

Memo



Date: November 04/2009

To: City Manager

From: Community Sustainability Division

File No: DP09-0061
DVP09-0062

Applicant: Troika Developments Inc.

At: 3975 & 3985 Lakeshore Rd

Owner: Louis Spartin, Tracey Spartin, Gary Taylor, Maureen Ryan

Purpose: To obtain a Development Permit to approve the form and character of a three storey office building with retail at grade.

To obtain a Development Variance Permit to vary the front yard setback from 3.0 m required to 0.15 m proposed.

Existing Zone: C1 - Local Commercial

Proposed Zone: C3 - Community Commercial

Report Prepared by: Andrew Browne

1.0 RECOMMENDATION

THAT final adoption of Zone Amending Bylaw No. 10218 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP09-0061 for Lots 7 & 8 Section 6 Township 26 ODYD Plan 8758, located on 3975 & 3985 Lakeshore Road, Kelowna, BC subject to the following:

- a) THAT the dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) THAT the exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";
- d) 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;
- e) The registration of the consolidation plan at the Land Titles Office prior to issuance of the Development Permit.
- f) The applicant be required to satisfy the Development Engineering Branch requirements prior to issuance of the Development Permit.

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP09-0062 for Lots 7 & 8 Section 6 Township 26 ODYD Plan 8758, located on 3975 & 3985 Lakeshore Road, Kelowna, BC;

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

Section 14.3.5(d) - Front Yard

Vary the front yard from 3.0 m required to 0.15 m proposed.

2.0 SUMMARY

The applicant is proposing a 3-storey mixed-use office building with commercial at grade and a variance to permit a reduction in the required front yard.

3.0 ADVISORY PLANNING COMMISSION

During the June 23, 2009 meeting of the Advisory Planning Commission, the following resolution was recorded in the minutes:

THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP09-0062, for 3975 Lakeshore Road; Lot 7, Plan 8758, Sec 6, Twp 26, ODYD and 3985 Lakeshore Road; Lot 8, Plan 8758, Sec 6, Twp 26, ODYD; to obtain a Development Variance Permit to vary the front yard setback from 3.0m required to 0.15m proposed.

Note, however, that the Advisory Planning Commission was not able to consider the Development Permit application because it did not support all of the related Development Variance Permit applications. The non-supported variances have since been eliminated from the application.

In the minutes, though the Commission was not able to make a formal resolution, there is reference to a concern about the previously proposed 4-storey height. The proposed height has since been reduced to 3-storeys.

4.0 BACKGROUND & PROPOSAL

A 3-storey mixed-use office building with retail at grade is proposed on the subject properties. The proposed development would be a welcomed street-oriented addition to the North Mission Village Centre. The application compares with the requirements of the C3 - Community Commercial zone as shown in the following table.

Zoning Bylaw No. 8000		
Criteria	Proposal	C3 Zone Requirements
Subdivision Regulations		
Site Width	40.0 m	40.0 m (no abutting lane)
Site Depth	45.7 - 46.1 m (after road dedication)	30.0 m
Site Area	Approx. 1720 m ² after road dedication (1990 m ² before road dedication)	1300 m ² (no abutting lane)
Development Regulations		
Floor Area Ratio (FAR) *	0.81	1.0
Site Coverage	33.4% and 42% (incl. covered areas)	50%

Height	13.2 m to roof, 14.0 m to cornice feature & 3 storeys	Lesser of 15m or 4 storeys
Front yard	0.15 m **	3.0 m
Side yard	0.03 m	0.0 m
Side yard	13.2 m	0.0 m
Rear yard	13.8 m	6.0 m (abuts a residential zone)
Other Regulations		
Vehicle Parking	45 stalls	Retail: 8 stalls Office: 37 stalls = 45 stalls
Loading Bays	1 stall	1 stall
Bicycle Parking	9 Class I, 13 Class II	4 Class I, 10 Class II
* Based on site area prior to road dedication. ** Indicates a variance to the Zoning Bylaw.		

4.1 Site Context

The subject properties are located on the east side of Lakeshore Road, between Haug Road and Lexington Drive in the North Mission Village Centre. Land uses and densites in the vicinity are varied, although the future land use designation of the subject properties is commercial. Specifically, the adjacent land uses are as follows:

North	C1 - Local Commercial
South	C1 - Local Commercial
East	RU5 - Bareland Strata Housing
West	C2 - Neighbourhood Commercial



5.0 CURRENT DEVELOPMENT POLICY

City of Kelowna Official Community Plan (2020)

Urban Centre Policies

Tree Planting. Attach priority to planting street trees within Urban Centre areas where there are currently few trees and where pedestrian activity is high or is planned to be high.

Alternative Transportation. Ensure that pedestrians, bicyclists and transit users can move about pleasantly and conveniently and that they are not unduly impeded in their movements by provisions for enhanced automobile mobility.

Mixed Uses. Work towards increasing the number of buildings with mixed uses by encouraging developers to incorporate retail uses on the lower storeys with office and/or residential above.

Employment Opportunities. Encourage increased employment opportunities within Urban Centres to support the Transportation Demand Management (TDM) strategies of Chapter 12 - Transportation, and to continue to improve the economic health of the labour force residing within and adjacent to the Urban Centres.

Development Permit Guidelines to Encourage Revitalization within All Urban Centres

Building Massing. The front of buildings within “Village Centres” that are taller than two storeys, should “step-back” the upper floors to reduce visual impact.

Parking. Parking areas should, wherever possible and safe, be located either under buildings or at the rear or side of main buildings.

Parking. Mutual access agreements providing for co-ordination and connection of parking lots should be encouraged.

Relationship to the Street. Buildings containing uses attracting visits from the general public should be located as close to the front property line as practical and as permitted under prevailing zoning regulations.

Relationship to the Street. People-oriented facilities (store entrances, café seating areas, displays, signage) should be focussed along public streets and in front of buildings.

Relationship to the Street. Storefronts should incorporate large windows such that passers-by can see in and occupants can “look out”.

Walls. End walls visible from a public street or residential lot should be finished to provide an attractive appearance. Blank or solid walls (without glazing) should not be longer than 5 m. Walls longer than 5 m should incorporate wall detailing that will provide visual interest.

Commercial Policies

Location of New Commercial. Direct new commercial ventures to locate in areas designated for commercial purposes (see Map 19.1).

Office Space. Consider rezoning applications with the objective of ensuring that there is a competitive supply of office space.

Development Permit Guidelines for Form and Character of Commercial Development

Access. Design should facilitate pedestrian and bicycle access.

Amenities. Amenities such as benches, garbage receptacles etc. should be encouraged to provide a pedestrian-friendly environment.

6.0 TECHNICAL COMMENTS

See attached memorandums.

7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The immediate area consists of a mix of land uses and densities in a variety of physical configurations. This ground- and street-oriented addition to the North Mission Village Centre has the potential to provide leadership for future development and aid in the transition from an automobile dominated streetscape to a pedestrian-friendly village centre.


Aesthetically, the building presents to the street a thoughtfully composed façade and is located so as to define the emergent street edge with the addition of a strong building front, street trees, bicycle racks, and a bus shelter, thereby satisfying key pedestrian-scale design objectives. High quality materials including brick and a variety of coloured stucco, as depicted in the attached rendering and elevations, provide a visually rich example of the potential for a renewed streetscape within the North Mission Village Centre. Of particular importance, the reduced front yard setback, while allowing for a defined streetscape, also greatly increases the distance of the building from existing residences.

The project has been reduced in height to three storeys from the originally proposed four storeys, and now fully complies with Zoning Bylaw parking requirements while creating a stronger relationship to the recently constructed commercial building to the north.

Land Use Management recommends support for the applications.



Danielle Noble
Manager, Urban Land Use

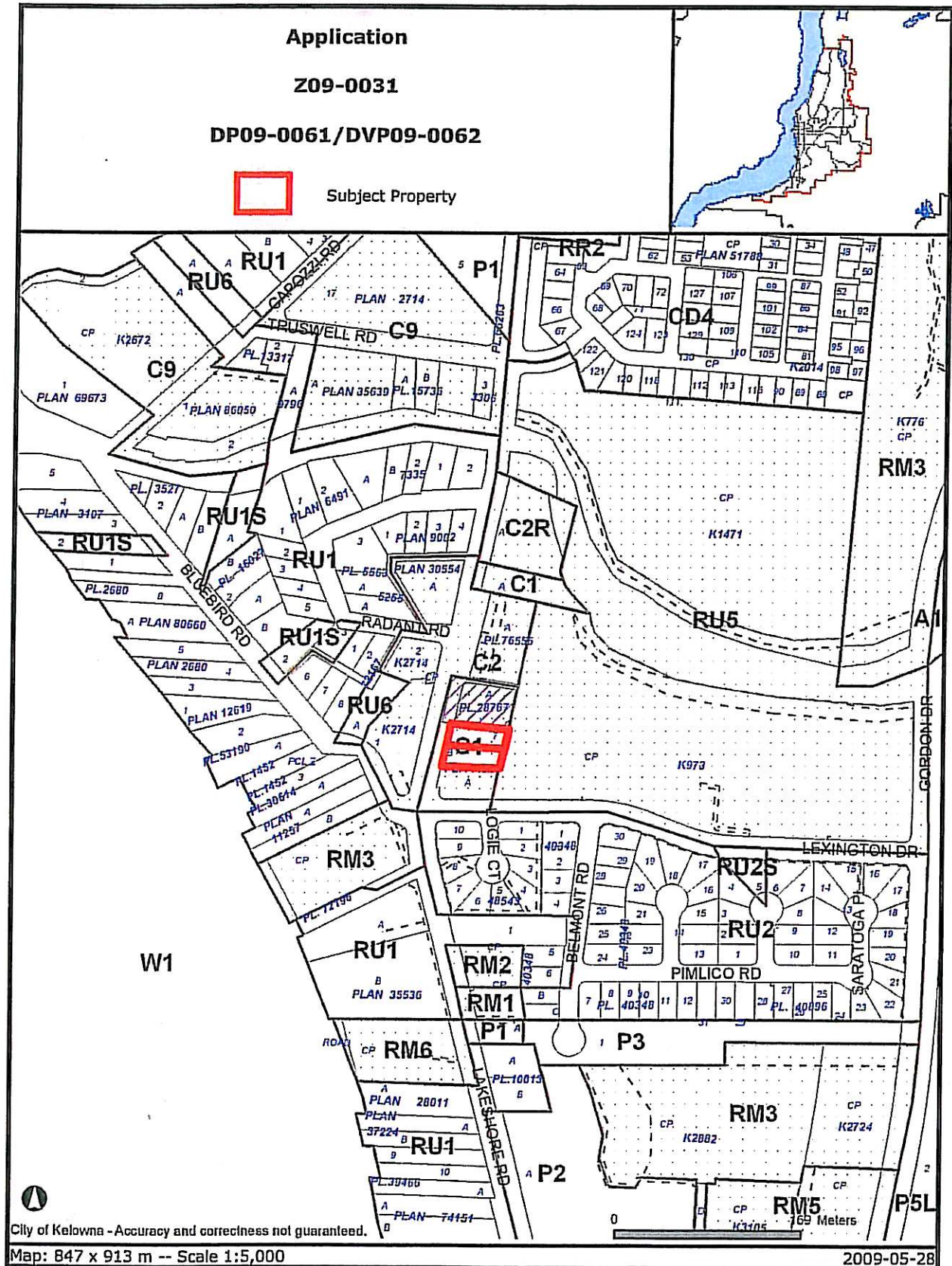
Approved for inclusion: 
Shelley Gambacort
Director, Land Use Management

Attachments

Location and zoning map
Development Application File Circulation Report
Development Engineering Branch Technical Comments (4 pages)

Schedules

- A (1 of 3) - Site/ground floor plan (DP1)
- A (2 of 3) & B (1 of 4) - Second/third floor plans and elevations (DP2)
- A (3 of 3) & B (2 of 4) - Roof plan and elevations (DP3)
- B (3 of 4) - Colour rendering
- B (4 of 4) - Colour board (colour copy, original is on file)
- C (1 of 2) - Landscape/planting plan (L1)
- C (2 of 2) - Detail plan (L2)



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: Z09-0031

Application

File: Z09-0031

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only) 2009-05-28 2009-05-28
				Building & Permitting 2009-05-28 2009-06-02
			RREADY	Code analysis required. High water table area? Travel distance and distance between stairs needs to be checked related to each floor level. Handicapped washrooms to be identified and to code. Cornice projections over property lines. See "Documents" Tab.
				Development Engineering Branch 2009-05-28 2009-07-09
				Fire Department 2009-05-28 2009-07-02
			GDAFT	Engineered fire flows are required to determine if existing hydrants/fire flows are adequate and if additional hydrants are required. Additional comments will be required at the building permit application.
				FortisBC 2009-05-28
				Kelowna Regional Transit/Operations Mgr 2009-05-28 2009-06-01
				No comment
				Parks Planning Manager 2009-05-28 2009-06-10
			TBARTON	No comment
				Policy & Planning 2009-05-28 2009-06-29
				The proposed rezoning to C3 Community Commercial for a retail / office building does comply with the OCP definition of Village Centre and therefore could be supported. Variances are requested for the front setback as well as parking and loading spaces. I would defer to the Development Services Department with respect to parking and loading variances. The requested variance for the front setback would fit with overall objectives to create a pedestrian oriented village by bringing the building closer to Lakeshore Road and locating parking to the side and rear of the building.
				It is recommended that the proposed rezoning and setback variance be supported.
				It may also be appropriate to consider flipping the building to the south side of the site so that the driveway access from Lakeshore Road is opposite the driveway of development on the west side of Lakeshore Road.
				Public Health Inspector 2009-05-28
				RCMP 2009-05-28 2009-06-01
				No comment.
				Real Estate & Building Services Manager 2009-05-28 2009-06-04
			SALEXANDER	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 1/2 x 11 copy, of any survey plans.
				School District No. 23 2009-05-28
				Shaw Cable 2009-05-28 2009-06-03
				TDM 2009-05-28
				Telus 2009-05-28 2009-06-15
				Terasen Utility Services 2009-05-28
				Telus will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

CITY OF KELOWNA

MEMORANDUM

Date: June 5, 2009
File No.: Z09-0031, DP09-0061
To: Planner II, Land Use Management (AB)
From: Development Engineering Manager (SM)
Subject: 3975/3985 Lakeshore Rd. Lot 7/8 Plan 8758

The Development Services Department has the following comments and requirements associated with this rezoning and development application for the proposed Low Density Residential Development. The road and utility upgrading requirements outlined in this report are provided for information purposes.

1. Domestic Water and Fire Protection

- (a) Domestic water and fire protection for this development can be provided from a watermain on Lakeshore Road.
- (b) The developer's consulting mechanical engineer will determine the domestic and fire flow requirements of this proposed development and establish the required size and preferred location of the new service. Decommissioning of the three existing small diameter services, the installation of one larger service will be at the applicant's cost.

2. Sanitary Sewer

- (a) A sanitary sewer service for this development will be provided from a sanitary sewer main on Lakeshore Road.
- (b) The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size of the new service.
- (c) Removal and capping of the three existing 100mm sanitary services and the tie-in of the one new larger service must be by City crews and will be at the applicant's cost.
- (d) The subject lot is included into Sanitary Sewer Specified Area Number 13.

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for this 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 a lot grading plan, minimum basement elevation (MBE), storm water service and/or on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street

drainage system with an overflow service at the developer's cost, with approval from the City drainage engineer.

4. Road Improvements

- (a) Lakeshore Road must be upgraded to a full urban standard along the full frontage of this proposed development, including curb and gutter, separate sidewalk, storm drainage system including catch basins, manholes / dry-wells and pavement widening. Also required is a landscaped boulevard complete with underground irrigation system, street lighting required and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

5. Road Dedication and Subdivision Requirements

- (a) Provide an additional highway allowance widening for the frontage of Lakeshore Rd consisting of approx. 6.9m wide. See preliminary design of the Lakeshore Road Parkway Arterial prepared by D.A. Watt Consultants Drawing B-4

This widening may be accomplished by:

- (i) A dedication on the subdivision plan.
 - (ii) Sale of the land to the City of Kelowna provided sufficient funds are available in the City's current budget. Contact the City's Assistant Land Agent, if this option is selected.
- (b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- (c) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- (d) Lot consolidation is required.

6. Electric Power and Telecommunication Services

The existing overhead electrical and telecommunication distribution wiring on Lakeshore Road fronting this development must be relocated to an approved offset within the proposed boulevard area. The developer may choose to have the wiring installed in an underground duct system, and have the buildings 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 Lakeshore Road fronting on the proposed development. The cost of this requirement is included in the roads upgrading item. If the electrical source for the street lighting is on the west side of Lakeshore Road, this source must be in underground ducts.

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 building permit approval the applicant must provide a comprehensive 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.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements 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, analyse 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.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

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. Development Permit and Site Related Issues

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

- (a) The site plan should illustrate the ability of an SU-9 standard size vehicle to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.
- (b) Depending on traffic circulation and a possible median on Lakeshore Road, the proposed access to this development may be limited to right-in and right-out. To facilitate access to this development, the developer is to provide a cross-access covenant to Lots Plan # 28767 and Lot Plan # 44495. The accesses should be located in the rear of the property.

12. Other Engineering Comments

- (a) Only the service upgrades and separate sidewalk with pole relocation must to be completed at this time. The City wishes to defer the remainder of the upgrades to Lakeshore Road fronting this development. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to be **\$ 13,266.00**

13. Levy Summary

- a) The City wishes to defer the construction of frontage improvements on Lakeshore Rd which is premature at this time. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined as follows:

Item	Cost
Drainage	\$1,875.00
Curb &Gutter	\$3,467.00
Sidewalk	TO BE INSTALLED
Street Lighting	\$1,337.00
Landscape Blvd	\$1,238.00
Road Fillet	\$5,349.00
Total	\$13,266.00

14. Administration Charge

An administration charge is applicable to this development in the amount of 3% (+ GST) of the total off-site servicing costs. The administration charge will be assessed and must be paid prior to release of any security deposits.

Steve Muenz, P. Eng.
Development Engineering Manager

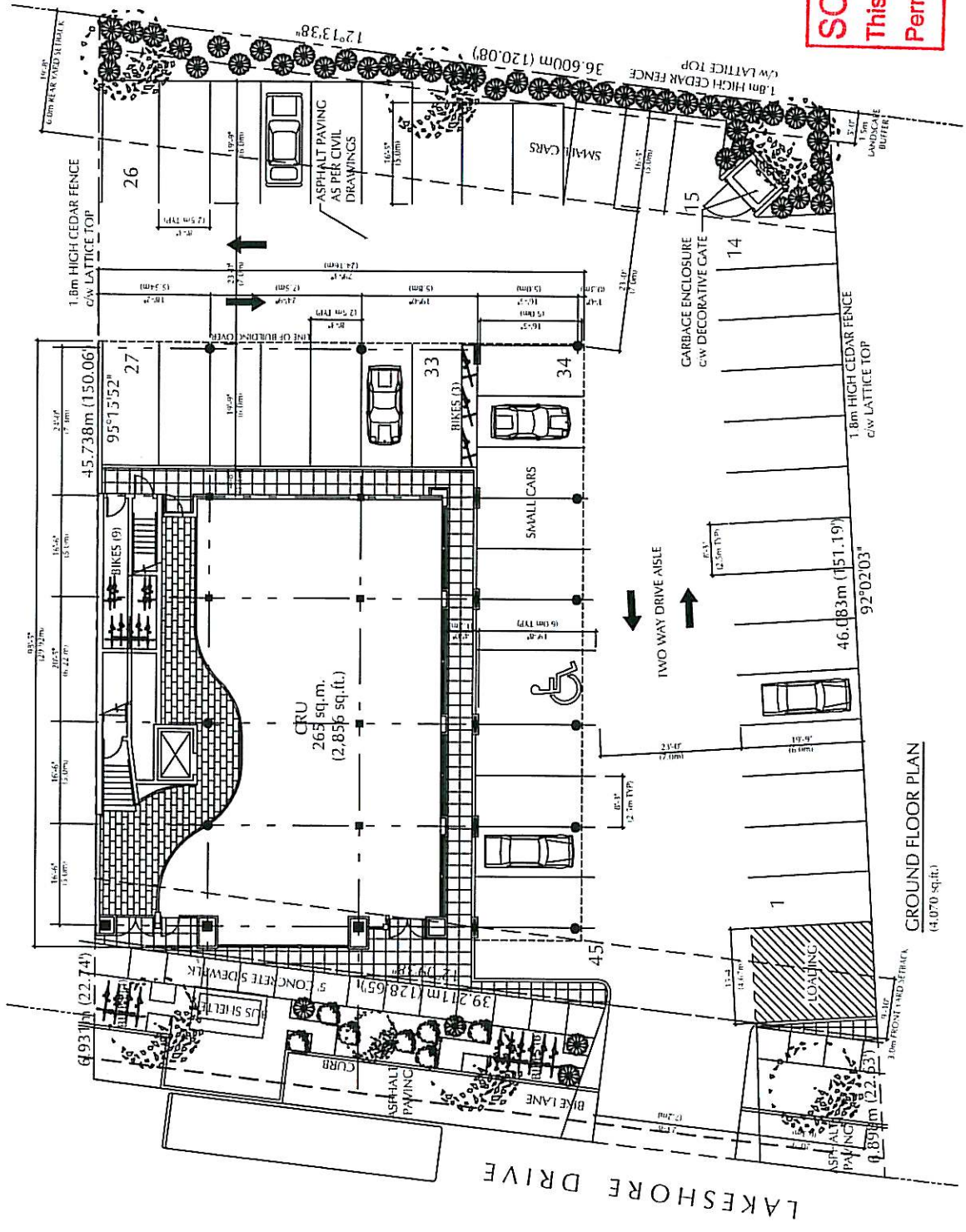
PROJECT DATA

CIVIC ADDRESS: 3975 LAKESHORE DRIVE, MELBOURNE, BC
 LEGAL DESCRIPTION: LOTS 7 & 8, P.L.M. 8718, D.L. 11, O.D.V. D.
 CURRENT ZONING: C - LOCAL COMMERCIAL


ZONING BYLAW REQUIREMENTS

PROPOSED ZONE C1 - COMMUNITY COMMERCIAL	
ORIGINAL SITE AREA = 21,424 SQ. FT. (1799 SQ. M.)	
NET SITE AREA (AFTER ROAD WIDENING) = 18,516 SQ. FT. (1,720 SQ. M.)	
TOTAL GROSS FLOOR AREA = 19,216 SQ. FT. (1,774 SQ. M.)	
PERMITTED	PROPOSED
LOT WIDTH	30.0m
LOT DEPTH	88.22m
LOT AREA	1,720 sq. m.
FLOOR AREA RATIO (FAR)	0.81 (1,612 sq. m.)
HEIGHT (m)	13.1m / 4 STOREYS
SEWERAGE (m)	1.0m
SOIL (NORTH)	0.0m
SOIL (SOUTH)	13.2m
REAR EAST	13.8m
PARKING	8 STALLS
RETAIL @ 2.0 100 sq. m. C.F.A. 375 sq. m.	8 STALLS
OFFICES @ 2.5 100 sq. m. C.F.A. 1,480 sq. m.	37 STALLS
SMALL CAR SPACES	26 STALLS (40%)
LOADING @ 1 100 sq. m. C.F.A. =	1 STALL
BICYCLE PARKING	4 SPACES
CLASS 1 @ 0.2 100 sq. m. C.F.A. =	12 SPACES
CLASS 1 @ 0.6 100 sq. m. C.F.A. =	1 SPACES
LANDSCAPE BUFFER (m)	1.0m
REAR (WEST)	0.0m
REAR (EAST)	1.2m
REAR (SOUTH)	1.2m
REAR (NORTH)	1.2m
LANDSCAPE TREATMENT LEVELS	2
REAR (WEST)	1
REAR (EAST)	1
REAR (SOUTH)	1
REAR (NORTH)	1

SCHEDULE A (1 of 3)
 This forms part of development
 Permit # **D109-0061**



GROUND FLOOR PLAN
 (4,070 sq.ft.)



HANS P. NEUMANN ARCHITECT INC.

PROPOSED MIXED-USE COMMERCIAL OFFICE BUILDING
 3975 & 3905 LAKESHORE DRIVE
 MELBOURNE, BC

SITE / GROUND FLOOR PLAN

SCALE: 1" = 10'-0"

DATE: MARCH 2009

DESIGNED BY: HANS P. NEUMANN ARCHITECT INC.

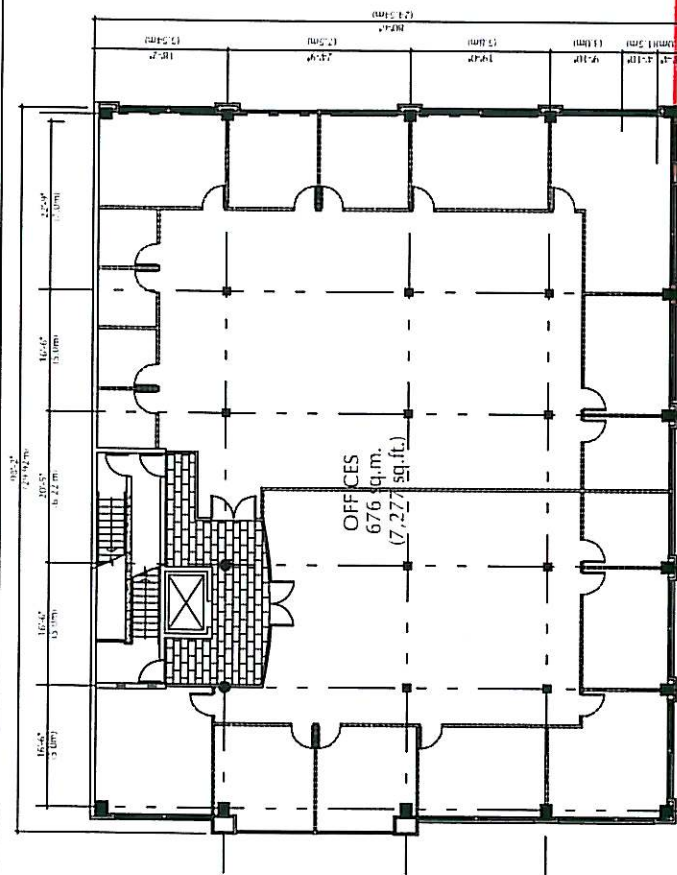
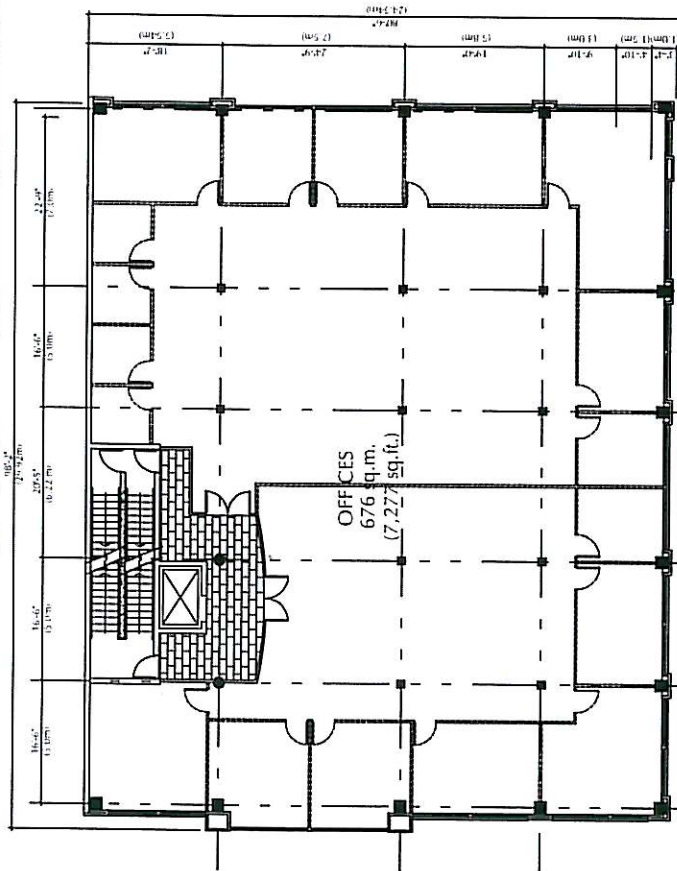
DRAWN BY: HANS P. NEUMANN ARCHITECT INC.

CHECKED BY: HANS P. NEUMANN ARCHITECT INC.

APPROVED BY: HANS P. NEUMANN ARCHITECT INC.

DP1

REVISION No. 2

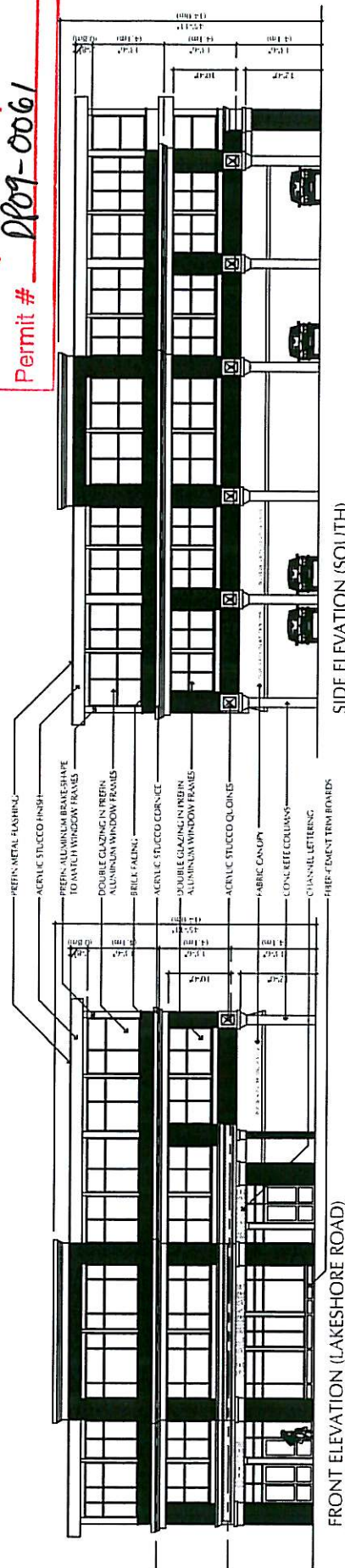


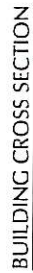
SECOND FLOOR PLAN
(7,965 sq.ft.)

THIRD FLOOR PLAN
(7,965 sq.ft.)

SCHEDULE A (2 of 3) { B (1 of 4) }

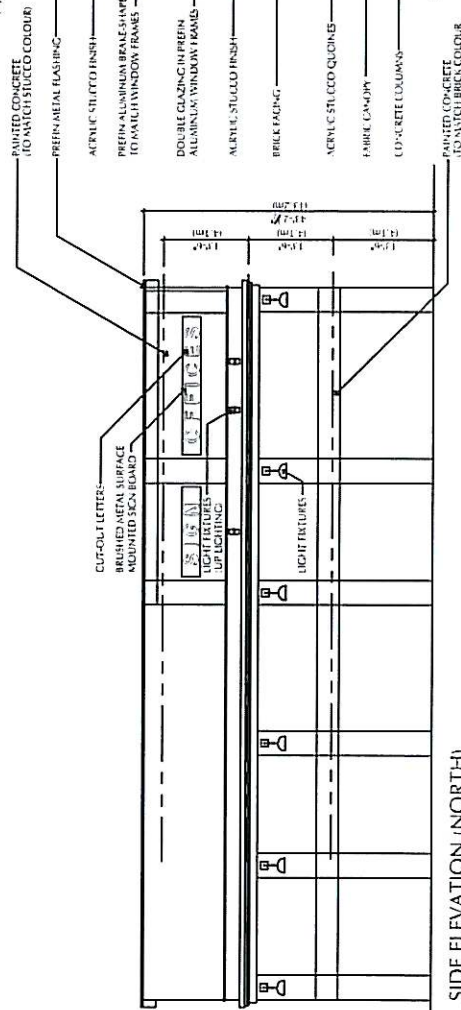
This forms part of development Permit # D09-0061





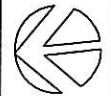
SCHEDULE A(3d3)B(2d4)

This forms part of development

Permit # Dlog-0001

SIDE ELEVATION (NORTH)

REAR ELEVATION (EAST)



HANS P. NEUMAN ARCHITECT INC.

PROPOSED MIXED-USE COMMERCIAL OFFICE BUILDING
3975 & 3985 LAKESHORE DRIVE
KELOWNA, BC

FOURTH FLOOR PLAN & REAR ELEVATION

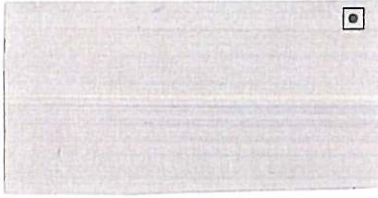
[illegible]

SCHEDULE B (3 of 4)
This forms part of development
Permit # DP09-0061



COLOUR BOARD

MIIXED-USE COMMERCIAL OFFICE BUILDING
3975 & 3985 LAKESHORE ROAD, KELOWNA, BC

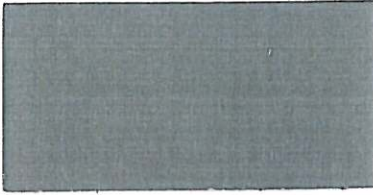


ACRYLIC STUCCO FINISH
TO MATCH BM CC-460 'INUKSHUK'

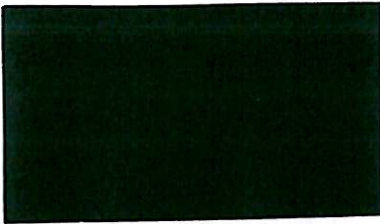
SCHEDULE B (4 of 4)

This forms part of development

Permit # DP09-0061



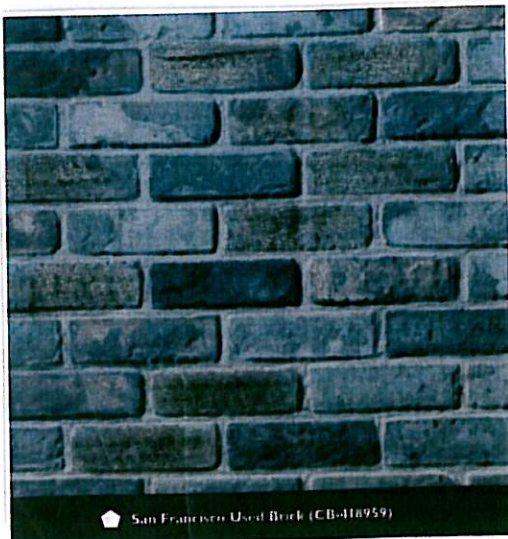
ACRYLIC STUCCO FINISH
TO MATCH BM HC-87 'ASHLEY GRAY'



ACRYLIC STUCCO FINISH
TO MATCH BM CC-542 'WILLOW'



AWNINGS TO MATCH
CLOVERDALE AC 148 'TEAL SHADOW'



San Francisco Used Brick (CB-118959)

BRICK



BRONZE ANODIZED
ALUMINUM WINDOW FRAMES

HANS P. NEUMANN ARCHITECT INC.

1520 HIGHLAND DRIVE NORTH, KELOWNA, B.C. V1Y 4K5
PHONE (250) 868-0878 FAX (250) 868-0837



