CITY OF KELOWNA MEMORANDUM

Date:

August 14, 2009

To:

City Manager

From:

Community Sustainability Division

APPLICATION NO. OCP09-0004

Z09-0013

OWNER: Condor Holdings Ltd.

AT:

480 Osprey Avenue

APPLICANT: Worman Resources Inc.

PURPOSE:

To amend the OCP future land use designation of the subject property from

Multiple Unit Residential - Medium Density to Commercial.

To rezone the subject property from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial to allow the construction of a mixed-use

development project.

EXISTING OCP DESIGNATION: Multiple Unit Residential - Medium Density

PROPOSED OCP DESIGNATION: Commercial

EXISTING ZONE: RU6 – Two Dwelling Housing

PROPOSED ZONE: C4 – Urban Centre Commercial

REPORT PREPARED BY: Paul McVey

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP09-0004 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 12, DL 14, O.D.Y.D., Plan 7927, located on Osprey Avenue, Kelowna, B.C., from the existing "Multiple Unit Residential – Medium Density" designation to the proposed "Commercial" designation, as shown on Map "A" attached to the report of the Community Sustainability Division, dated August 14, 2009, be considered by Council;

AND THAT Council considers the APC public process, to be appropriate consultation for the purpose of section 879 of the *Local Government Act*, as outlined in the report of the Community Sustainability Division dated August 14, 2009;

THAT Rezoning Application No. Z09-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12, DL 14, O.D.Y.D., Plan 7927, located on Osprey Avenue, Kelowna, B.C. from the existing "RU6 – Two Dwelling Housing" zone to the proposed "C4 – Urban Centre Commercial" zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP09-0004 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 and 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 Department being completed to their satisfaction;

2.0 SUMMARY

The applicant has made application for an Official Community Plan amendment to change the future land use designation of the subject property from the existing "Multiple Unit Residential – Medium Density" designation to the proposed "Commercial" designation. Accordingly, a rezoning is being sought from the existing RU6 – Two Dwelling Housing zone to the proposed "C4 – Urban Centre Commercial" zone in order to permit the construction of a three storey mixed-use development on the subject property. Should the land use be supported, the proposal also seeks a Development Permit to approve the form and character of the mixed-use building. A Development Variance permit has also been applied for to relax the loading bay requirements from the 1 stall required to 0 proposed.

3.0 ADVISORY PLANNING COMMISSION

The above noted applications were reviewed by the Advisory Planning Commission at the meeting of March 17, 2009 and the following recommendations were passed:

THAT the Advisory Planning Commission support Official Community Plan Application No. OCP09-0004, for 480 Osprey Avenue; Lot 12, DL 14,O.D.Y.D., Plan 7927, Sec. 13, Twp. 25, ODYD by Worman Resources Inc. (S. Worman), to amend the OCP from Multiple Unit Residential-Medium Density to Commercial.

THAT the Advisory Planning Commission support Rezoning Application No. Z09-0013, for 480 Osprey Avenue; Lot 12, Plan 7927, Sec. 13, Twp. 25, ODYD by Worman Resources Inc. (S. Worman), to rezone from the RU6-Two Dwelling Housing zone to the C4-Urban Centre Commercial zone.

4.0 PROPOSAL

The applicant is proposing to develop the subject property, which currently sits vacant, with a 3 storey, mixed-use project comprised of 3 residential units and 4 commercial units. All three of the residential units are designed to have two bedrooms each.

As proposed, there are two residential units located at the west end of the proposed building, each with a pedestrian access from Gore Street. Each of the residential units are designed as two storey units, and have an outdoor courtyard located between the west end of the building and the adjacent road. The third residential unit is located on the third storey, and is designed as a single storey unit. There is pedestrian access to the unit provided from a walkway located along the north side of the building, providing access to an entrance lobby which gives the pedestrian the option of using the stairs or an elevator. This third storey unit also has a large outdoor deck area located at the west end.

The commercial land use will attract select tenants, given the configuration of the commercial units: one commercial unit is located at the east end of the Osprey Avenue frontage having direct pedestrian access. The other three commercial units are located on the second storey level, and are accessed from an internal hallway. There is pedestrian access to this hallway from both the walkway located along the north side of the building as well as from the Osprey Avenue frontage.

The exterior of the proposed building is designed with sensitivity to the abutting established residential uses. Accordingly, the building form is stepped back to respect privacy and ensure that liveability for both the new residential units and those neighbouring properties is taken into account. The building form adopts more of a residential feel, and will not be highly

OCP09-0004/Z09-0013 - Page 3

commercialized. The rich finishing materials of brick and glazed window treatments adds to the eclectic mix of urban forms that are developing in the South Pandosy sector area.

The application compares with the requirements of the C4 – Urban Centre Commercial zone as shown in the following table.

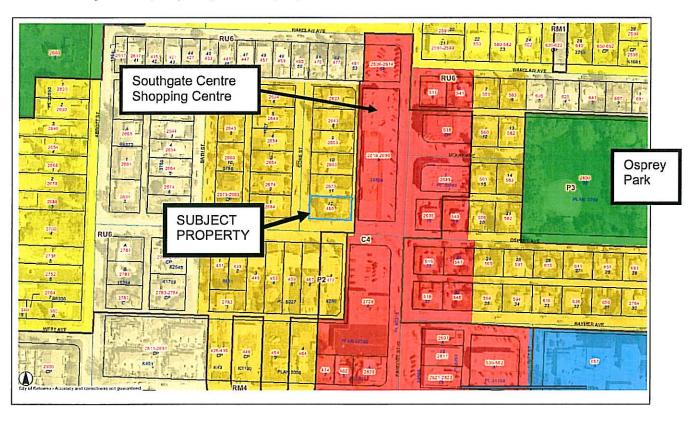
Zoning Bylaw No. 8000			Current
Criteria	Proposed	C4 Zone Requirements	RU6 Zone Req.
	Subdivision Regulation	5	
Site Width	18.9 m	13.0 m	15.0 m (corner lot)
Site Depth	35.1 m	30.0 m	30.0 m
Site Area	662 m ²	460 m ²	440m² (SFD)
Floor Area Ratio (FAR)	1.36	1.39 max	N/A
Site Coverage (buildings)	69%	75%	50% Bldg & Paved Areas
Height	11.3m and 3 storeys	Lesser of 15 m or 4 storeys	Lessor of 9.5m or 2 ½ storeys
Front yard (Gore St)	4.47 m	0.0 m	4.5 m
Side yard (North)	2.0m	2.0m	2.0 m for 1 or 1½ sty
			2.3 m for 2 sty portion
Side yard (South)	0.0m	0.0m	4.5 m flanking side
Rear yard	0.0m	0.0m	6.0 m for 1 or 1½ sty
			7.5 m for 2 or 2½ sty
Private Open Space	285.5 m² provided	15 m ² per unit above one-bedroom units 3 units = 45 m ²	30 m ² per unit for semi-detached units
Vehicle Parking 0	4 stalls provided (4 stalls for residential) (0 stalls for commercial)	1 stall per apt unit = 3 1.75 stall per 100m² 293.8 = 6 stalls 9 stalls required	2 stalls per unit
Bicycle Parking	6 stalls provided	Residential (3 units) Class I – 0.5 per dwelling unit Class II – 0.1 per dwelling unit	N/A

		Commercial (293.8 m²)	
		Class I – 0.20 per 100 m ²	
		Class II – 0.60 per 100 m²	
		= 3 Class I, 3 Class II	
Loading stall @	0 stall provided	1 stall per 1,900 m²	N/A
Indicates a shortfall o payment in lieu of parkir			
Indicates a lack of promade to vary the Zoning			

4.2 Site Context

The subject property is located at the northeast corner of Gore Street and Osprey Avenue in the South Pandosy Urban Centre area. The Southgate Centre shopping centre is located east of the subject property. The Gore Street area is developed with existing single unit residential dwellings constructed in the 1950's and 1960's. The area is designated for future "Multiple Unit Residential – Medium Density" development.

4.3 Subject Property Map: 480 Osprey Ave.



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The adjacent land uses are as follows:

North RU6 – Two Dwelling Housing – Single Unit Dwelling South RU6 – Two Dwelling Housing – Osprey Avenue

P2 – Education & Minor Institutional

East C4 – Urban Centre Commercial – Lane/Southgate Centre

West RU6 - Two Dwelling Housing - Gore Street/ Single Unit Dwelling

5.0 CURRENT DEVELOPMENT POLICY

5.1 Public Process

Staff recommends that the Advisory Planning Commission public process should be considered appropriate consultation for the purpose of Section 879 of the Local Government Act, and that the process is sufficiently early and does not need to be further ongoing in this case.

5.2 Kelowna 2020 Official Community Plan

The subject property is designated as "Multiple Unit Residential – Medium Density" in the City of Kelowna Official Community Plan. There has been application made to change this designation to "Commercial" to permit the proposed development. Notably, given that the anticipated future land use could accommodate development proposals of up to 4 storeys (16.5m), this proposal is below the permitted height profile that could be sought.

The OCP contains the following objectives for context and design for new multiple family developments:

- 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).he proposal is consistent with the future land use designation of Multiple Unit Residential (Medium Density) in the Official Community Plan.

6.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and their comments have been attached to this report.

7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The proposed project is an innovative design response to a site with limited size and lot area. The proposed design of the mixed-use building is of high quality, which is supported and encouraged for infill projects with the South Pandosy Urban Centre area. Urban Centres are

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designated as such to encourage revitalization through built forms that contribute to culturally rich, socially diverse, and economically viable environments.

The existing neighbourhood located along Gore Street is generally a blend of single or 1 ½ storey dwellings that were constructed in the 1950's or 1960's. There has been some work done in the neighbourhood to improve housing stock in the area. The existing Southgate Centre shopping centre is located east of the neighbourhood and is separated from the neighbourhood by a lane.

There have been some concerns raised regarding the proposed development in this location:

 There is concern for the height of the proposed development, as there is the potential for privacy concerns for the abutting existing dwellings as the proposed roof top deck areas will overlook the neighbourhood. However, the Official Community Plan does designate the area as "Multiple Unit Residential – Medium Density", which supports a maximum building height of 16.5 m or 4 storeys.

The proposed site development does not provide for any service space or loading stalls.
 The applicant has made application for a Development Variance Permit to address this

issue.

Additional neighbourhood concern has been raised regarding the change to the land use in the existing established neighbourhood from a residential character to a use that is oriented towards a commercial use. However, the proposed development is designed as 65% multiple unit residential use and 35% commercial, affording considerable more land use towards residential rather than commercial.

The development proposal represents an interesting design solution for a mixed-use development proposed to be located on a small property. Two of the proposed residential units utilize a two storey layout with internal stairs and direct access to a private outdoor living space, while the third residential unit occupies the entire third storey and has extensive outdoor living space oriented towards Okanagan Lake. The associated commercial units offer three small units that could function as office space located on the second storey, while the forth commercial unit has the potential to offer the potential for a retail space with direct access from Osprey Avenue. This live/work opportunity is a sustainable option, and this location lends itself to support the diversity of amenities within such a transitioning urban centre.

Notably, the subject property is located within the area that falls within the identified boundary area of the "OCP Growth Strategy for the South Pandosy Sector" dated October 24, 2007 (authored by the Policy and Planning Department). This strategy document which was endorsed by Council, directed staff to withhold support from OCP amendment applications for the South Pandosy Sector where such amendments would provide for more residential units than are currently permitted until the OCP review has been completed. However, in this instance, the current future land use designation of "Multiple Unit Residential – Medium Density" supports a higher level of residential development that what is proposed by this application and therefore this interim policy does not apply to this OCP amendment application.

Shelley/Gambacort

Director of Land Use Management

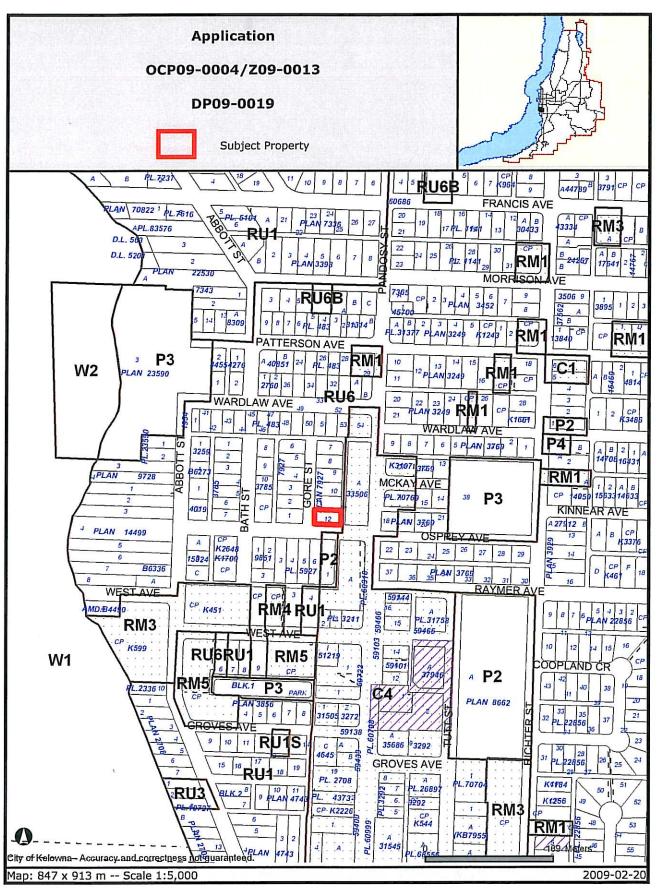
Approved for inclusion:

Jim Paterson

Community Sustainability General Manager

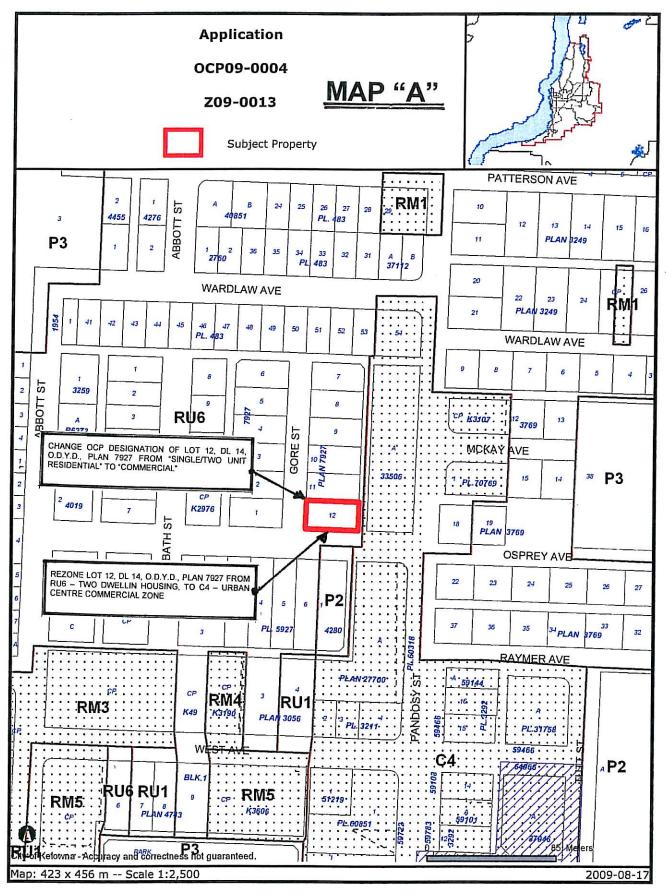
Attachments

Location Map
Site plan
Map "A"
Applicant Rationale letter
Floor plans (4 pages)
Elevations (2 pages)
Perspective Renderings
Landscape plan



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.



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File: Z09-0013

Application

File: Z09-0013

Type: REZONING

File Circulation

Seq

Out

By

Comment

Addressing Clerk

2009-02-20 2009-02-20

B.C. Assessment Authority (info only)

2009-02-20 2009-02-20

Building & Permitting

2009-02-20 2009-02-28

RREADY

Code analysis and spatial calculations required for project. Wall rating assembly required on building from lane. Handicap showers in units. Two exits required from roof area 9.9.7.1

The requirement for a handicap shower is related to the common washroom on the

(2).

Building & Permitting

2009-02-20 2009-03-02

RREADY

second floor serving the tenant spaces.

Canada Post 2009-02-20

2009-02-20

Development Engineering Branch

2009-02-20 2009-06-26

Fire Department

2009-02-20 2009-03-27

MNEID

See "Documents" Tab.

Detailed code analysis required for the building. Spatial calculations as per BCBC 2006. Engineered fire flows are required to determine if existing hydrants/fire flows are adequate and if additional hydrants/fire flows are required.

FortisBC

Infrastructure Planning & Asset Mgmt

2009-02-20 2009-03-25

PMCCORM

The propsed building has reasonable scale and in this regard fits well into the context of the South Pandosy commercial area. The building sets back from Gore street respecting the pattern of residential front yards along that street. Dedication of a portion of the roof for outdoor use by residents is commendable.

However, the traditional look of the building has no precedent in the area (except for recent projects by this applicant) and suggests a heritage vocabulary that is out of place. A more relaxed vocabulary of details and elements would be more appropriate.

Garage doors facing Osprey are aesthetically acceptable but the curb cuts and the dedication of the bulding space for parking is a less-than-ideal outcome.

Patrick McCormick Infrastructure Planning

No comment

Parks Planning Manager

2009-02-20 2009-02-23

TBARTON

Policy & Planning

2009-02-20 2009-03-17

Public Health Inspector

2009-02-20 2009-02-26

RCMP

2009-02-20 2009-03-13

2009-02-20 2009-03-02

KGENGE

comments too extensive for posting here. Please refer to related email dated March 17,

2009.

No Comment

No Comment

Real Estate & Building Services Manager

RE&BS 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 Real Estate & Building Services Department requires a full-sized copy, together with an 8 ? x 11 copy, of any survey plans.

School District No. 23

2009-02-20 Shaw Cable 2009-02-20

Telus

2009-02-20 2009-03-24

Terasen Utility Services 2009-02-20 2009-03-10 TELUS will provide underground facilities to this development. Developer will be

required to supply and install conduit as per TELUS policy.

no comments.

CITY OF KELOWNA

MEMORANDUM

Date:

August 14, 2009

File No.:

Z09-0013 OCP09-0004 DP09-0019

To:

Planning & Development Services Department (PMcV) Revised Comments

From:

Development Engineering Manager

Subject:

Proposed Mixed Use - C4

480 Osprey Ave

Lot 12 Plan 7927

The Works & Utilities Department have the following 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. <u>Domestic Water and Fire Protection</u>

- (a) The development site is presently serviced with a small diameter (13-mm) water service. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this development.
- (b) The applicant, at his cost, will arrange for the disconnection of existing services at the main and the installation of one new larger water service. The estimated cost of this construction for bonding purposes is \$9,000.00
- (c) A water meter is mandatory for this development and must be installed inside the buildings 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. Boulevard landscaping, complete with underground irrigation systems, must be integrated with the on-site irrigation system.

2. <u>Sanitary Sewer</u>

- (a) The development site is presently serviced with a 100mm-diameter sanitary sewer service. The developer must engage a consulting mechanical engineer to determine the requirements of this development. Only one service will be permitted for this development.
- (b) The applicant, at his cost, will arrange for the capping of unused services at the main and the installation of one larger service. The estimated cost of this construction for bonding purposes is \$5,000.00

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 \$5,000.00

4. Road Improvements

Osprey Avenue fronting this development must be upgraded to a full urban standard (match existing upgrade fronting (Lot A Plan 33506) including a concrete sidewalk, unit pavers accent, barrier curb and gutter, a catch basin, pavement widening, ornamental street lighting, landscaped boulevard including street trees, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The decommissioning of existing services and installation of new services will also require road cuts. The extent of pavement restoration will be at the discretion of the City development engineer. The estimated cost of the road improvements for bonding purposes is \$27,000.00

Gore Street:

Gore Street must be upgraded to a urban standard (SS-R4) modified to include a barrier curb and gutter, separate sidewalk, catch basins, pavement widening, landscaped boulevard complete with underground irrigation system, street lights as required and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The cost of this construction for bonding purposes is \$10,000.00

Public Lane

The lane fronting this development is constructed to a paved standard, therefore no upgrades will be required as part of this development.

5. Road Dedication and Subdivision Requirements

- (a) Dedicate a corner rounding of a 6.00m radius at the property line intersection. (The corner rounding to be defined by back of sidewalk location on Osprey Avenue, and property line on Gore Street)
- (b) Register as a Road Reserve, a 0.75m lane widening.

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 ducting. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable

Z09-0013 OCP09-0004 DP09-0019 480 OSPREY AVE Lot 12 Plan 7927 rev 2 jf.docx

transmission companies to arrange for these services which would be at the applicant's cost.

7. 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. <u>Geotechnical and Environmental Report</u>

As a requirement of this application and/or prior to issue of a building permit, the following will be required:

- (a) A geotechnical assessment to verify the site suitability for development, unstable soils, etc.
- (b) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

9. 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.

Bonding and Levy Summary

(c) Bonding

Service upgrades \$19,000.00
Osprey Ave Frontage Improvements \$27,000.00
Gore St Frontage Improvements \$10,000.00

Total Bonding

\$56,000.00

<u>NOTE</u>: 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.

11. Development Permit and Site Related Issues

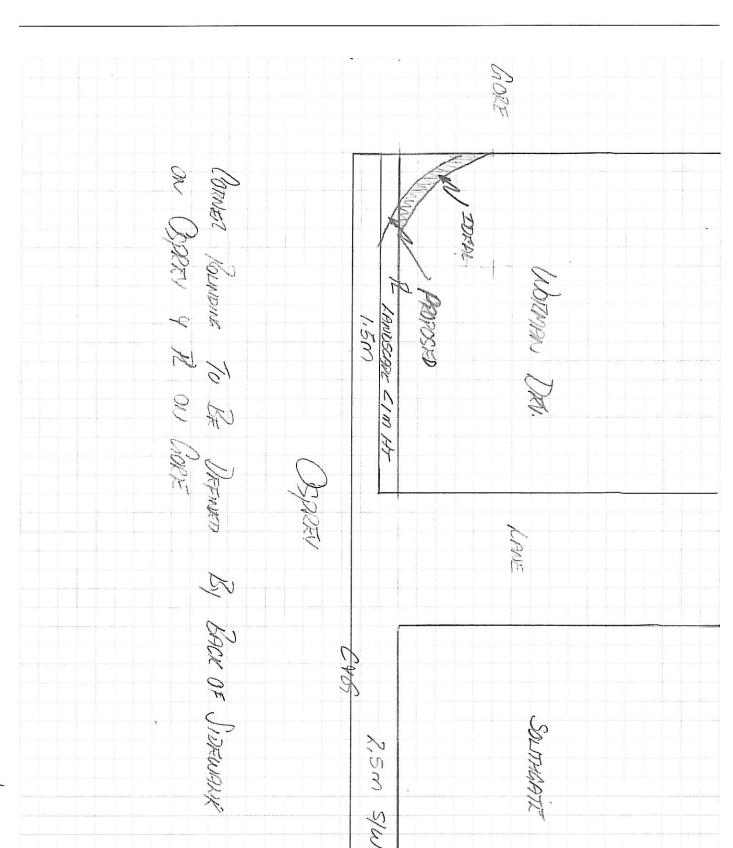
Z09-0013 OCP09-0004 DP09-0019 480 OSPREY AVE Lot 12 Plan 7927 rev 2 jf.docx

(a) The City wishes to reserve the option of closing the lane in the future. The developer shall agree to enter into a reciprocal access agreement with the adjacent properties should the lane be closed.

12. 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 \$1,260.00 (\$1,200.00+60.00 GST)

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





Another factor driving our design was the ability to perhaps live and work in one location. The owner of the project is proposing to live on the third floor and run her business out of the commercial unit on the first floor. We feel the mix provides a desirable opportunity, not just for this owner, but future users to allow them to live and work in one location without the two having to be in the same space the way a home office is. One market we will be appealing to for the sale of the residential townhomes will be someone who may also like to purchase a strata office on the second floor.

Our intent was to create a project which mixed well with both the residential and the commercial uses providing a buffer for both uses. We feel that we have a very unique project that will be a valuable asset to both the neighbourhood and the City.

We hope that you will find our proposal to be an excellent addition to the already vibrant area that is Pandosy Village.

Thank you for your consideration of this matter, and we look forward to your favorable response to our request.

Sincerely,

Shane Worman

Worman Homes/ Worman Commercial



Rezoning Application for 480 Osprey Avenue, Requirement 7.0, item (e) Rationale Letter

February 10, 2009

To: City of Kelowna Council

Re: Development Permit & Rezoning for 480 Osprey Avenue

Dear City Staff and Council,

Thank you for your consideration of our development permit and rezoning application for the proposed building at 480 Osprey Avenue.

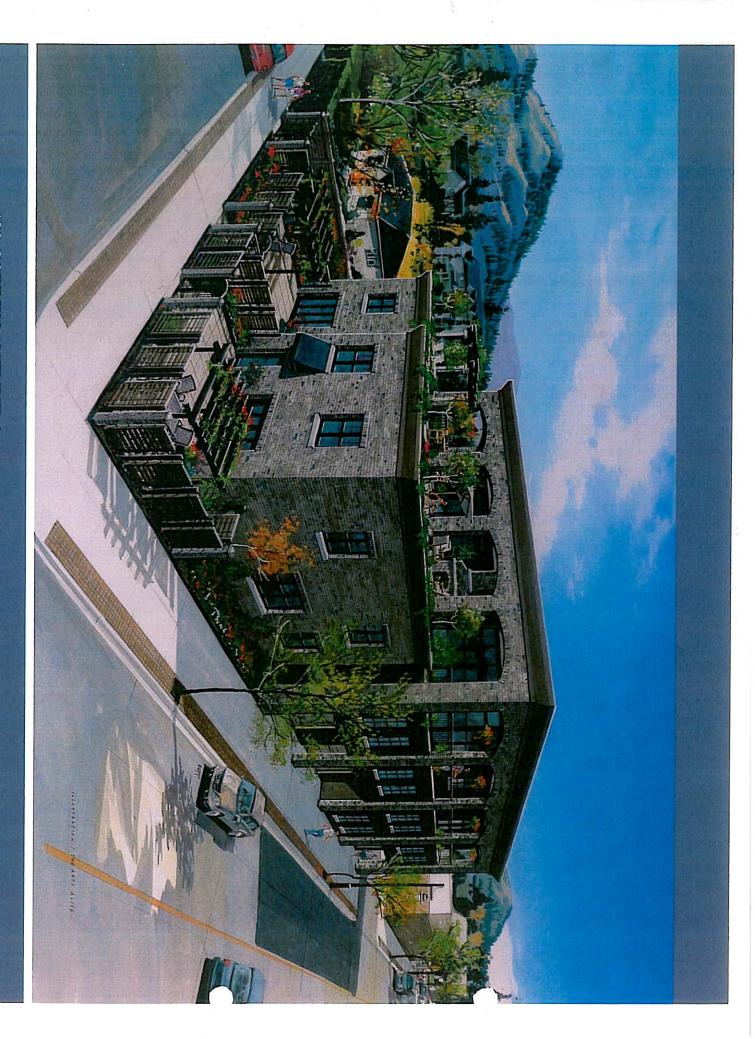
Our application contains a request for a change in zoning from the current designation of RU 6 to a C 4 zone.

In the OCP the designation for this site is "MRM – multiple unit residential – medium density".

When we looked at the type of project we wanted to build on this site, one of the first things we quickly realized was how difficult it was to design a project which has existing residential uses on two sides and existing commercial uses on the other two sides. We struggled designing a straight residential unit and having it interface with the commercial in a desirable way. Similarly, when we looked at a straight commercial use, we also did not like the interface with the residential on Gore Street. What we settled on was the application you see before you: a mixed use building which is sensitive to both uses.

By adding the commercial use, we could no longer use the OCP designations of RM4 or RM5 for this site. Although we are asking for a C4 designation, we have ensured that where the RM designation is more stringent than the C designation, we have used that guideline. As an example, on the residential sides, we have complied with the setbacks of a residential zone. On the commercial we have used the setbacks appropriate to that zone.

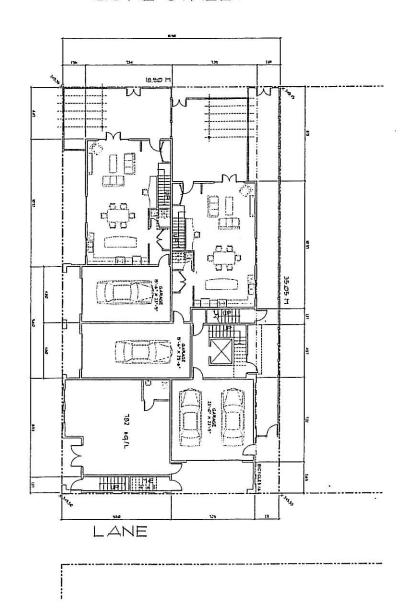
With the C4 zone we were also able to utilize zero setbacks on two sides of the property. This allowed us to keep the height down to only 3 stories while still achieving a reasonable density level. With the RM zone we would certainly have had to go to 4 stories to achieve the same density.



SHE LMAIN FLOOR PLAN

OSPREY AVE

97 A



PROJECT DATA

OPCOPIES REPORT AND CALLANA RE
LICH RESPONS IN THE NOTE OF TAXA

DEPORT OF TAXA

DEPORT OF THE NOTE OF TAXA

FRIENDS

FRIEND



HANS P. NEUMANN ARCHITECTINC.

| STEE COVERAGE AND MAIN FLOOR PLAN | MORE DESIGN CONSULTANTS | M

