

Memo



Date: May 20, 2011
To: City Manager
From: Land Use Management, Community Sustainability (AW)
Application: Z11-0019 **Owner:** Alice Schram
Address: 1064 Borden Avenue **Applicant:** Worman Commercial (S. Worman)
Subject: Rezoning Application

Existing OCP Designation: Commercial
Existing Zone: RU6 - Two Dwelling Housing
Proposed Zone: C4 - Urban Centre Commercial

1.0 Recommendation

THAT Rezoning Application No. Z11-0019 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of Lot 2, D.L. 138, ODYD, Plan 3616, located at 1064 Borden Avenue from RU6 - Two Dwelling Housing to C4 - Urban Centre Commercial, be considered by Council;

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

THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property;

THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

2.0 Purpose

To rezone the subject property from RU6 - Two Dwelling Housing to C4 - Urban Centre Commercial for a future commercial development.

3.0 Land Use Management

The subject property is currently designated Commercial in the OCP and has a current zoning of RU6. This property is within the Capri Village Centre and is adjacent to a residential neighbourhood. As the subject property is located within the Capri Village Centre, the C3 - Community Commercial zone is considered to be a better fit for this location. Urban Centres are a more appropriate location for a C4 - Urban Centre Commercial development as they are

planned as highly urbanized environments supported by high residential densities. Village Centres are smaller scale areas providing convenience for area residents. While the 2030 OCP proposes a new Capri / Landmark Urban Centre, that boundary does not extend to the west side of Gordon Drive. In addition, the 2030 OCP designates the area west of Gordon Drive as a Character Neighbourhood Development Permit Area, which implies that development would need to be in character with the retention of low density residential uses to the west.

The subject property is designated for commercial development and a mixed use development would act as a more appropriate transition from the Gordon Avenue commercial strip to the medium density developments that are anticipated west along Borden Avenue. From a planning perspective, the transition in uses from commercial to residential is important for the future livability of the Capri Village Centre.

Staff encouraged the applicant to consider a mixed use form of development that would be consistent with the OCP's guidelines noting that it would provide the most appropriate transition and street edge between the Commercial strip along Gordon Drive and the abutting residential land to the west. OCP policy encourages commercial properties directly adjacent to RU6 to be developed in a way that is sensitive to the residential neighbourhood. Though the proposed 2 storey development does not have a residential component, the building does not maximize the development regulations of the C4 zone and represents a height profile that respects the adjacent residential land uses. However staff have noted that the incorporation of more landscaping adjacent to the existing residential neighbourhood would help to further soften the transition. Although Staff believe the C3 - Community Commercial zone is a better fit, the form and character of the proposed development meets many of the objectives for this transitional area.

4.0 Proposal

4.1 Background

The Borden / Laurier area within the Capri Village Centre has recently been active with development planning activity. The recently consolidated residential property immediately to the north is currently under application for a Multiple Unit Residential - Low Density development. Additionally, the large commercial property immediately to the east is under application for a C4 - Urban Centre Commercial development with two commercial buildings oriented towards Gordon Drive and Laurier & Borden Avenues, intended to occupy 2 storey commercial uses. This property is the last property at the commercial / multi-family (low-density) interface to adequately provide a sensitive transition to the west.

4.2 Project Description

The purpose of this application is to rezone from RU6 to C4 to accommodate a future commercial development and therefore is subject to both a Form & Character DP (OCP 9.2) as well as an Urban Centre DP (OCP 6.2). A Development Permit will be forwarded for Council consideration prior to final adoption of the proposed rezoning. The applicant's submission shows a two storey brick and stucco building located on the eastern edge of the property and slightly set back from the Borden street frontage. The drive-aisle to the surface parking area at the rear of the property is located along the western residential property line. The landscape plan has trees planted within the City Boulevard and against the rear property line. The following table contains a comparison of the Zoning Bylaw regulations for the RM3, C3 and C4 zones.

Criteria	RM3 Zone Regulations	C3 Zone Regulations	C4 Zone Requirements
Development Regulations			
F.A.R.	0.5 0.57 (bonus)	1.0	1.0 (bonuses available for mixed-use developments up to 2.35)
Height (m)	9.5m / 2 storeys	15.0m / 4 storeys	15.0m / 4 storeys
Site Coverage	50%	50%	75%
Required Setbacks			
Front	4.5m	3.0m	0.0m
Side (East)	4.5m	0.0m	0.0m
Side (West)	4.5m	4.5m	4.5m
Rear	7.5m	6.0m	6.0m

The main differences between the C3 and C4 zones are as follows:

- C4 permits more uses than the C3 zone;
- C4 has a reduced parking requirement compared to the C3 which is based on the proposed use;
- C4 permits greater site coverage;
- C3 requires a greater front yard setback.

4.3 Site Context



The subject property is located on the north side of Borden Avenue just west of Gordon Drive in the Capri Village Centre. The surrounding area to the west is designated for future multi-family (Multiple Unit Residential - Low Density).

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	RU6 - Two Dwelling Housing Proposed: RM3 - Multiple Unit Residential - Low Density	Residential
East	C9 - Tourist Commercial Proposed: C3 - Community Commercial	Vacant
South	RU6 - Two Dwelling Housing P2 - Educational & Minor Institutional	Residential Religious Assembly
West	RU6 - Two Dwelling Housing	Residential

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Urban Centre Policies¹

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.

Objectives for Commercial Development.²

- 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 should provide visual interest and human scale.
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, community cohesiveness).

6.0 Technical Comments

6.1 Building & Permitting Department
No comment

6.2 Development Engineering Department
See Attached.

¹ City of Kelowna Official Community Plan, Page 6-9 - 6-12., Urban Centres Chapter

² City of Kelowna Official Community Plan, Policy No. 9.2, Commercial Chapter

6.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 150ltr/sec flow. Additional comments will be required at the Building Permit application.

7.0 Application Chronology

Date of Application Received: March 17, 2011

Advisory Planning Commission April 26, 2011

The above noted application was reviewed by the Advisory Planning Commission at the meeting on April 26, 2011 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z11-0019, for 1064 Borden Avenue, to rezone the subject property from RU6 - Two Dwelling Housing to C4 - Urban Centre Commercial for a future commercial development.

Anecdotal Comments

The Advisory Planning Commission supported the rezoning application and noted that given the recent Council direction with respect to the adjacent property being directed to C4, the same logic would apply to this property as well.

Report prepared by:



Alec Warrender, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

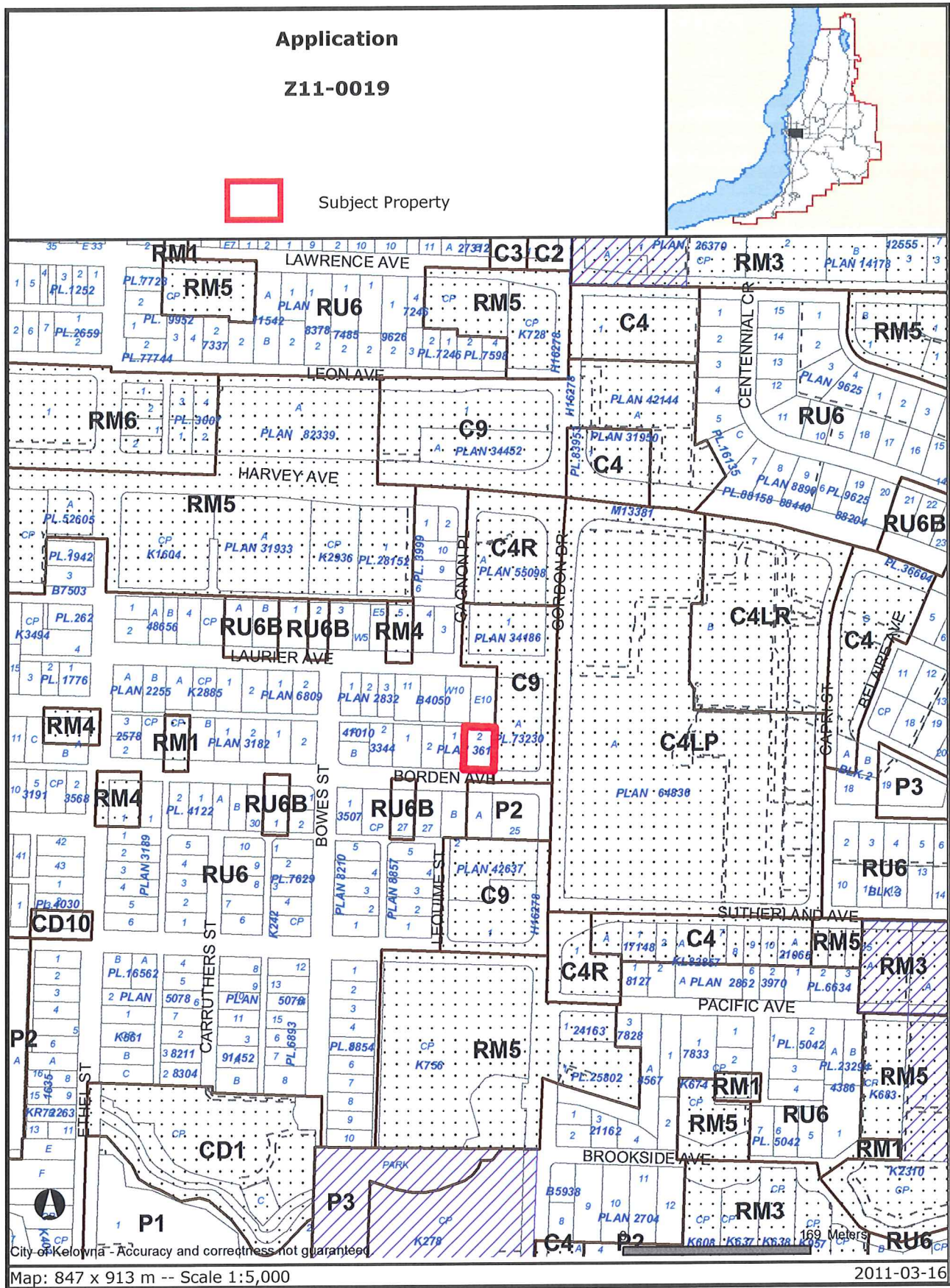
Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

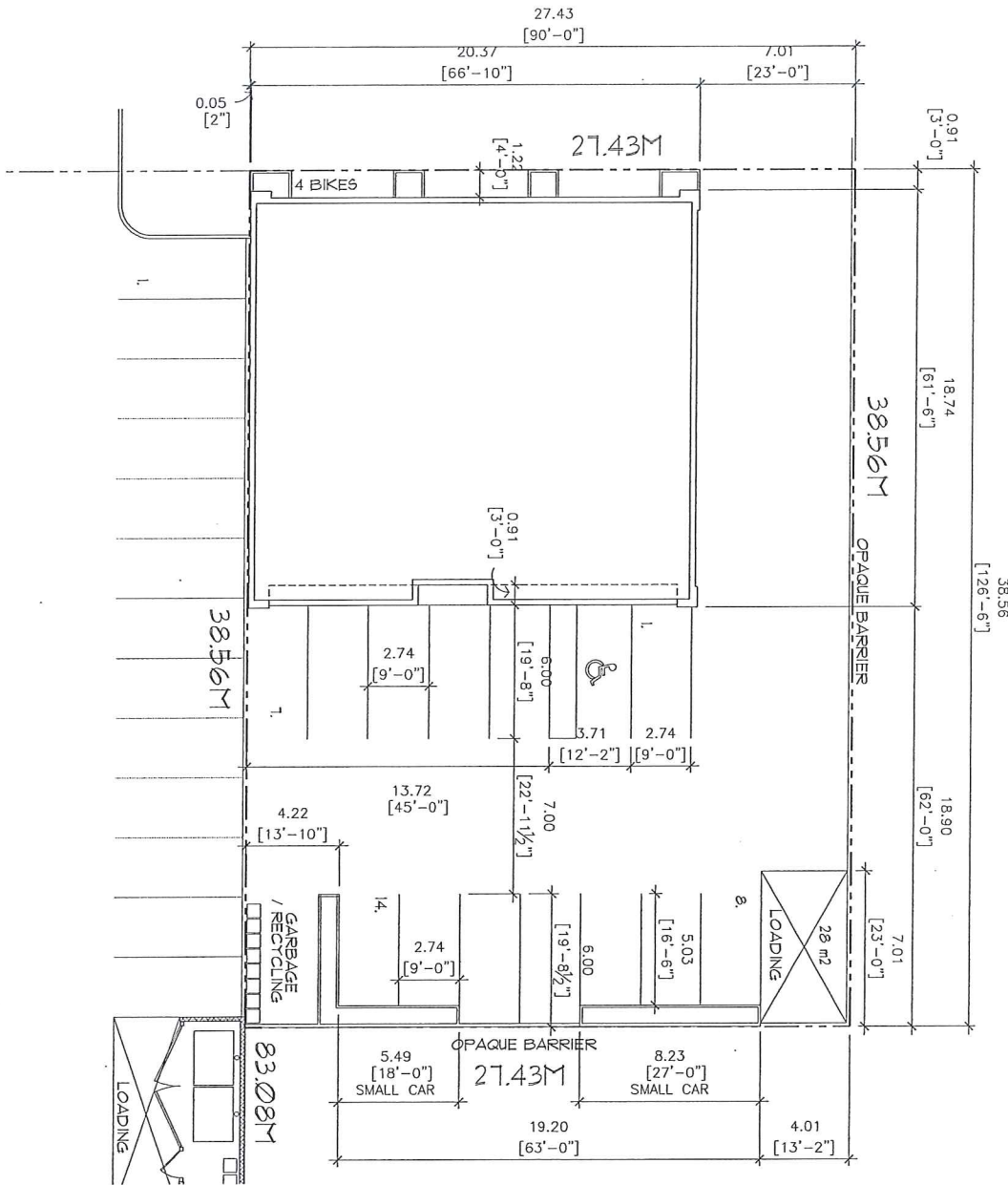
Attachments:

Site Plan
Conceptual Elevations
Landscape Plan
Sustainability Checklist
Development Engineering Report



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.

BORDEN AVE

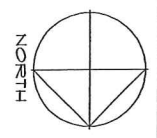


PROJECT DATA

ONE ADDRESS	1041 BROADVIEW AVENUE
LOCAL IDENTIFICATION	LOT 2 BROADVIEW, D.L.
OWNER'S ADDRESS	1041 BROADVIEW AVENUE
PROPOSED ZONING	COMMERCIAL CONSUMER
PREPARED BY	1041 BROADVIEW AVENUE

ZONING BYLAW REQUIREMENTS

REQUIREMENT	REQUIREMENT	REQUIREMENT
LOT AREA	3,841 SQ. FT. (352 SQ. M)	3,841 SQ. FT. (352 SQ. M)
LOT WIDTH	30.00 M	30.00 M
LOT DEPTH	46.88 M	46.88 M
MINIMUM FRONT SETBACK	1.23 M (4'-0")	1.23 M (4'-0")
MINIMUM SIDE SETBACK	0.91 M (3'-0")	0.91 M (3'-0")
MINIMUM REAR SETBACK	7.01 M (23'-0")	7.01 M (23'-0")
MINIMUM FRONT YARD SETBACK	1.23 M (4'-0")	1.23 M (4'-0")
MINIMUM SIDE YARD SETBACK	0.91 M (3'-0")	0.91 M (3'-0")
MINIMUM REAR YARD SETBACK	7.01 M (23'-0")	7.01 M (23'-0")
MINIMUM FRONT SETBACK	1.23 M (4'-0")	1.23 M (4'-0")
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HANS P. NEUMANN ARCHITECT INC.
DESIGN TECH DESIGN CONSULTANTS

1520 HIGHLAND DRIVE NORTH
 KELLOWNA, BC V1Y 4K5
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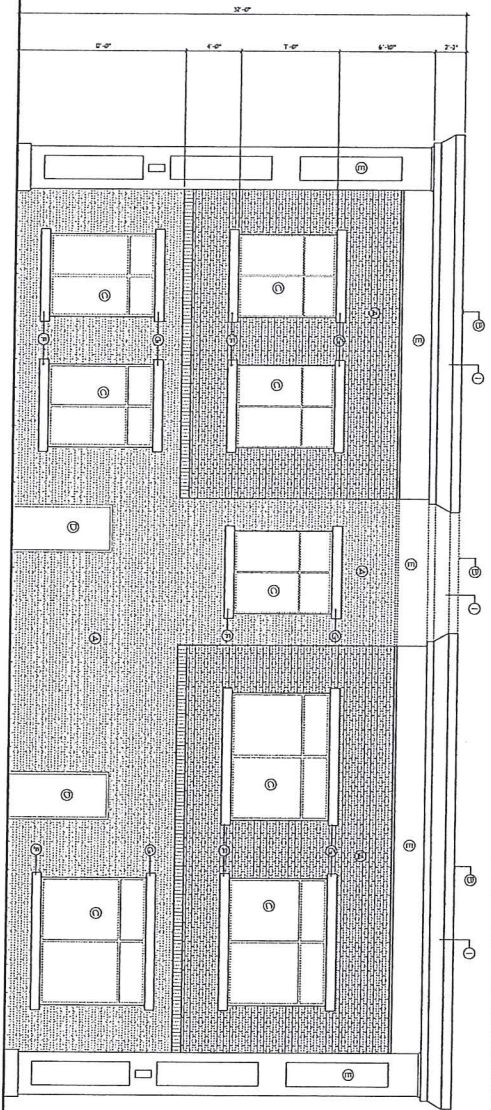
NO.	DATE	DESCRIPTION

CONSULTANT: HANS P. NEUMANN ARCHITECT INC.
 DRAWING TITLE: SITE PLAN
 PROJECT: COMMERCIAL DEVELOPMENT
 1064 BORDEN AVE. KELOWNA, BC

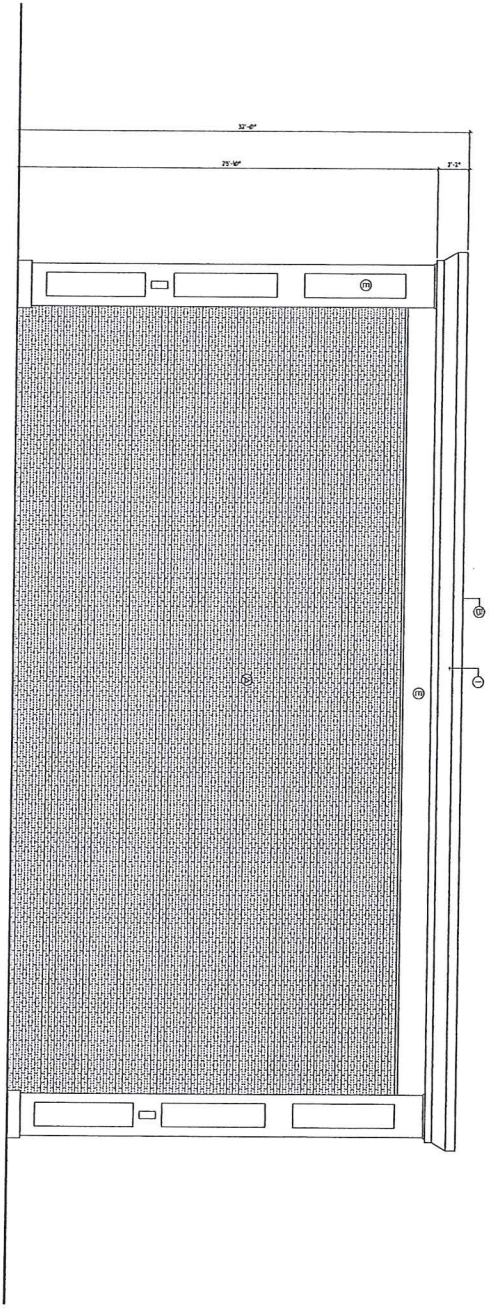
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 SHEETS:

REVISIONS:
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NORTH ELEVATION
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"

LEGEND:

- ① BRICK
- ② PRE-FINISHED METAL FLASHING
- ③ PRE-FINISHED EXTRUDED ALUM. LINENOV / DOOR
- ④ PAINTED METAL DOOR / FRAME
- ⑤ FABR. PANEL, SIDING AND TRIM, PAINTED
- ⑥ CONCRETE SILL
- ⑦ BRICK LINTEL
- ⑧ FABRIC CANOPY
- ⑨ PAINTED CONCISE
- ⑩ LIGHT TRANSOM
- ⑪ WOOD SIGN

HANS P. NEUMANN ARCHITECT INC.		DESIGN TECH DESIGN CONSULTANTS		1520 HIGHLAND DRIVE NORTH KELOWNA, BC V1Y 4K5 PHONE: (250) 868-6878 FAX: (250) 868-6337													
A4 <small>SECTION NO.</small>	<small>CONSULTANT</small> DATE: APRIL 2011 DRAWN: JAC CHECKED: HPI <small>Drawing No.</small>	<small>DRAWING TITLE</small> ELEVATIONS	<small>PROJECT</small> COMMERCIAL DEVELOPMENT 1064 BORDEN AVE. KELOWNA, BC.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	No	DATE	DESCRIPTION										
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1064 BORDEN AVENUE | Kelowna, BC

Worman Homes | Worman Commercial

CITY OF KELOWNA
MEMORANDUM

Date: April 21, 2011
File No.: Z11-0019

To: Planning & Development Services Department (AW)

From: Development Engineering Manager

Subject: Proposed Mixed Use - C3 1064 Borden Avenue Lot 2 Plan 3616

Development Engineering has 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. Domestic Water and Fire Protection

- (a) The development site is currently serviced with a small diameter water service. The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.
- (b) Replace approximately 48m of substandard 100mm CI watermain on Borden Avenue with 200mm diameter PVC, from the existing reducer west of the hydrant near Gordon Drive, to the westerly property boundary of this development. Remove the existing small diameter service and install a larger metered water service from the new main. The estimated cost of this work for bonding purposes is **\$50,000.00**
- (c) If it is determined that further upgrades to the existing water distribution system must be made to achieve the required fire flows or hydrant protection coverage, additional bonding will be required.

2. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs.
- (b) Our records indicate that the existing property is currently serviced with a 100mm-diameter VIT service. The applicant, at his cost, will arrange for removing and capping of this service at the main and the installation of larger service complete with inspection chamber. The estimated cost for construction for bonding purposes is **\$15,000.00**

3. Storm Drainage

- (a) It will be necessary for the developer to construct storm drainage facilities on Borden Avenue to accommodate road drainage fronting the proposed development. The cost is included in the Road upgrading item.
- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service. The estimated cost of this construction for bonding purposes is **\$5,000.00**

4. Road Improvements

- (a) Borden Avenue fronting this development must be upgraded to a full urban standard (SS-R5) modified to including a separate sidewalk, barrier curb and gutter, hard surface landscaped boulevard complete with trees and underground irrigation, storm drainage system including a catch-basin and drywell, fillet pavement, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The estimated cost of the road frontage improvements for bonding purposes is **\$30,000.00**

5. Subdivision Requirements

- (a) Excess road right of way (Lane Frontage) may be available to the developer. Contact The City Community Development & Real Estate Department.
- (b) By registered plan, grant statutory rights-of-way if required for utility services.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this development must be installed in an underground duct system. 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 developer's cost.

7. Street Lighting

Street lighting including underground ducts must be installed on all roads fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

8. Engineering

- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements. Designs must be submitted for review and marked "Issued for Construction" by the Development Engineer before construction may begin.

- (b) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (c) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (d) A Notice to Proceed and Road Usage Permit will be required prior to commencement of construction within the City right-of-way.

9. Servicing Agreements for Works and Services

- (a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- (b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be

10. Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, and in conformance with the City of Kelowna Subdivision Development & Servicing Bylaw No. 7900, the owner is eligible to apply for latecomer protection for the following:

- (i) Watermain replacement within Borden Avenue

11. 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.

12. Development Permit and Site Related Issues

Comments pertaining to site development will be provided after a development permit application is received.

13. Bonding and Levy Summary(a) Estimates

Water main and service upgrades	\$ 50,000.00
Road frontage upgrades	\$ 30,000.00
Sanitary and Storm Servicing	\$ 20,000.00
Total Costs	\$100,000.00

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.

14. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection.
The administration charge is calculated as (3% of Total Off-Site Construction Cost plus HST)
\$2,402.40 (\$2,145.00 + \$257.40)

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



Land Use Management
 1435 Water Street
 Kelowna, BC V1Y 1J4
 250 469-8626
 kelowna.ca/landuse
 sustainability@kelowna.ca

Sustainability Checklist

Commercial or Multi-unit Development with Rezoning

Project Name or Location 1064 Borden Ave.

Applicant Name Shane Worman

Organization Worman Commercial

ECONOMIC SUSTAINABILITY

	Score	Points
Building uses: (IF APPLICABLE, SELECT ONE FROM LIST)		
<input type="checkbox"/> 3 or more uses (ie. Office space, retail & residential)		3
<input checked="" type="checkbox"/> 2 uses or types of residential (ie. retail & residential or townhouse & low-rise apartments)	2	2
Employs local contractors (some, most or all) during construction	5	2-5
Construction products and supplies sourced within the region	2	1-2
TOTAL	9	10

ENVIRONMENTAL SUSTAINABILITY

	Score	Points
Green Building Certification being sought		
<input type="checkbox"/> LEED	0	5
<input type="checkbox"/> BuiltGreen, Green Globe or other (please specify) _____		3
Recycled Materials used in Building Construction	0	2

Green Space

Design includes Shared Green Space (ie. Rooftop garden, community garden)	0	2-3
Environmentally-Sensitive Areas Protected during construction phase (ie. Fenced) or	2	2
No Environmentally Sensitive Area to protect		

Air Quality

Co-op Car(s) or Transit Passes for Building Occupants (secured through an agreement)	0	2
Natural Ventilation (ie. Windows that open)	2	2
Safe & Accessible Bicycle Storage Facilities	2	2
Trees planted on the site beyond zoning requirements (not including any replacement trees)		
<input checked="" type="checkbox"/> 1-5 trees	1	1
<input type="checkbox"/> 5+		2
No Fast Food Drive Thru facilities	1	1

Water Quality & Quantity

Recycling of grey water	0	4
50% of area outside of permitted site coverage is permeable or unpaved surface	0	2
Irrigation system employs conservation technology (ie. Drip irrigation) or	2	2
No irrigation system required for landscaping		
Rainwater collection or	0	2
Water conservation beyond building code requirements		
Xeriscaping for water conservation		

<i>or</i> Landscaping with indigenous vegetation (drought resistant)	2	2
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Energy Conservation

Renewable Energy Source(s) for Building, such as geo-thermal, solar photovoltaic, air pumps, etc. Please Specify: _____	0	2-4
Building Orientated and/or Designed to Maximize Energy Savings	0	2
Low Energy Windows Installed throughout Building(s)	2	2
Pre-Heating Water Energy Technology to be Employed	0	2
Energy Efficient Features (lighting, appliances, etc.)	2	2
SUBTOTAL	16	45

SOCIAL SUSTAINABILITY

	Score	Points
Provides Indoor or Outdoor Social/Recreational Amenity (i.e. community meeting place, dog park, public community garden, etc.). Please Specify: _____	0	2-3
Designed According to Crime Preventions Through Environmental Design (CPTED) Principles (staff can provide document)	2	2
SUBTOTAL	2	5

CULTURAL SUSTAINABILITY

	Score	Points
Voluntary Streetscaping Improvements, such as benches, planters, or lighting upgrades	4	2-4
City Design Guidelines & Staff Comments Addressed in Project Design	3	1-3
Heritage Site Identified and Recommendations for Conservation Followed <i>or</i> No Disturbance to a Heritage Site/No Heritage Site	3	1-3 3
Public Art Provision <i>or</i> Significant Public Amenity (i.e. covered walkway, fountain, etc.) Please Specify: _____	0	1-3
Connectivity from site to Parks, Bike Paths, Pedestrian Walkways, or Local Amenities (shops, medical centre, etc.)	2	2
SUBTOTAL	12	15

BONUS

	Score	Points
Other Sustainability Measure(s), including but not limited to: ▶ Rehabilitation of a Natural Feature (i.e. wetland); Green Roof; Accessible Design Beyond Building Code; Child-Friendly Design. Please provide details below		1-10
ECONOMIC SUBTOTAL	9	10
ENVIRONMENTAL SUBTOTAL	16	45
SOCIAL SUBTOTAL	2	5
CULTURAL SUBTOTAL	12	15
TOTAL	39	85

ADDITIONAL DETAILS