CITY OF KELOWNA

MEMORANDUM

Date:

August 28, 2009

To:

City Manager

From:

Community Sustainability Division

APPLICATION NO.

OWNER: Condor Holdings Ltd.

DP09-0019 DVP09-0097

AT: 480 Osprey Avenue

APPLICANT: Worman Resources Inc.

PURPOSE:

TO OBTAIN A DEVELOPMENT PERMIT TO APPROVE THE FORM AND CHARACTER OF A 3 STOREY, MIXED-USE

COMMERCIAL BUILDING; and

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO REDUCE THE NUMBER OF LOADING STALLS FROM ONE STALL REQUIRED TO 0 STALLS PROPOSED AND TO REDUCE THE AMOUNT OF FUNCTIONAL COMMERCIAL SPACE FRONTAGE ON THE FIRST FLOOR FROM 90% REQUIRED TO 21.3% PROPOSED

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 Final Adoption of OCP Amending Bylaw No. 10227 and Zone Amending Bylaw No. 10228 be considered by Council;

THAT Council authorize the issuance of Development Permit No. DP09-0019 for Lot 12, DL 14, O.D.Y.D., Plan 7927, located on Osprey Avenue, Kelowna, B.C., subject to the

- 1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- The exterior design and finish of the building to be constructed on the land be in 2. general accordance with Schedule "B";

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- 3. Landscaping to be provided on the land be in general accordance with Schedule "C":
- 4. The applicant be required to post with the City a Landscape Performance Security Deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper; and
- 5. The applicant provide payment of \$37,500.00 which represents payment of cash in lieu of parking for 5 parking stalls.

THAT Council authorize the issuance of Development Variance Permit No. DVP09-0097 for Lot 12, DL 14, O.D.Y.D., Plan 7927, located at 480 Osprey Avenue, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

<u>Section 8.2.2 Number of Loading Stalls</u>: to vary the loading stall requirement from 1 stall per 1,900 m² GFA required to 0 stalls proposed.

Section 14.4.6 (e) Other Regulations: to vary the amount of functional commercial space frontage on the first floor from 90% required to 21.3% proposed

2.0 SUMMARY

The applicant is seeking a Development Permit to approve for the form and character of a 3-storey, mixed-use commercial building. The applicant is also seeking a Development Variance Permit to reduce the loading stall requirements from 1 required to 0 proposed.

3.0 ADVISORY PLANNING COMMISSION

The above noted application was reviewed by the Advisory Planning Commission at the meeting of March 17, 2009 and the following recommendation was passed:

THAT the Advisory Planning Commission support Development Permit Application No. DP09-0019, for 480 Osprey Avenue; Lot 12, Plan 7927, Sec. 13, Twp. 25, ODYD by Worman Resources Inc. (S. Worman), to allow a development permit for construction of a 3 storey mixed use development.

4.1 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

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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 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 Reg	ulations		
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)	
Development Regulations				
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	1 stall per apt unit = 3 required	2 stalls per unit
	residential) (0 stalls for commercial)	1.75 stall per 100m ²	
		293.8 = 6 stalls	
		9 stalls required	
Bicycle Parking	6 stalls provided	Residential (3 units)	N/A
		Class I — 0.5 per dwelling unit Class II — 0.1 per dwelling unit	
		Commercial (293.8 m²)	
		Class I - 0.20 per 100 m ²	
		Class II - 0.60 per 100 m ²	
		= 3 Class I, 3 Class II	ь.
Loading stall 2	0 stall provided	1 stall per 1,900 m ²	N/A
• Indicates a shortfall of 5 parking stalls. It is anticipated that there will be payment in lieu of parking made to cover the shortfall in parking stalls.			
Indicates a lack of provision of a loading stall. There has been application made to vary the Zoning Bylaw requirements for provision of a Loading stall.			

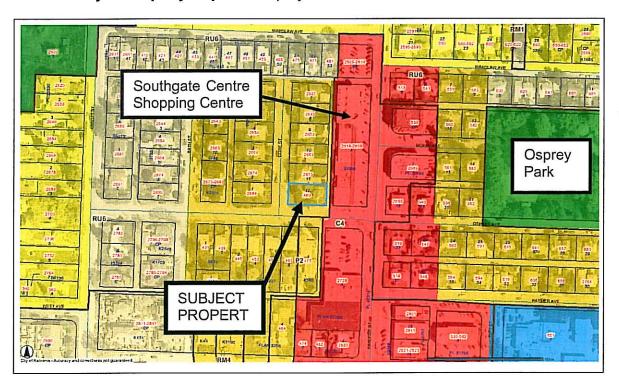
4.2 Site Context

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

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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.



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

4.4 Current Development Policy

4.4.1 Kelowna 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:

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- 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).

The Official Community Plan also includes the following development guidelines for "Commercial" development:

Access

- Design should facilitate pedestrian and bicycle access.
- Within multiple unit residential projects, vehicle access and on-site circulation shall minimize interference with pedestrian movement.
- Within multiple unit residential projects, vehicle access from arterial or collector roads is discouraged. Where possible, such access should be achieved from a local road or lane.
- Vehicle access should not interfere with pedestrian movement.
- Vehicle access (including parking and loading) should be, wherever possible, from a lane.
- Pedestrian access should be clearly marked.

Buildings, Structures and Additions

• Buildings, structures and additions should be designed and sited in a manner compatible with adjacent buildings and open areas.

Ancillary Services/Utilities

- Loading, garbage and other ancillary services should be located at the rear of buildings.
- Utility service connections should be screened from view or be located so as to minimize visual intrusion.

Crime Prevention

 Guidelines for Crime Prevention Through Environmental Design Guidelines (CPTED) should be followed.

Landscaping

Landscaping should:

enhance public views.

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- provide noise buffering.
- · complement building's architectural features.
- enhance the edges of buildings.
- screen parking areas from view (with vegetation, berms, low walls, fences etc.).
- provide visual buffers of new buildings.
- provide colour.
- create shade.
- create design interest.
- contribute towards a sense of personal safety and security.
- facilitate the access, enjoyment and social activities for all authorized users.
- preclude species that are hosts to the coddling moth genus MALUS (apples or crabapples, including all ornamental or flowering crabapples), PYRUS (pears, including asian and ornamental pears), CYDONIA (quince), CHAENOMELES (flowering quince or japonica), ULMNUS PUMILA (Siberian Elm) or ULMNUS PARVIFOLIA (Chinese Elm).

Lighting

external lighting should be used to enhance safety.

5.0 TECHNICAL COMMENTS

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

a.) Building and Permitting

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 as per section 9.9.7.1 (2) BC Building Code. The requirement for a handicap shower is related to the common washroom on the second floor serving the tenant spaces.

b.) Development Engineering

The Development Engineering Branch 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.

1. Domestic Water and Fire Protection

- (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.

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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. Sanitary Sewer

- (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

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:

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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 6.00m radius, corner rounding.

 The corner rounding will be defined from a 1.0m property line offset on Osprey Ave, and the existing 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 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. Geotechnical and Environmental Report

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.

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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.

10. 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

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.

Development Permit and Site Related Issues

(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)

c.) Fire Department

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.

d.) Parks Planning

No Comment.

e.) Real Estate and Building Services Department

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 8½" x 11" copy, of any survey plans.

f.) Telus

TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.

g.) Terasen

No Comment.

6.0 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 within the South Pandosy Urban Centre area. Urban Centres are 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 1½ 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.

In response to concerns raised regarding overlook of the adjacent residential property from the third storey deck area, the applicant has committed to the installation of a privacy screen along the north edge of the deck.

Regarding the requested variance to remove the loading stall from the project, it is anticipated that there will be little demand for a loading stall owing to the physical configuration of the office and commercial space, the uses will be limited to those uses that will not be likely to have a need for delivery of large volumes of materials or supplies.

The requested variance to reduce the amount of functional commercial floor space frontage on the first floor from 90% required to the proposed 21.3% is not a concern, as the location is anticipated to function as a transition use from the existing commercial use to the east of the lane, and the existing Gore Street neighbourhood.

There had been concerns expressed 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

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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.

The proposed 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. The garage doors facing Osprey are aesthetically acceptable.

Danielle Noble

Urban Land Use Manager

Approved for inclusion: Shelley Gambacort

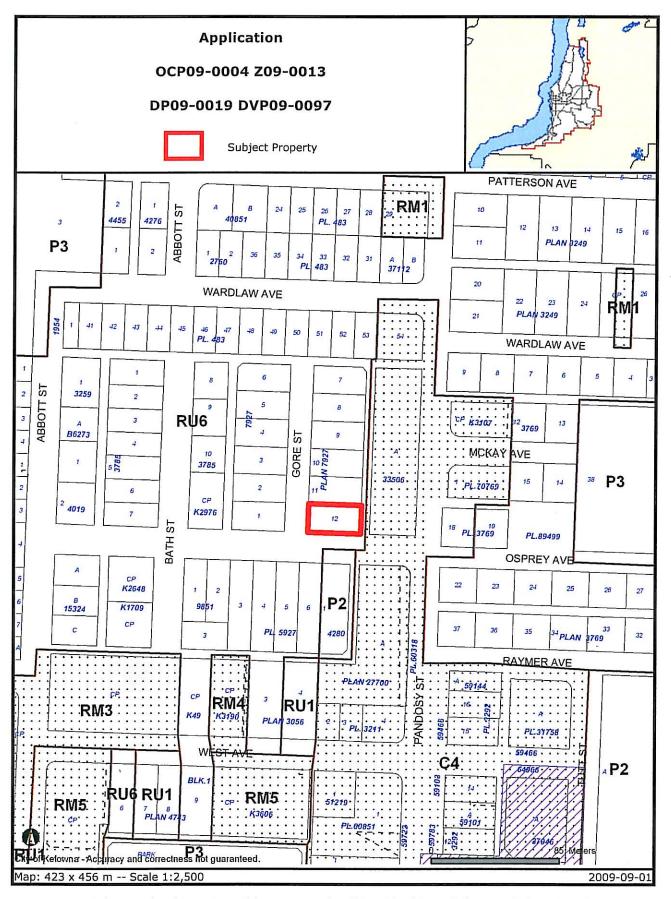
Director of Land Use Management

PMc/ Attach.

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Attachments

- Subject Property Map
- Schedule A, B & C (pages)
- Sample Board
- Applicant rationale letter
- Coloured perspective 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.



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.

P. 250.762.0040

F. 250.762.0550



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.

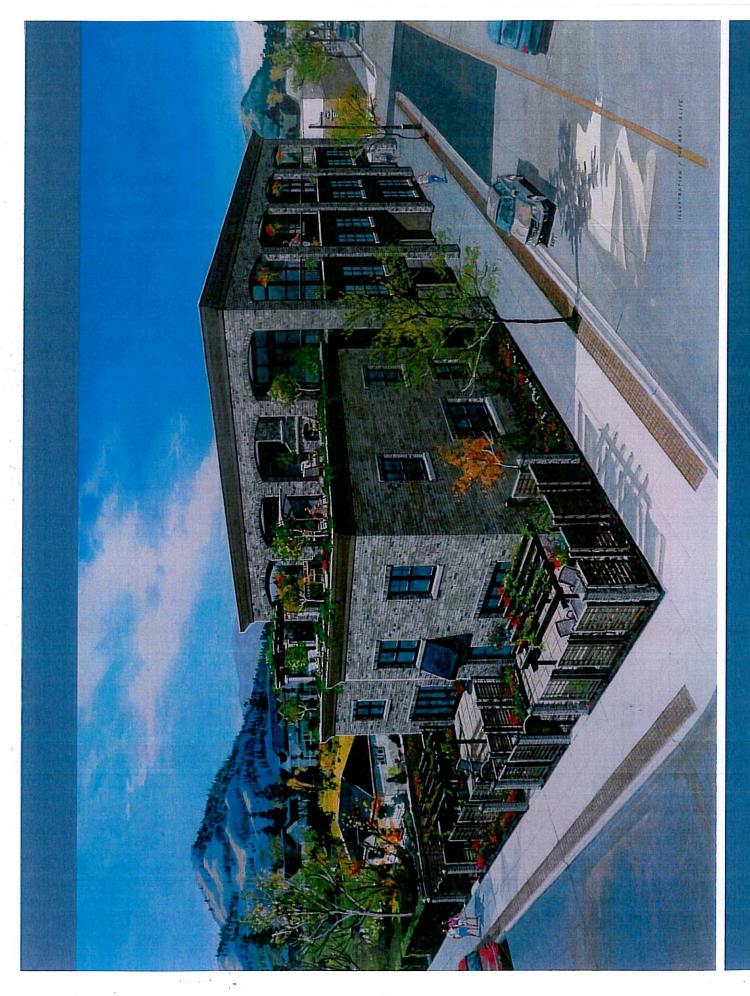
Thank you for your consideration of this matter, and we look forward to your favorable response to our request.

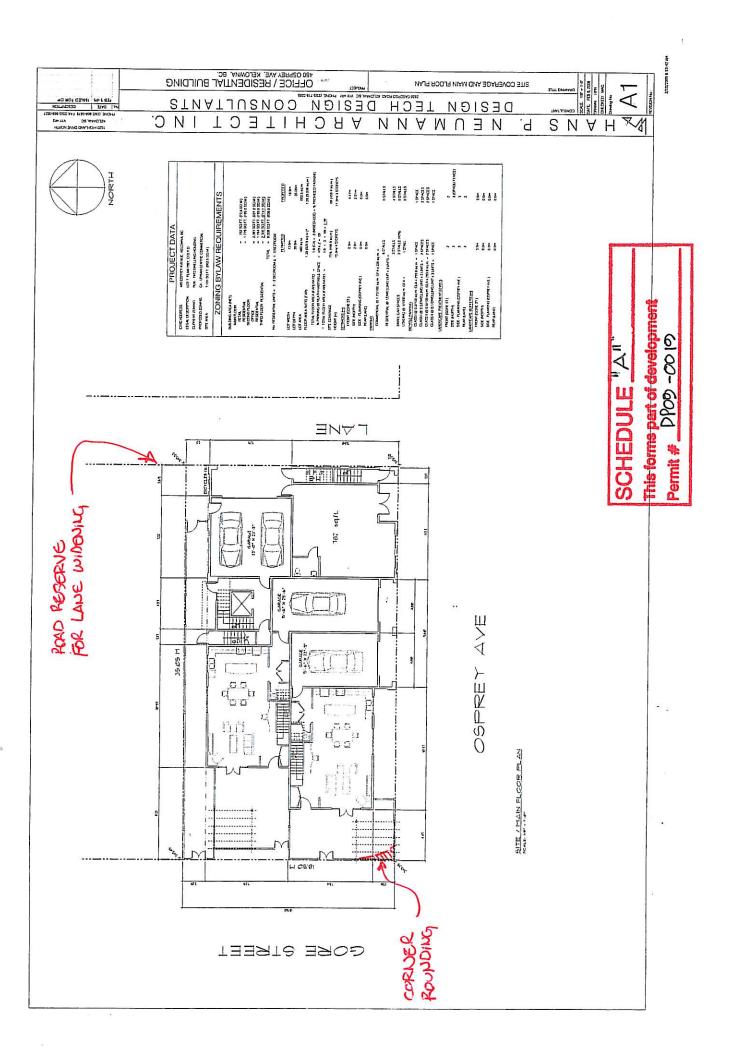
Sincerely,

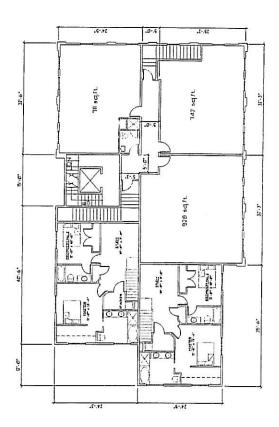
Shane Worman

Worman Homes/ Worman Commercial

Worman Commercial



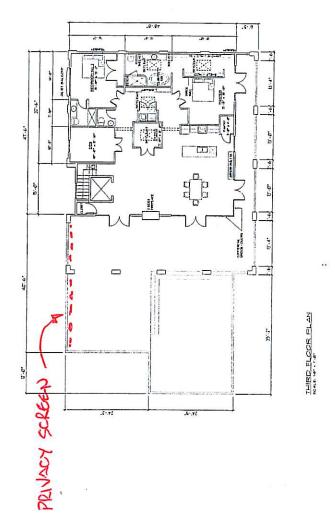




OFFICE / RESIDENTIAL BUILDING SECOND FLOOR PLAN P. NEUMANN ARCHITECTINC.

DESIGN TECH DESIGN CONSULTANTS

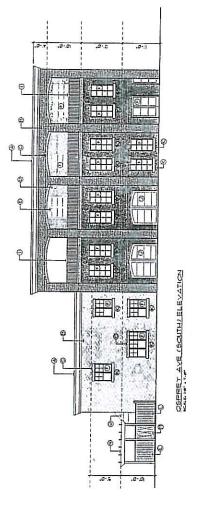
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OFFICE / RESIDENTIAL BUILDING

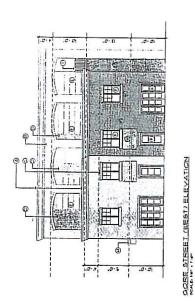


OFFICE / RESIDENTIAL BULDING

ARCHITECT

DESIGN TECH DESIGN CONSULTANTS

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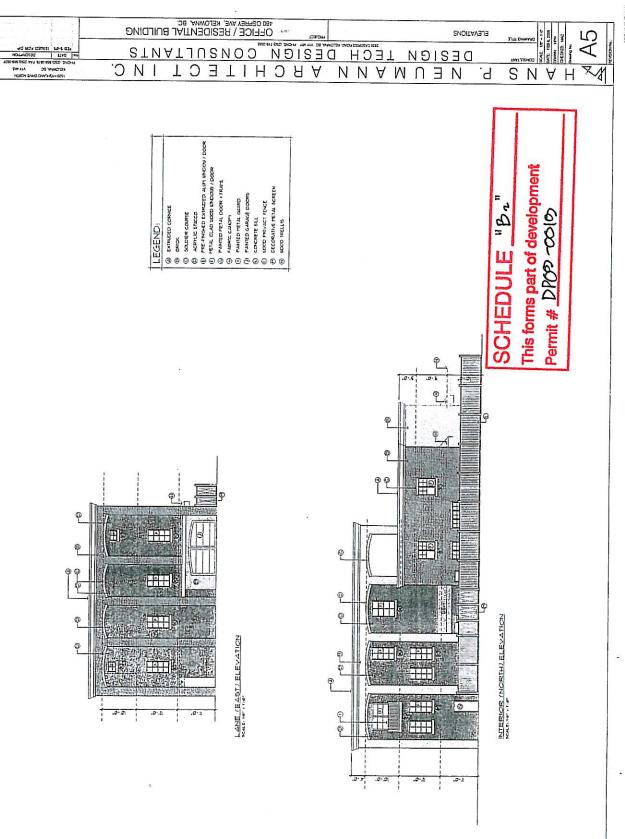


SCHEDULE "B."
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Permit # DPco-colo

P. "
Velopment

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The Driving of Table 1 Table 1





METAL WINDOWS + TRIM BLACK



CROWN GP-CL3245D-PIPER



AWNING BLACK SCHEDULE B3"
This forms part of development
Permit # DPO9 -0019

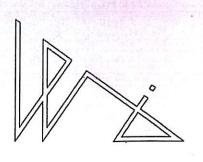


STUCCO-WOOD PANEL GP-CL3237M BLACKTOP



BRICK

MUTUAL - WESTPORT USED



EXTERIOR FINISHES

480 OSPREY ROAD

KELOWNA, BC

PROJECT No. DT . 2009-480

DATE JANUARY 21, 2009

