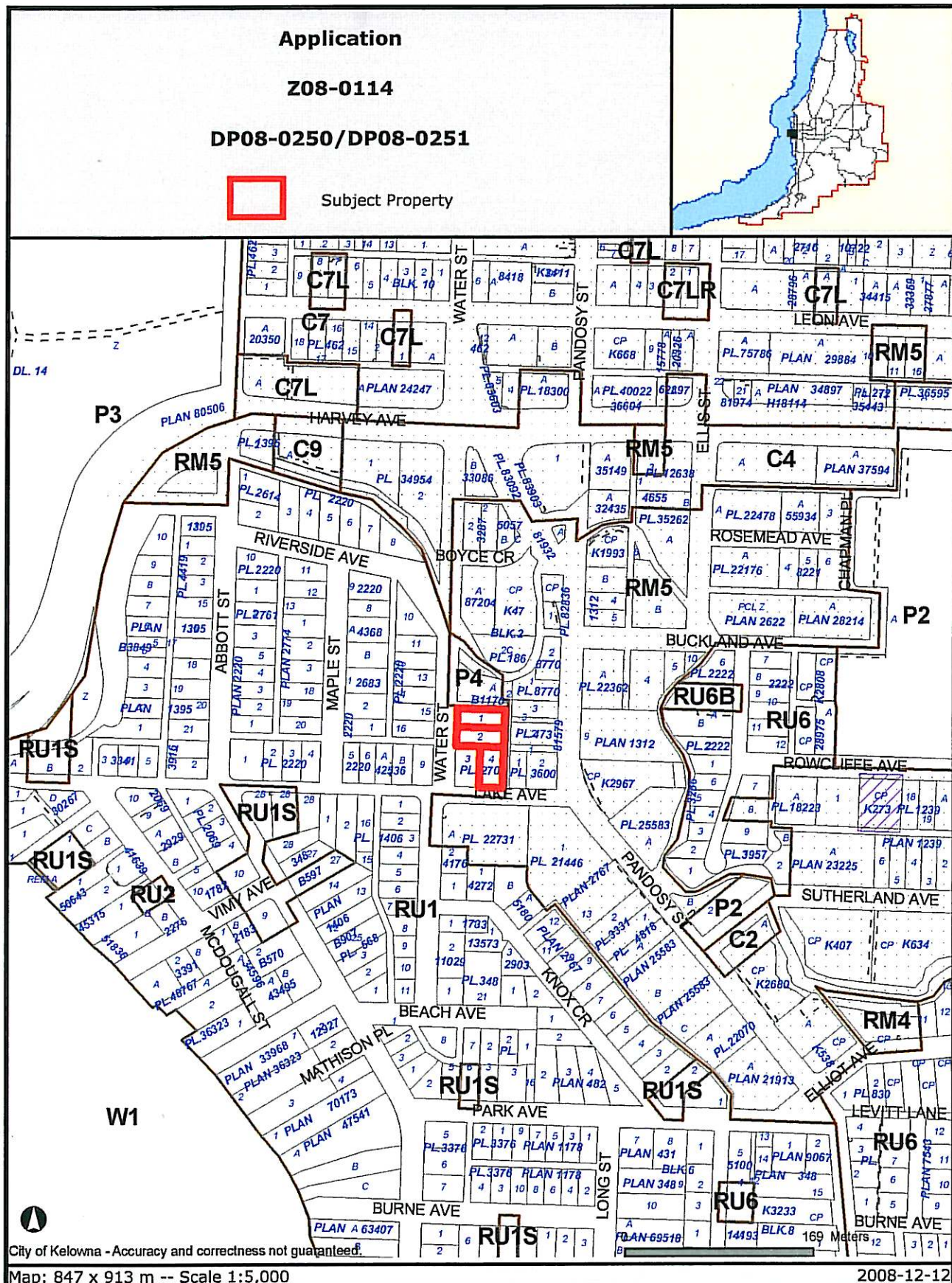
Danielle Noble
Urban Land Use Manager


Approved for inclusion:
Shelley Gambacort
Director of Land Use Management



ATTACHMENTS

- Location and zoning map of the subject properties
- Development Application File Circulation Report
- Development Engineering Comments (4 pages)
- “Landscape Plan” (2 pages)
- Colour elevations (4 pages)
- Colour rendering



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.

File: Z08-0114

Application

File: Z08-0114

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only) 2008-12-12 2008-12-12
				Building & Permitting 2008-12-12 2009-01-08
			RREADY	Unit C mezzanine appears to exceed the mezzanine floor requirements (60% open),3.2.1.(3). Unit F mezzanine not visually open. Protection of exits required (3.2.3.13).
				Canada Post 2008-12-12
				Community Development & Real Estate Mgr 2008-12-12 2008-12-18
			KGENGE	CD&RE Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full-sized copy, together with an 8 ? x 11 copy, of any survey plans.
				Development Engineering Branch 2008-12-12
				Fire Department 2008-12-12 2009-01-23
			MNEID	Z08-0114 1853-1869 WATER ST: Code analysis to show the exiting meets 3.2.3.13 BCBC 2006. Code analysis to show how Unit "F" meets requirement of a mezzanine. Detailed building code analysis (detail equivalencies, if any) required for proposed building; to include exiting, fire protection information, fire department access, occupancy class, building height, construction type, among other things. Fire protection information not provided; fire department connection not shown. It appears fire flows for the complex will not be met. Engineered fire flows are required to determine if existing hydrants/fire flows are adequate and if additional hydrants/fire flows are required.
2				Fire Department 2008-12-12 2009-01-23
			MNEID	Z08-0114 1853-1869 WATER ST: Please add these comments. The Kelowna Fire Department is now asking for the following information in regards to sprinkler systems: Schedule B-2, 5.1: Suppression system classification for type of occupancy is required and must be submitted to the Kelowna Fire Department; as well this information is to be retained in the appropriate section of the building's Fire Safety Plan Schedule B-2, 5.7 and NFPA 13: Notice to the Kelowna Fire Department Prevention Branch for their attendance during the conducting of the Acceptance test is required. Schedule B-2, 5.7 and NFPA 13: Copies of the Acceptance tests and Contractor's Material & Test Certificates must be submitted to the Kelowna Fire Department; in addition copies are to be retained in the appropriate section of the building's Fire Safety Plan. Schedule B-2, 5.8: Maintenance program and manual for the suppression system must be submitted to the Kelowna Fire Department (electronic format if possible); in addition copies are to be retained in the appropriate section of the building's Fire Safety Plan.
				FortisBC 2008-12-12
				Infrastructure Planning & Asset Mgmt 2008-12-12 2009-01-13
			PMCCORM	Not enough room to post comments re: fdorm and character. Comments have been forwarded to the file manager. Patrick McCormick No comment
				Park/Leisure Services Dir. (info only) 2008-12-12 2008-12-15
			SSCOVIL	No comment
				Parks Planning Manager 2008-12-12 2009-01-08
			TBARTON	No comment
				Policy & Planning 2008-12-12 2009-01-16
				Public Health Inspector 2008-12-12 2008-12-17
				RCMP 2008-12-12 2009-03-17
				School District No. 23 2008-12-12
				Shaw Cable 2008-12-12 2009-01-06
				Telus 2008-12-12 2009-01-14
				Terasen Utility Services 2008-12-12 2008-12-24
				Owner/developer to purchase and install underground conduit system
				TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.
				no objection to the proposal

CITY OF KELOWNA
MEMORANDUM

Date: January 12, 2009
File No.: Z08-0114 DP08-0250 DVP08-0251
To: Planning & Development Services Department (AB)
From: Development Engineering Manager
Subject: 1853 - 1869 Water St. 332 Lake Ave Lots 1, 2, 4 Plan 2709 Aspire

The Works & Utilities Department have the following comments and requirements associated with this application. 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 existing lots are serviced with small diameter copper water services. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development, and establish hydrant requirements and service needs.
- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing services and the installation of a fire hydrant, if required, and one new larger metered water service.
- (c) The estimated cost of this construction for bonding purposes is **\$10,000.00**. If it is determined that upgrades to the existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- (d) A water meter is mandatory for this development and the meter must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

2. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. The existing lots are connected with small diameter sewer services. The applicant, at his cost, will arrange for the installation of one new larger service, as well as the 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 **\$5,000.00**

3. Storm Drainage

- (a) It must be understood that the storm drainage systems in this vicinity are relatively shallow as the level of Okanagan Lake influences drainage. The drainage systems are inundated in water at times of high lake levels.
- (b) 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 **\$ 3,000.00**

4. Road Improvements

- (a) Water Street fronting this development is fully urbanized and no further upgrades will be required as part of the application. The decommissioning of existing services and installation of new services will require road cuts. The extent of road restoration will be at the discretion of the City Development Engineer.
- (b) Lake Avenue fronting this development is urbanized but requires the construction of a monolithic sidewalk, and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The City wishes to defer the upgrades to Lake Avenue fronting this property. Therefore, cash-in-lieu of immediate construction is required. The cash-in-lieu amount is determined to be **\$ 2,430.00**
- (c) The lanes fronting this development are construction to a paved standard but require a fillet pavement at the dedicated corner truncation. The estimated cost of this construction for bonding purposes is **\$1,000.00**

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (i) Provide an additional highway allowance widening of 2.76m along the frontage of Lake Ave to provide a total right of way width of 18.0m.
- (ii) Dedicate lane intersection - property line corner truncation as shown on Site Plan.
- (iii) Lot consolidation.
- (iv) Grant statutory rights-of-way if required for utility services.

6. Electric Power and Telecommunication Services

- (a) The development site is within the City Center. Electrical and telecommunication services to this site must be installed in an underground duct system. The proposed new 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.

7. Street Lighting

- (a) Streetlights are installed on Water Street and Lake Avenue fronting the proposed development. Re-location or adjustments to the existing street lighting system may be required to accommodate the road upgrading construction.

8. Engineering

- (a) 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

- (a) As a requirement of this application and / or prior to issue of a building permit, the applicant must provide a report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:
- (b) Area ground water characteristics.
- (c) Site suitability for development; i.e. unstable soils, etc.
- (d) 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.
- (e) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

10. Site Related Issues

- (a) Move the access location further from Lake Avenue to provide more vehicular stacking distance.
- (b) The requested variance to reduce the rear-yard setback from the required 7.50m, to 4.50m proposed, does not compromise City servicing requirements.

11. Survey Monuments and Iron Pins

- (a) 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.

12. Bonding and Levy Summary

(a) Bonding

Service Upgrades	\$18,000.00
Lane upgrading	\$ 1,000.00
Total Bonding	\$19,000.00

(b) Cash Levy

Lake Ave frontage improvements	\$ 2,430.00
Total	\$ 2,430.00

If it is determined that upgrades to the existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.

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 4th reading of the zone amending bylaw.

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 Total Off-Site Construction Cost plus GST) in the amount of **\$427.35** (\$407.00 + 20.35 GST)

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

NOTE:
 The plant schedule is provided for
 reference only. The contractor shall
 select the plants to be used in the
 landscape. The contractor shall be
 responsible for obtaining all permits
 and approvals for the landscape
 work. The contractor shall be
 responsible for the maintenance
 of the landscape for a period of
 one year after the completion of
 the work. The contractor shall be
 responsible for the removal of all
 plants and materials from the site
 at the end of the project. The
 contractor shall be responsible for
 the safety of all workers and the
 public during the construction
 process. The contractor shall be
 responsible for the protection of all
 existing utilities and structures on
 the site. The contractor shall be
 responsible for the cleanup of the
 site at the end of the project.

1	04/15/20	Issue for development/perm
2	04/15/20	Issue for development/perm
3	04/15/20	Issue for development/perm
4	04/15/20	Issue for development/perm

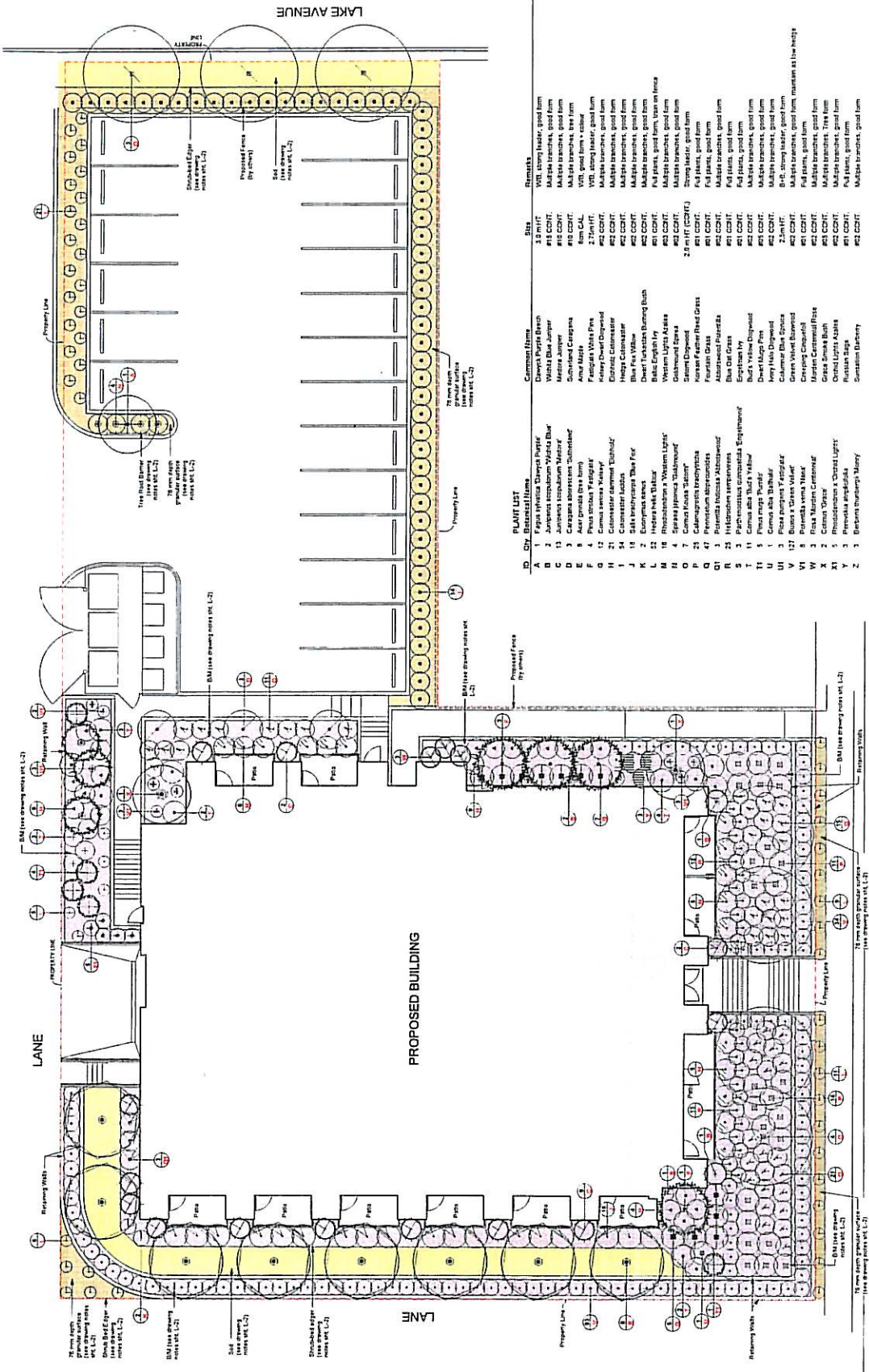


Project No.:
ASPIRE
 Atlanta, GA

LANDSCAPE PLAN

Project No.:	019-2020
Date:	11/10/20
Scale:	AS SHOWN
Author:	DL
Reviewer:	GE

L-1.2



PLANT LIST

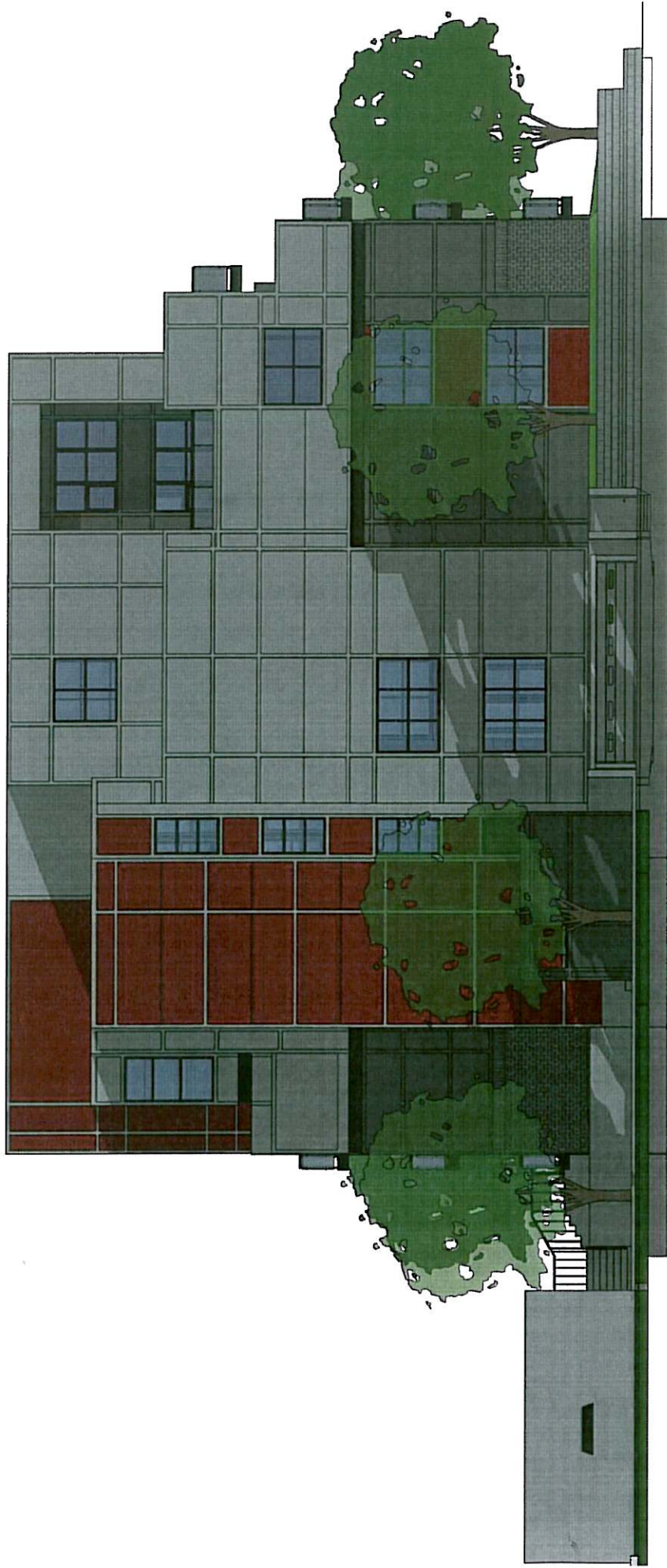
ID	Qty	Botanical Name	Common Name	Size	Remarks
A	1	Ficus sylvatica	Dawson Purple Birch	3.0 m HT	W/1, strong leader, good form
B	1	Juniperus horizontalis	Horizontal Blue Juniper	#1 CDHT	Multiple branches, good form
C	1	Juniperus horizontalis	Horizontal Blue Juniper	#1 CDHT	Multiple branches, good form
D	3	Carex obovata	Scrubbed Carex	6m CAL	W/1, good form + color
E	8	Acer glabrum	Smooth Red Maple	W/1, strong leader, good form	
F	4	Prunella virginiana	Black Cherry	#2 CDHT	Multiple branches, good form
G	12	Comus americana	Common Nutsedge	#2 CDHT	Multiple branches, good form
H	12	Comus americana	Common Nutsedge	#2 CDHT	Multiple branches, good form
I	34	Comus americana	Common Nutsedge	#2 CDHT	Multiple branches, good form
J	18	Sida acuta	Blue Fox Willow	#2 CDHT	Multiple branches, good form
K	2	Eucalyptus nitens	Dwarf Eucalyptus	#1 CDHT	Full plant, good form, lean on fence
L	22	Hedera helix	Common Ivy	#1 CDHT	Multiple branches, good form
M	4	Sparganium angustifolium	Wetland Sparganium	#1 CDHT	Multiple branches, good form
N	7	Comus americana	Common Nutsedge	2.0 m HT (CDHT)	Strong leader, good form
O	7	Comus americana	Common Nutsedge	#1 CDHT	Full plant, good form
P	47	Prunella virginiana	Black Cherry	#1 CDHT	Multiple branches, good form
Q	3	Prunella virginiana	Black Cherry	#1 CDHT	Multiple branches, good form
R	3	Prunella virginiana	Black Cherry	#1 CDHT	Multiple branches, good form
S	3	Prunella virginiana	Black Cherry	#1 CDHT	Multiple branches, good form
T	11	Comus americana	Common Nutsedge	#2 CDHT	Multiple branches, good form
U	1	Comus americana	Common Nutsedge	#2 CDHT	Multiple branches, good form
V	1	Comus americana	Common Nutsedge	#2 CDHT	Multiple branches, good form
W	1	Comus americana	Common Nutsedge	#2 CDHT	Multiple branches, good form
X	3	Comus americana	Common Nutsedge	#2 CDHT	Multiple branches, good form
Y	3	Comus americana	Common Nutsedge	#2 CDHT	Multiple branches, good form
Z	3	Comus americana	Common Nutsedge	#2 CDHT	Multiple branches, good form



ASPIRE LAKE & WATER
KELOWNA, BC
SOUTH ELEVATION

DATE: 02 | 11 | 2009
PROJECT #: NCCA080057
PROJECT DIRECTOR: RP
DRAWN BY: YX
SCALE: N.T.S





ASPIRE LAKE & WATER
KELOWNA, BC
EAST ELEVATION

DATE: 02 | 11 | 2009
PROJECT #: NCCA080057
PROJECT DIRECTOR: RP
DRAWN BY: YX
SCALE: N.T.S





ASPIRE LAKE & WATER
KELOWNA, BC
WEST ELEVATION

DATE: 02 | 11 | 2009
PROJECT #: NCCA080057
PROJECT DIRECTOR: RP
DRAWN BY: YX
SCALE: N.T.S





ASPIRE LAKE & WATER
KELOWNA, BC
NORTH ELEVATION

DATE: 02 | 11 | 2009
PROJECT #: NCCA080057
PROJECT DIRECTOR: RP
DRAWN BY: YX
SCALE: N.T.S





ASPIRE LAKE & WATER
KELOWNA, BC
PERSPECTIVE

DATE: 02 | 11 | 2009
PROJECT #: NCCA080057
PROJECT DIRECTOR: RP
DRAWN BY: YX
SCALE: N.T.S

