

Memo



Date: June 17, 2011
To: City Manager
From: Land Use Management, Community Sustainability (BD)
Application: DP11-0064 & DVP11-0065 **Owner:** 0796838 B.C. Ltd
Address: 1789 KLO Road **Applicant:** Serani Bros. Contractors
Subject: Development Variance Permit and Development Permit
Existing OCP Designation: Commercial
Existing Zone: C2 - NEIGHBOURHOOD COMMERCIAL

1.0 Recommendation

THAT Development Permit No. DP07-0233 for Lot1, District Lot 131, ODYD Plan KAP81362, (the property) located on KLO Road, Kelowna, BC be rescinded by Council;

AND THAT Council authorize the issuance of Development Permit No. DP11-0064 for the property to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
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AND THAT Development Variance Permit No. DVP07-0234 for the property be rescinded by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP11-0065 for the property;

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

Table 7.1 Minimum Landscape Buffer Treatment Levels Schedule and Section 7.6.1(c) Minimum Landscape Buffers:

To vary the required buffer for the south and west property lines from 3.0m required to 1.2m proposed.

Section 8.1.10 (d) Location of parking for non-residential classes:

To vary the required location of the side or rear property line abutting residential zones from 1.5m required to 1.2m proposed.

AND FURTHER THAT the applicant be required to complete the requirements of the Development Engineering Branch within 180 days of Council approval of the Development Permit and the Development Variance Permit Application, in order for the permits to be issued.

2.0 Purpose

The applicant is proposing to construct a two-storey mixed use office and residential development on the subject property that meets the requirements of the C2 - Neighbourhood Commercial Zone with the exception of requested variances to the minimum landscape buffer width and parking stall location along the south and west property lines.

3.0 Land Use Management

The site at the corner of Benvoulin and KLO Roads has been vacant for many years, and Staff welcome the development of this prominent corner. A previous Development Permit and Development Variance Permit were issued for the site in 2007 which have since expired and are to be rescinded. In 2007, Staff emphasized that the form and character for the building should incorporate pastoral characteristics of the surrounding agricultural landscape given the parcel's location. The current proposal features a building that is much smaller in scale in comparison to the previous project.

The applicant is proposing a two storey building on the subject property with leasable mercantile space on the ground floor and a combination of office commercial space and two residential units on the upper floor. The proposal has been reviewed by the internal Staff design review process and the applicant has responded favorably to the suggestions by incorporating changes to the design.

The exterior cladding incorporates many textures and materials general found the vernacular and agricultural applications. The earthy tones of colour palette are complementary to the commercial building across KLO Road and blend well with the agricultural setting across Benvoulin Road. In general, the quality of the building that is proposed will be a compliment to this corner and represents an appropriate level of visual interest and orientation towards the street that meets many guidelines as identified in the OCP.

A variance to the landscape buffer and parking setback was previously approved, and is required for re-consideration with this revised Development Permit application. The variances are modest and are mitigated by the quality of landscape proposed and the orientation of the building facing the street, which helps to screen the parking.

4.0 Proposal

4.1 Background

A Development Permit and Development Variance Permit for setbacks and height were approved by Council and issued in 2007. Due to the economic downturn, the construction of the building never commenced and the Development Permit lapsed.

4.2 Project Description

The plans for the two storey structure show commercial/office uses for the ground floor with elevator access to the second floor to additional commercial space. The configuration of the floor plans has not been included as the applicant would like flexibility in creating the appropriate space for their prospective tenants once they are secured. Two one-bedroom residential units are proposed for the east wing of the second floor and accessed by a private stairwell. The modest sized suites have an open concept with south east facing decks accessed by floor to ceiling glass doors. Reserved parking stalls for the residential units have not been allocated at this time.

The cladding proposed for the exterior of the building is a mixture of hardiplank shingles in a Mountain Sage colour on the majority of the lower floor with cultured stone on any corners or columns. The upper floor is clad in a horizontal smooth faced hardiplank in a Navajo beige colour.

A 2.5 storey tower unit is planned as a feature next to the main entry at the corner of the Benvoulin and KLO roads. The design seeks to reflect the vernacular character of the rural agricultural buildings in the area with the roofline. A second main covered entrance is located off the rear parking lot which proposes trees, benches and curb-cuts for easy access to the building. Individual doors are provided along the street elevations for individual commercial tenant accesses.

The site will be landscaped preserving the existing street trees and drawing on xeriscape principles for the vegetation materials used. A variance is sought to reduce the landscape buffer from 3.0m to 1.2m proposed for the south and west portions of the site. The landscape plan proposes a mixture of vegetation including trees and shrubs to create a good barrier for the buffer area. A modest variance for the required setback to the parking area is also sought, reducing the setback from 1.5m required to 1.2m proposed.

4.3 Site Context

The subject property is located on the corner of K.L.O and Benvoulin Road in Pandosy - KLO sector of Kelowna. The surrounding properties are zoned as follows:

<u>Direction</u>	<u>Zone</u>
North	C10 - Service Commercial A1 - Agriculture 1
West	A1 - Agriculture 1 (residential properties)
East	A1 - Agriculture 1 (farm use)
South	A1 - Agriculture 1 (residential properties and farm use across Benvoulin)

4.4 Subject Property Map: 1789 KLO Road



4.5 Zoning Analysis

The proposed application meets the requirements of C2- Neighbourhood Commercial zone as

Zoning Analysis Table		
CRITERIA	PROPOSAL	C2 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	2,481.8m ² /0.2481ha.	Minimum: 1500 m ² Maximum: 1.0 ha.
Lot Width	Average ~ 46 m	40 m
Lot Depth	47.438 m	30 m
Development Regulations		
Floor Area Ratio	Commercial: 743.7 m ² or 0.3 Residential: 121 m ² or 0.05	Commercial: 0.3 Residential: 0.2
Height	Building: 2.0 storeys / 7.8m Tower: 2.5 Storeys / 10m	2.5 storeys / 10.5 m
Setbacks (m)		
- Front/KLO Road (North)	4.5 m	4.5 m
- Flanking Street/Benvoulin (East)	4.5 m	4.5 m
- Side (West)	8.7 m	3.0 m
- Rear (South)	11.7m	6.0 m
Site Coverage	17.2%	40%
Parking Setbacks: Flanking Street Side or rear lots lines	North: 4.5 m South & West: 1.2m ①	2.0 m 1.5 m

Section 14.2.6(a)	Elevator access is shared Eastern stairwell is separated	Separate access to grade from the commercial uses
Section 14.2.6(b) Private Open Space	Total Deck space: 11.7m ² On Grade space: 60m ²	2units x 10m ² = 20m ²
Section 14.2.6 Maximum Gross Floor Area of Individual Offices	No one office unit to exceed 235m ²	235 m ²
Parking Stalls (#)	32 spaces (19% small car)	Commercial: 20 Offices: 8 Residential 2.5 Total Required: 30.5 = 31 (Max. 40% small car spaces)
Bicycle Stalls (#)	15 provided	Residential: Class I: 0.5/dwelling (1 space) Class II: 0.1 per unit (1 space) Commercial: Class I:0.20 per 100m ² (2 spaces) Class II:0.60 per 100m ² (5 spaces) Total Required: Class I: 3 spaces Class II: 6 spaces
Loading Zone	1 provided	1 per 1,900m ² GFA
Landscape buffers	West and South property line 1.2m buffer provided ②	Level 3 - 3m landscape buffers required consisting of a vegetative barrier or an continuous opaque barrier.

① A variance is required to relax the location of the parking stalls to within 1.2m of the property line proposed where 1.5m is required.

② A variance is required to vary the south and west property line landscape buffers from 3.0m required to 1.2m proposed

5.0 Current Development Policies

Kelowna 2030 - Official Community Plan

Objective 5.24 Encourage mixed-use commercial development.

Policy .1 Auto-Oriented Sites. Support (but do not require) inclusion of residential uses when auto-oriented commercial sites and strip malls redevelop. Live-work, student and rental housing is particularly encouraged. Where auto-oriented sites are redeveloped within Urban Centres, redevelopment should create a higher density, more walkable, and higher amenity site.

Policy .2 Retention of Commercial Land. In order to ensure that the City's commercial land supply is not eroded, where the OCP Bylaw 10500 indicated a commercial land use designation for the property, the expectation would be that there be no net loss of commercial space on the site as a result of the redevelopment to include other uses.

Objective 5.27 Increase supply of green office space

Policy .2 Offices Near Transit. Direct new office development to areas served by public transit.

Comprehensive Development Permit Design Guidelines:

Authenticity and regional expression¹

1.1 Incorporate landscaping and building form and character that is distinct to Kelowna and the Central Okanagan and conveys a sense of authenticity;

1.2 Incorporate forms and images that relate to the region's natural and cultural landscapes (e.g. incorporate winery or orchard inspired trellises or rooflines that reflect those found on barns and older homes located on/around agricultural lands);

1.4 Incorporate materials that relate to the character of the region and the context of the surrounding neighbourhood;

1.5 Use colours found in the region's natural and cultural landscape;

Relationship to the street²

3.1 Locate buildings to provide an effective street edge while respecting the established, desired streetscape rhythm;

Massing and height³

4.1 Mitigate the actual and perceived bulk of buildings with appropriate massing, including:

- Use of architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
- Visually-interesting rooflines (e.g. variations in cornice lines and roof slopes);

Human Scale⁴

5.1 Design for human scale and visual interest in all building elevations. This can be achieved principally by giving emphasis to doors and windows and other signs of human habitation relative to walls and building structure;

5.2 Articulate facades by means of indentations and projections of elements (e.g. windows and doors, cornice lines, pilasters, balconies, and other detailing);

5.4 Design building facades with a balance of vertical and horizontal proportions (e.g. vertical elements at regular intervals to strengthen the pedestrian-scale of otherwise horizontal buildings);

5.5 Incorporate windows with vertical proportions. Horizontal glazed areas should be divided into vertically proportioned windows separated by mullions or building structure;

Exterior Elevations and Materials⁵

6.2 Provide visually prominent, accessible, and recognizable entrances through attention to location, details, proportions, materials, and lighting that act to personalize or lend identity to a building;

¹ 2030 OCP Comprehensive DP Area Design Guideline 1.0

² 2030 OCP Comprehensive DP Area Design Guideline 3.0

³ 2030 OCP Comprehensive DP Area Design Guideline 4.0

⁴ 2030 OCP Comprehensive DP Area Design Guideline 5.0

⁵ 2030 OCP Comprehensive DP Area Design Guideline 6.0

6.0 Technical Comments

6.1 Building & Permitting Department

1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.

2) Operable bedroom windows required as per the 2006 edition of the British Columbia Building Code (BCBC 06).

3) Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 06, so provide size of ducts and fire separation details at time of Building Permit Applications.

4) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

See attached.

6.3 Fire Department

Fire department access, fire flows of 150ltr/sec, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. KLO Rd and Benvoulin Rd are arterial roadways and fire hydrant will be required on the same side on the development. A building code analysis is required. Additional comments will be required at the building permit application.

6.4 Interior Health Authority

This office has no objection to the proposal.

6.5 Telus

Developer to provide a 1.5 metre x 3.2 metre easement at no cost to TELUS for a switching equipment cabinet to service this property and which could serve surrounding properties. TELUS will require 24 hour access to the switching cabinet.

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

6.6 Fortis BC

Fortis does not see any conflicts however, it is expected that the owners/developers will contact FortisBC at 1-866-436-7847 to make arrangements with FortisBC design to develop an electrical service plan for this proposal which may include the granting of SRWs as part of the plan.

7.0 Application Chronology

Date of Application Received: April 20, 2011
Advisory Planning Commission June 7, 2011

The above noted application was reviewed by the Advisory Planning Commission at the meeting on June 7, 2011 and the following recommendations were passed:

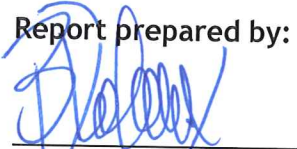
THAT the Advisory Planning Commission support Development Permit Application No. DP11-0064, for 1789 KLO Road, to evaluate the Form and Character of a proposed mixed commercial residential building.

THAT the Advisory Planning Commission support Development Variance Application No. DVP11-0065, for 1789 KLO Road, to vary the south and west property line landscape buffers from the 3.0 m required to the 1.2 m proposed.

Anecdotal Comment:


The Advisory Planning Commission supported the Development Permit and Development Variance Permit Application and expressed that they were pleased with the design and thought it would fit in with the surrounding development.

Report prepared by:



Birte Decloux, Urban Land Use Planner

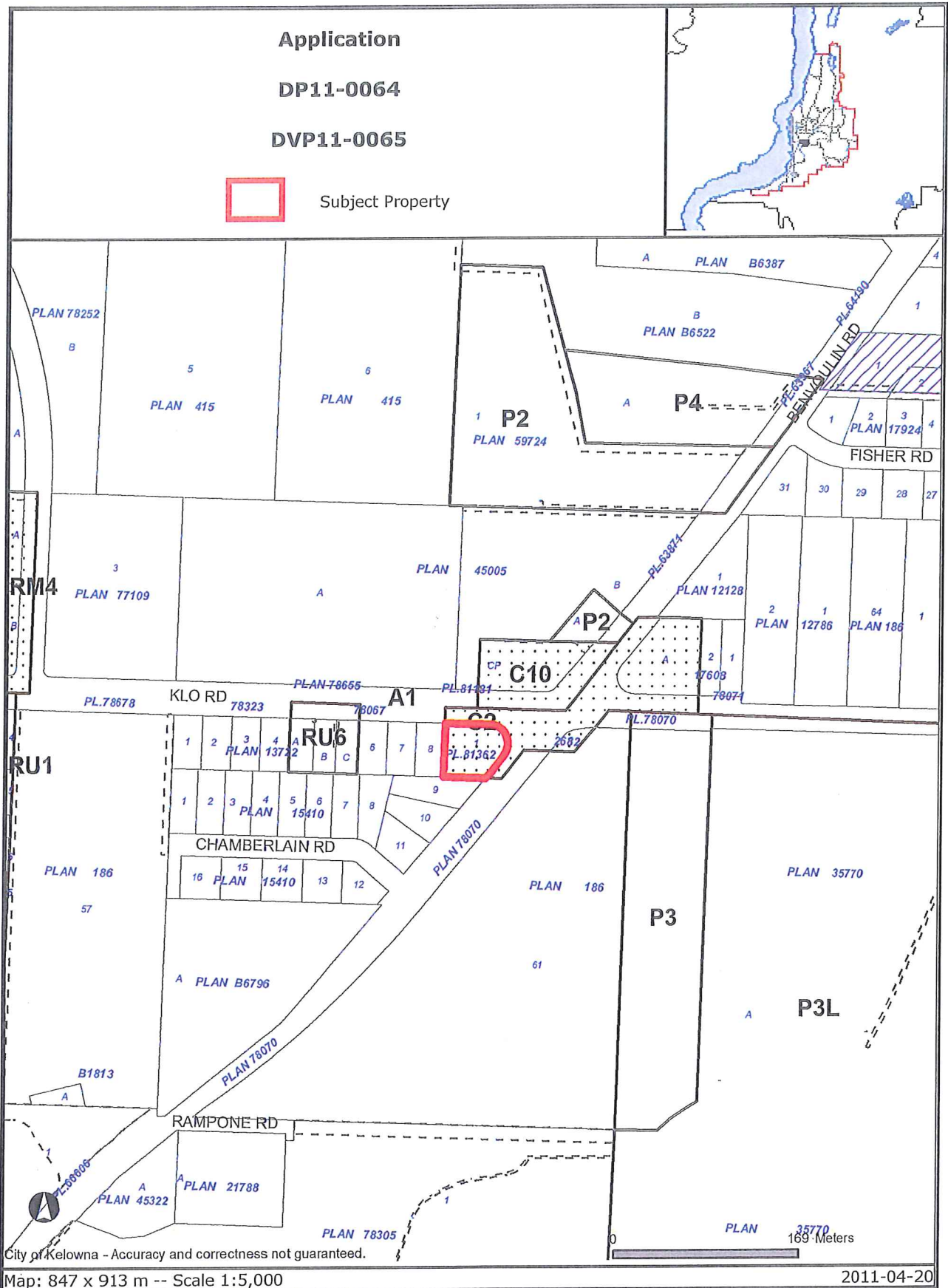
Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Site Plan
Conceptual Elevations
Landscape Plan
Summary of Technical Comments



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.



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

Development Proposal Application Form

TYPE OF APPLICATION

Please check all that apply.

<input type="checkbox"/> Rezoning	<input type="checkbox"/> Heritage Revitalization Permit	Office Use Only Date Received:
<input type="checkbox"/> Official Community Plan Amendment	<input type="checkbox"/> Heritage Alteration Permit	
<input checked="" type="checkbox"/> Development Permit- Form and Character	<input type="checkbox"/> Text Amendment	File Number: DP11-0064 File Manager: DP11-0065
<input type="checkbox"/> Development Permit-Environmental	<input type="checkbox"/> LUC-discharge	
<input checked="" type="checkbox"/> Development Variance Permit	<input type="checkbox"/> Other:	

APPLICANT

Development Application Primary Contact:

Full Legal Name: SERANI BROS. CONTRACTORS LTD.	
Corporate Owner: (if applicable) RICK SERANI	
Mailing Address: P.O. BOX 22033 RPC CAPRI	
City: KELOWNA B.C.	Postal Code:
Primary Contact No.: RICK SERANI	Secondary Contact No.:
Email/ Fax:	

Registered Owner(s) of the Property:

Full Legal Name: SAME	
Corporate Owners: (if applicable)	
Mailing Address:	
City:	Postal Code:
Phone:	Cell:
Email:	Fax:

NOTE: If the applicant is other than the registered owner(s), a Letter of Authorization is required.

PROPERTY(IES) DESCRIPTION

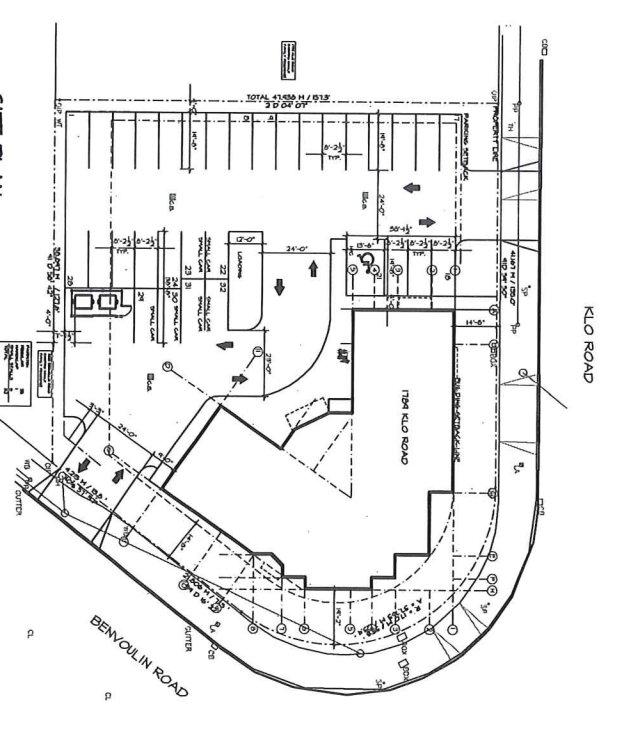
Legal Description: LOT #1 PLAN # B1362 C.P.Y.P.	
Civic Address: 1785 KLO RP. KELOWNA, B.C.	
Current Zoning: C-2	Proposed Zoning: C-2
Brief Summary of Application Purpose: NEIGHBORHOOD COMMERCIAL	

FEES

Office Use Only

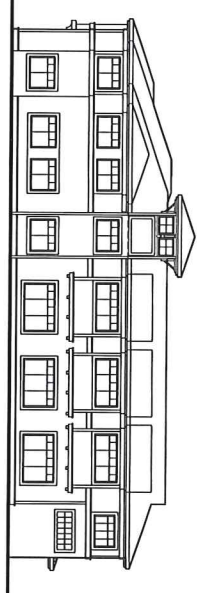
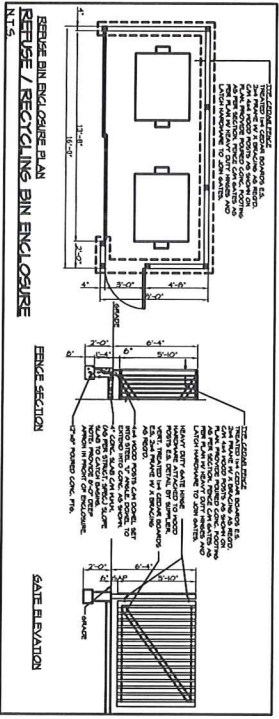
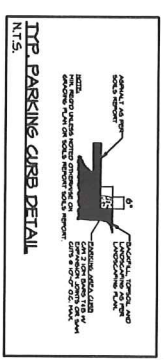
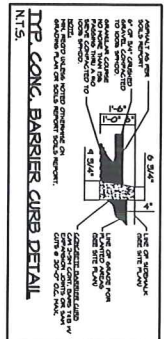
Fees submitted:	Received by:	Date:
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Fees are as per City of Kelowna Development Application Fee Bylaw No. 8034 (kelowna.ca/bylaws). Acceptance of fees does not imply or guarantee application approval.



LEGAL DESCRIPTION

LOT 61862
1884 KLO ROAD
KELOWNA, B.C.



SITE CALCULATIONS: C2 ZONING

REQUIREMENT	EXISTING	PROPOSED
MINIMUM FRONT SETBACK	30' 0" ft.	30' 0" ft.
MINIMUM SIDE SETBACK	10' 0" ft.	10' 0" ft.
MINIMUM REAR SETBACK	10' 0" ft.	10' 0" ft.
MINIMUM FRONT YIELD	1.00	1.00
MINIMUM SIDE YIELD	1.00	1.00
MINIMUM REAR YIELD	1.00	1.00
MINIMUM OPEN SPACE	10' 0" ft.	10' 0" ft.
MINIMUM CLEARANCE	10' 0" ft.	10' 0" ft.

REQUIREMENT	EXISTING	PROPOSED
MINIMUM FRONT YIELD	1.00	1.00
MINIMUM SIDE YIELD	1.00	1.00
MINIMUM REAR YIELD	1.00	1.00
MINIMUM OPEN SPACE	10' 0" ft.	10' 0" ft.
MINIMUM CLEARANCE	10' 0" ft.	10' 0" ft.
MINIMUM FRONT SETBACK	30' 0" ft.	30' 0" ft.
MINIMUM SIDE SETBACK	10' 0" ft.	10' 0" ft.
MINIMUM REAR SETBACK	10' 0" ft.	10' 0" ft.
MINIMUM FRONT YIELD	1.00	1.00
MINIMUM SIDE YIELD	1.00	1.00
MINIMUM REAR YIELD	1.00	1.00
MINIMUM OPEN SPACE	10' 0" ft.	10' 0" ft.
MINIMUM CLEARANCE	10' 0" ft.	10' 0" ft.

ISSUED FOR DEVELOPMENT PERMIT NOT FOR CONSTRUCTION

FOR INFORMATION ONLY - DO NOT USE FOR CONSTRUCTION

KARATHA

PROJECT ENGINEER: K. A. L. B. C. VERSON, B.C. REGISTRAR: 2501 560-1466 email: karathak@shaw.ca

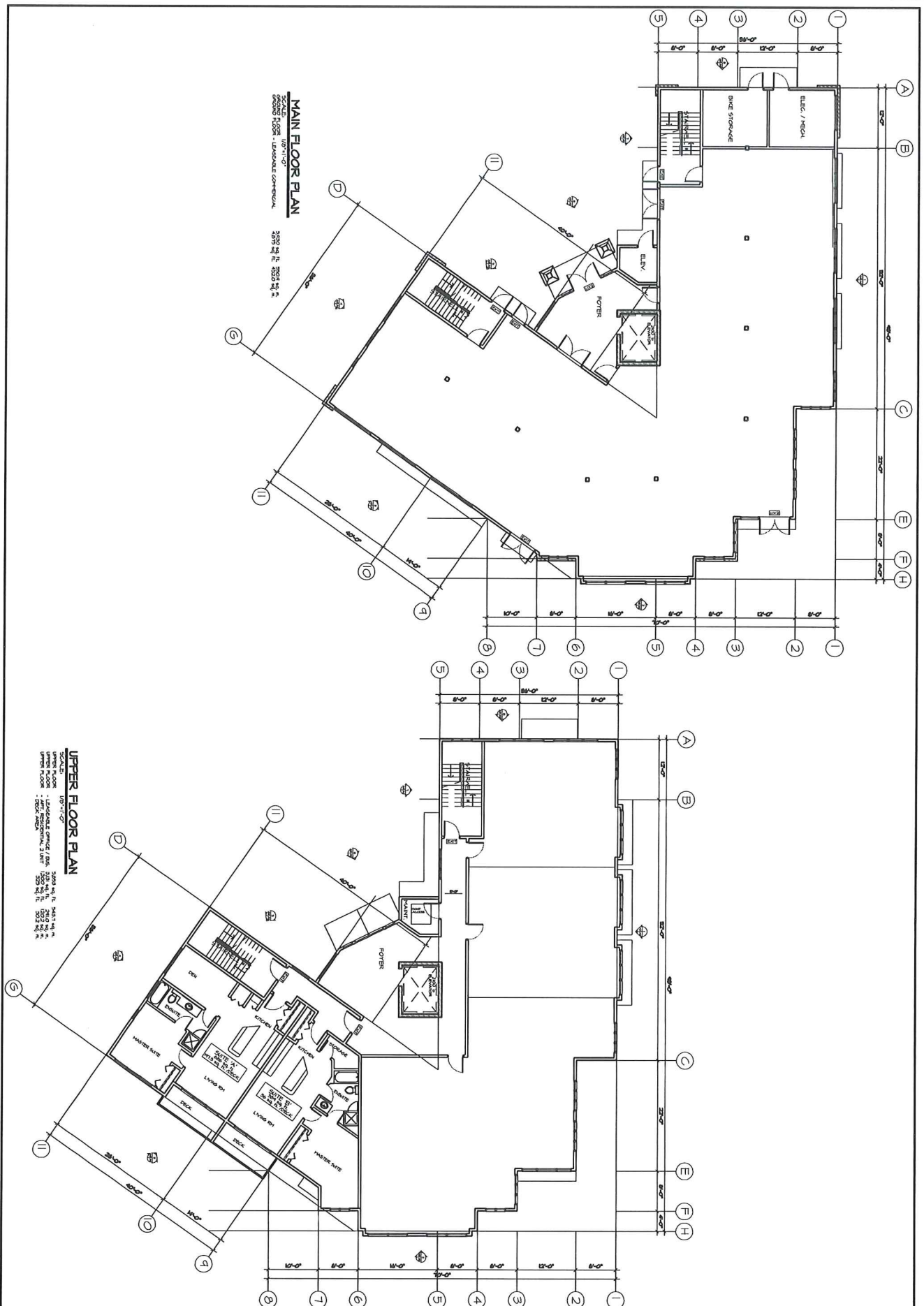
PROJECT MANAGER: M. A. L. B. C. VERSON, B.C. REGISTRAR: 2501 560-1466 email: karathak@shaw.ca

PROJECT ARCHITECT: G. B. EMBLETON & ASSOCIATES LTD. 1790 LEE ROAD KELOWNA, B.C. REGISTERED ARCHITECTS: 907 220-9700 FAX: 907 220-9701 CEL: 250-762-0284

DRAWING NO.: 11-20-07
DATE: April 20, 2011
DRAWN: DE / BL
CHECKED: DE / BL

1 of 4

G. B. EMBLETON & ASSOCIATES LTD.



MAIN FLOOR PLAN
 3000 sq. ft. 1000 sq. ft.
 2000 sq. ft. 2000 sq. ft.
 2000 sq. ft. 2000 sq. ft.

UPPER FLOOR PLAN
 3000 sq. ft. 1000 sq. ft.
 2000 sq. ft. 2000 sq. ft.
 2000 sq. ft. 2000 sq. ft.

ISSUED FOR
 DEVELOPMENT PERMIT
 NOT FOR
 CONSTRUCTION

DESIGNED BY
KAMALKA
 CHARLES WILLS
 N. A. L. B. C.
 PO BOX 137
 VERNON, B.C.
 PHONE: (250) 549-1466
 email: kwill@kamalka.net

CONSTRUCTION OF THIS PLAN
 APPROVED, AND THE DRAWING IS
 ACCORDING TO THE REQUIREMENTS
 OF THE BUILDING ACT AND THE
 REGULATIONS THEREUNDER, FOR THE
 PURPOSE OF OBTAINING A PERMIT
 FOR CONSTRUCTION.
 THIS PLAN IS VALID AS LONG AS
 THE WORK IS IN ACCORDANCE WITH
 THE ACT AND THE REGULATIONS,
 AND THE DRAWING IS NOT
 ALTERED IN ANY MANNER
 WITHOUT THE WRITTEN
 CONSENT OF THE ARCHITECT.
 GO ON TO PAGE TWO

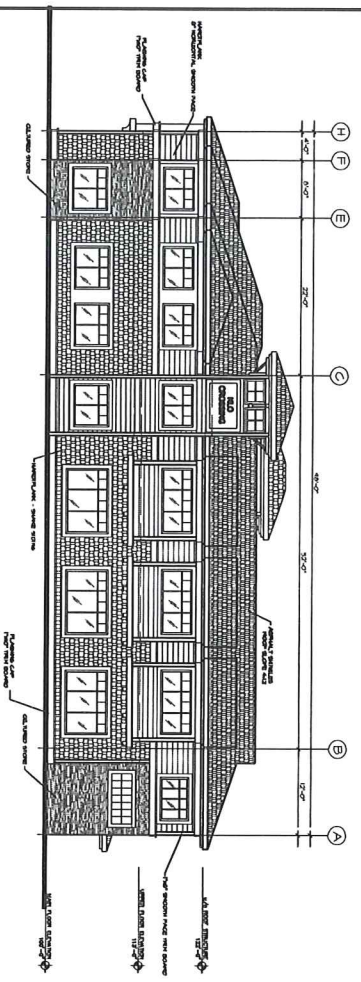
DATE OF EXAMINATION AND SIGNATURE
 ARCHITECT
 KAMALKA CHARLES WILLS
 101110
 EMAIL: kwill@kamalka.net

NEEDHAMPORT CONSTRUCTION
 11759 ALLOTT ROAD
 HEDDERSLEY, N.C.
 597-2309
 597-2309
 BELLEVILLE, N.C.
 TEL: 252-572-2044

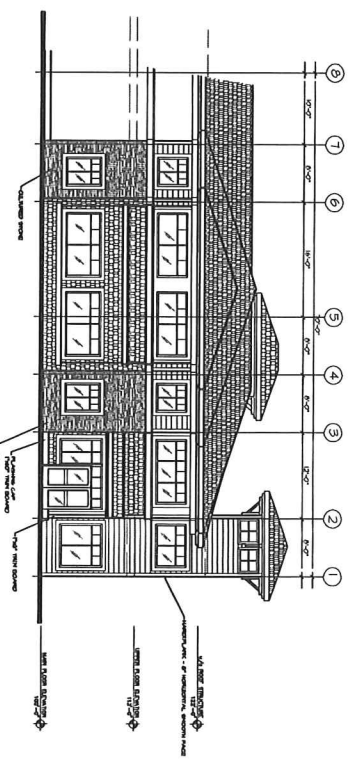
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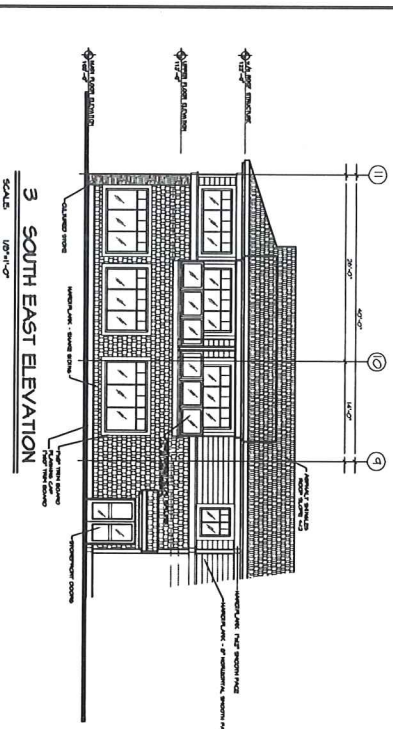
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 Drawing: 02.17.BH



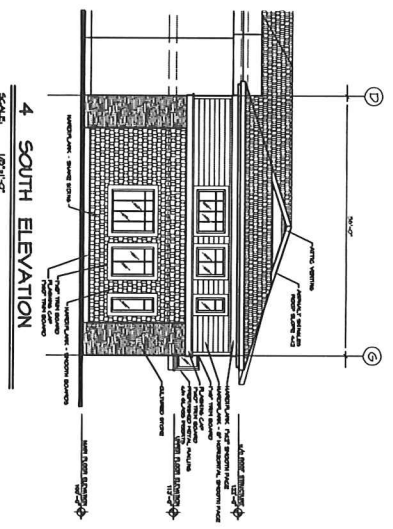
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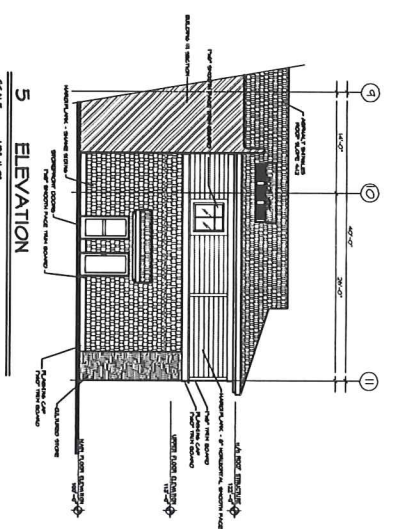
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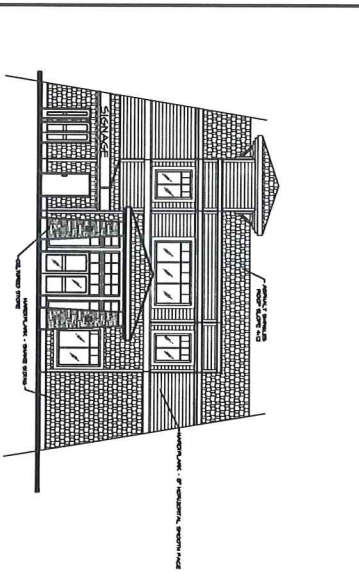
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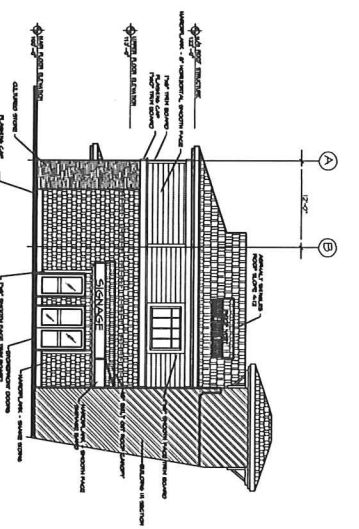
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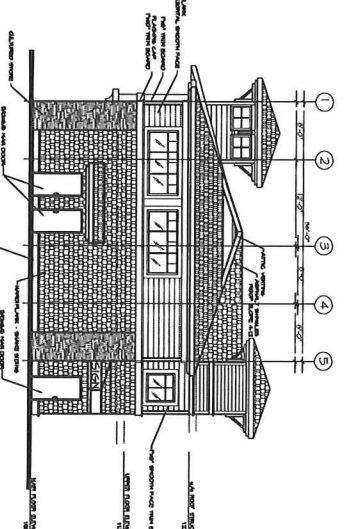
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SCALE 1/8\"/>



6 WEST ELEVATION
SCALE 1/8\"/>



7 NORTH EAST ELEVATION
SCALE 1/8\"/>



8 WEST ELEVATION
SCALE 1/8\"/>

ISSUED FOR
DEVELOPMENT PERMIT
NOT FOR
CONSTRUCTION

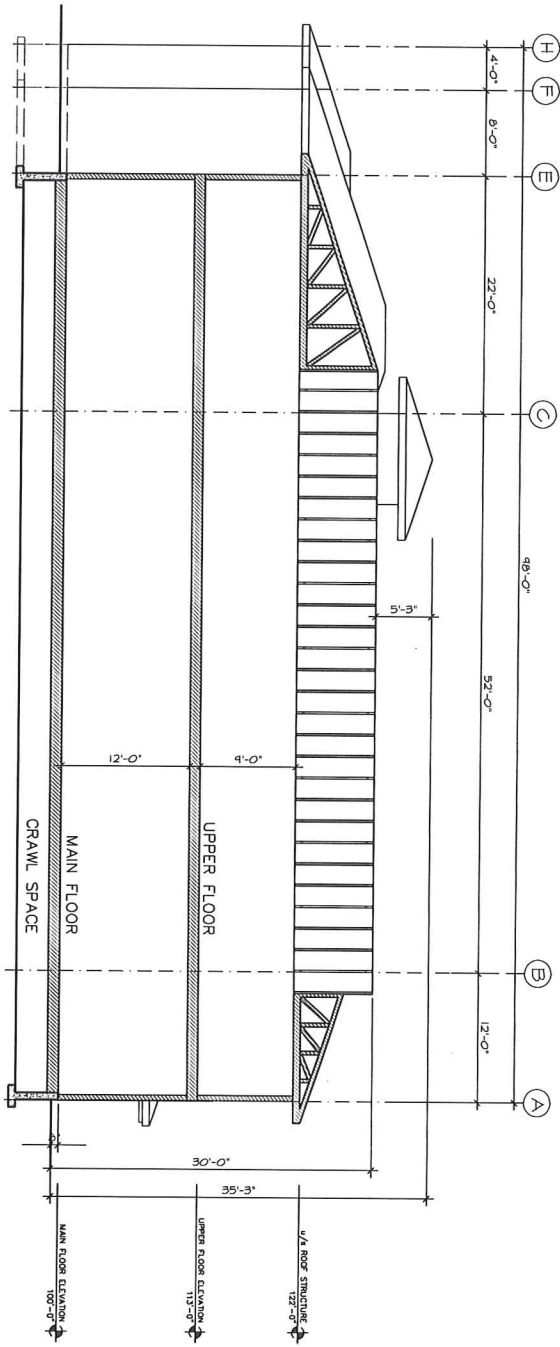
FORWORTH CONSULTING
225 DUNDAS STREET WEST
SUITE 1000
TORONTO, ONTARIO M5G 1C2
TEL: (416) 929-8800
WWW.FORWORTHCONSULTING.COM

KARAKATVA
ARCHITECTURE LTD.
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V1T 8N7 (250) 566-1466
email: info@karakatva.com

G. B. EMBLETON & ASSOC. LTD.
REGISTERED PROFESSIONAL ARCHITECTS
1100 WESTERN AVENUE
SUITE 1000
VANCOUVER, B.C. V6E 2E6
TEL: (604) 681-2222
WWW.GEMBLETON.COM

DATE: 11/20/2014
PROJECT: 1100 WESTERN AVENUE
DRAWING NO.: 1100-01-02-01
SCALE: 1/8\"/>

NO.	REVISION	DATE
3		
4		



TYPICAL BUILDING CROSS SECTION

SCALE: 3/16"=1'-0"

ISSUED FOR
DEVELOPMENT PERMIT
NOT FOR
CONSTRUCTION

FORWARD BY: **KARAWAKA**
ARCHITECTURE LTD
CHATELAIN'S WILLS
M.A. B.
VIBRON, B.C.
PHONE: (250) 561-1466
email: kinfo@karawaka.ca

G.E. BOUTLIN & ASSOC. LTD.
REGISTERED ARCHITECTS
NEW BRUNSWICK
1100 RIVERVIEW BLVD. #100
DALL. Parkside/Highway 98
HELDON, B.C.
PERMITTING: ARCHITECTS
REGISTERED PROFESSIONALS
HELDON, B.C.
PH: 250-762-0244

DATE: 2/18/11-07
DATE: **APR 8 2011**
DRAWN: DE / EL
CHECKED:
DATE:
NO. 4 of 4
DRAWING NO.
PROJECT NO.
JOB NO.

NO.	REVISION	DATE

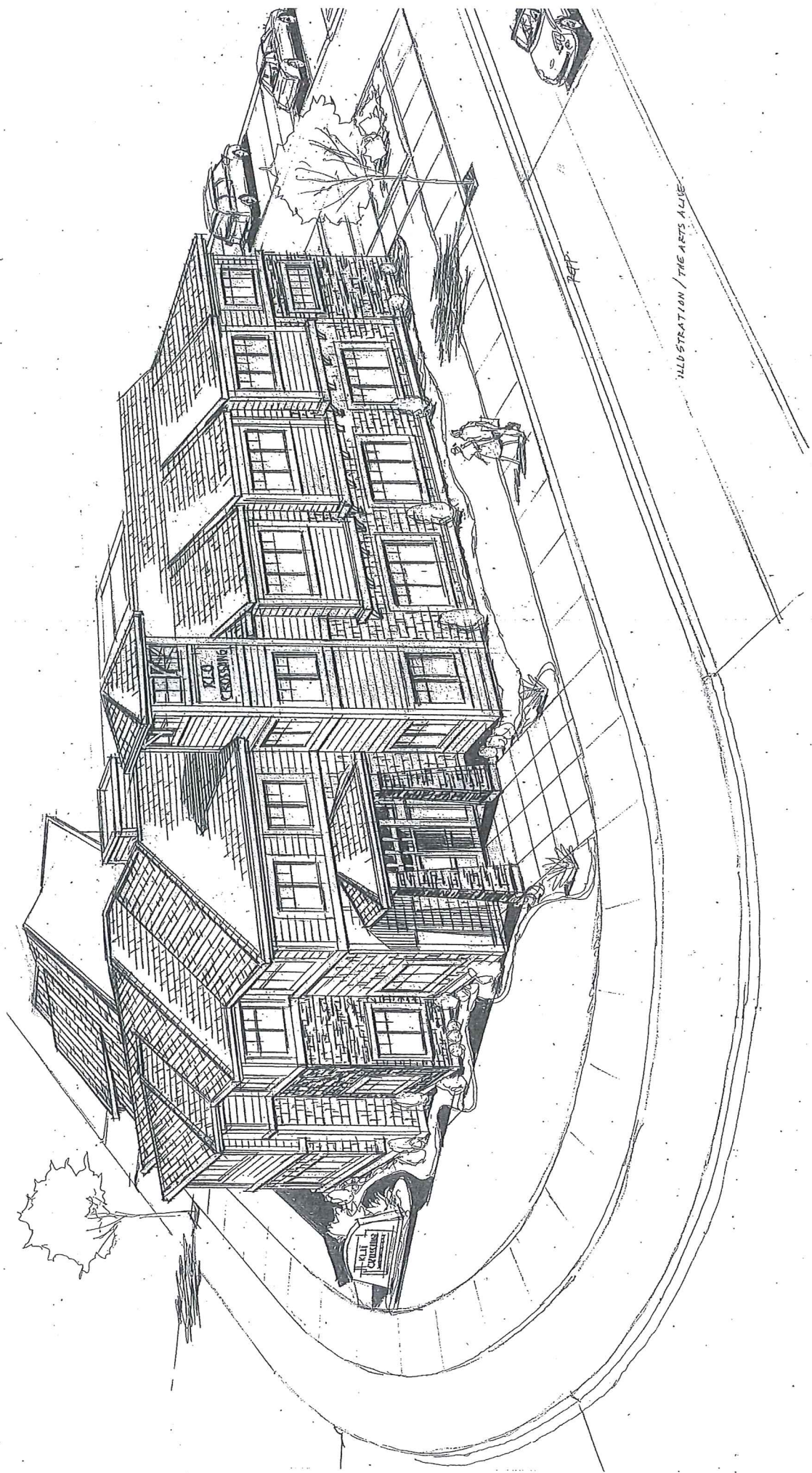


ILLUSTRATION / THE ARTS ALIVE

EXTERIOR COLOUR SCHEME

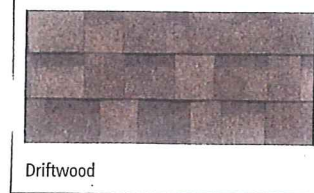
PROJECT:

PROPOSED COMMERCIAL COMPLEX

1789 KLO ROAD
KELOWNA, B.C.

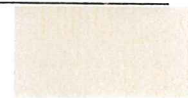
ROOFING:

ASPHALT SHINGLES IKO / 30 YEAR - COLOUR DRIFTWOOD



DOWNSPOUTS
SOFFITS

JAMES HARDIE - MOUNTAIN SAGE (JH50-30)
JAMES HARDIE - NAVAJO BIEGE (JH 30-10)



TRIM:

BALCONY TRIM
WINDOW TRIM
FLOOR LINE TRIM
GABLE ROOF TRIM

{ JAMES HARDIE - MOUNTAIN SAGE (JH50-30)



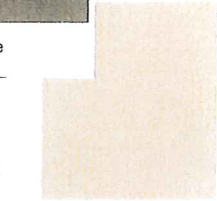
WINDOWS:

WINDOWS

GIENOW WINDOWS
MAINTAINANCE FREE VINYL - WHITE
CRISTAL TEMPADO



BALCONY GLASS

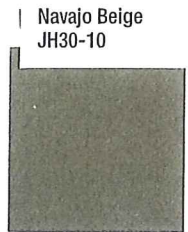
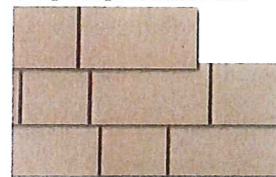


WALLS:

UPPER ELEVATION

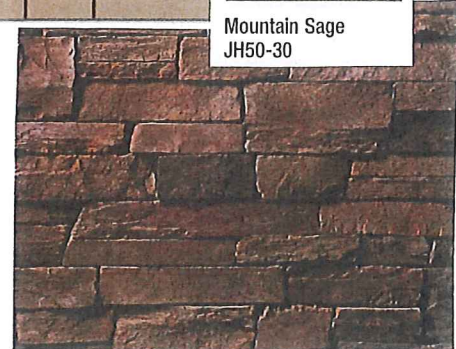
HARDIEPLANK PANEL
NAVAJO BIEGE (JH 30-10)

Straight-edge Notched Panel



LOWER ELEVATION

HARDIEPLANK SHINGLE
STRAIGHT -EDGE NOTCHED PANEL
COLOR MOUNTAIN SAGE (JH 50-30)



STONework:

CULTURED STONE BY
OWENS CORNING MASONRY PRODUCTS
SHALE COUNTRY LEDGESTONE
(CSV - 20044)

EXTERIOR COLOUR SCHEME

G.B. EMBLETON & ASSOCIATES LTD.

k a l a m a l k a

post office box 1357, vernon, b c, canada v1t 6n7. ph+fax (250) 549-1466, email: kaltd@telus.net

a r c h i t e c t u r e i t d

12 April 2011

Planning Department
City Hall
1435 Water Street
Kelowna, B C V1Y 1J4

Attention: Ms Birte Decloux

Re: Proposed New Commercial / Residential Building at 1789 KLO Rd
at Benvoulin Road, Kelowna – Lot 1, PL 81362 ODYD.

The following is a brief general outline of the subject project. The proposed building is located at the southwest corner of KLO and Benvoulin Roads. The 2,482 sm property is essentially flat, vacant, and in an existing transitional area between primarily residential development southwards and commercial across KLO Road northwards. The land is currently zoned C2 Neighbourhood Commercial within which zoning it is intended to be developed.

The 551 sm ground floor is intended to be used as leasable mercantile space, with the second storey being a combination of office commercial space and two one-bedroom residential units which should, by their presence, provide a degree of security for the development. The structure is proposed to be sited close to the KLO and Benvoulin setback lines with the balance of the property to be devoted to landscaping, required parking and other service elements. Entry to the air conditioned building will be from KLO and Benvoulin with the main, drive-by entry to be from the parking area at the southwest face of the project, where most of the foot traffic is expected to emanate, and be embraced by the shape of the façade.

The character of the building in form, detail, texture and colour is intended to be compatible with the existing neighbouring residential development, but with enough of a commercial 'feel' to identify its primary commercial usage. To achieve this end, we are proposing to use hardiboard paneling and siding in warm, earthtone colours. The

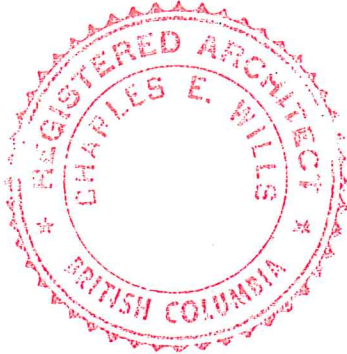
fenestration will have a somewhat traditional residential look rather than the normal, hard aluminum storefront appearance, especially pertinent on the ground floor. The 4:12 sloped hip style roof form is to be finished with asphalt shingles.

I trust this brief outline will supplement the accompanying drawings, satisfactorily. If you have any questions, please contact us.

Yours truly,



Charles E Wills MAIBC*
Architect.



cc. Gary Embleton
gbembleton@shaw.ca

CITY OF KELOWNA
MEMORANDUM

Date: June 6, 2011
File No.: DP11-0064 DVP11-0065
To: Planning & Development Services Department (BD)
From: Development Engineering Manager
Subject: 1789 KLO Road at Benvoulin Rd Plan 81362 Lot 1 Commercial Residential

Development Engineering has the following requirements associated with this development 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 developer's consulting mechanical engineer will determine the hydraulic and fire flow requirements of the proposed development and establish the service needs. Decommissioning of two existing small diameter services at the main and the installation of one larger service will be at the applicant's cost. The estimated cost of this work for bonding purposes is **\$30,000.00**
- (b) A water meter is mandatory for this development and must be installed inside the building 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.

2. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the servicing requirements of this proposed development and establish the service needs.
- (b) A new 100mm diameter sanitary sewer service was provided to this development site from a sanitary sewer main on KLO Road. Should a larger service be required, the applicant, at his cost, will arrange for the installation of one new larger service, as well as the capping of the existing unused service at the main. Only one service will be permitted for this development. . If it is determined by the consultant that upgrades to the existing sanitary sewer service must be made, additional bonding will be required.

3. Storm Drainage

- (a) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.
- (b) Provide a lot grading plan identifying the proposed on-site drainage works.

4. Road Improvements

- (a) KLO Road and Benvoulin Road fronting this development have been urbanized. Protect existing sidewalks and streetscapes during construction. Replacement of damaged works will be at the developer's expense. The extent of the restoration works will be determined by the City Engineer once building construction is completed.
- (b) Access driveway modifications on KLO Road and the construction of a new access to Benvoulin Road will be at the applicant's cost. This work will require curb, gutter, ramp removal and replacement. The work must be constructed to City of Kelowna Standards and must match the existing surface treatment and workmanship. The re-location and adjustment of existing appurtenances will also be required to accommodate this construction.

The estimated cost of this construction for bonding purposes is **\$ 26,000.00**

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Grant Statutory Rights Of Way if required for utility services.
- (b) Easement over the existing piped irrigation main.

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 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 drainage collection and disposal systems and lot grading, 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 Report

As a requirement of this application and / or prior to issue of a building permit, the applicant must provide a modified geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (i) Area ground water characteristics.
- (ii) Site suitability for development; i.e. unstable soils, etc.
- (iii) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyze soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (iv) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (v) Recommendations for roof drains and perimeter drains.

9. Development Permit and Site Related Issues

- (a) Access to the new development will be restricted to right turns only because of the proximity to the signalized intersection of two major arterial roadways.
 - (i) A raised center median must be constructed on KLO Road to regulate all access to right turns only.
 - (ii) The development at 1792 KLO Road will be responsible for extending the existing KLO raised median west, 4 meters beyond its property boundary line.
 - (iii) This applicant will be required to extend the raised center median further west, 2 meters beyond the westerly property line of the development site.
 - (iv) The proposed Benvoulin Road access will also be restricted to right turns only by a raised median.
 - (v) The estimated cost of this construction for bonding purposes is **12,000.00**
- (b) Register a utility easement for the new irrigation pipe crossing the subject property. Ensure that the building footprint does not encroach onto the easement.
- (c) The application to vary the minimum landscape buffer width from 3.0 m to 1.5 m along the south and west property lines to accommodate the proposed parking and landscaping plan, does not compromise our servicing requirements.

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. Bonding and Levy Summary

(a) Bonding

Access driveway modifications	\$26,000.00
Raised medians	\$12,000.00
Service Upgrades	\$30,000.00

Total Bonding **\$68,000.00**

(b) Cash Levy

Sewer Connection Charge, Area No 25 (Chamberlain)
Charge = \$13,300 per SFE

Commercial area charge = $8,006 / 2600 = 3.079$ SFE
Residential 2 units x 0.6 = 1.20 SFE

Total SFE = $4.279 \times \$13,300$ **\$56,910.70**

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated to include engineering design and contingency protection. 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.

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 **\$1,757.28** (\$1,569.00 + 188.28 HST)

JF/jf

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No. : DP11-0064 & DVP11-0065

EXISTING ZONING DESIGNATION:	C2 Neighbourhood Commercial
WITHIN DEVELOPMENT PERMIT AREA:	Commercial

ISSUED TO: 0797838 B.C. Ltd (Serani Brothers Contractors)
LOCATION OF SUBJECT SITE: 1789 KLO Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	1	131	KAP81362			ODYD

SCOPE OF APPROVAL

- This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the Applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the Applicant or City staff.

1. TERMS AND CONDITIONS:

AND THAT Council authorize the issuance of Development Permit No. DP11-0064 for the property to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
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 THAT Development Variance Permit No. DVP07-0234 for the property be rescinded by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP11-0065 for the property;

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

Table 7.1 Minimum Landscape Buffer Treatment Levels Schedule and Section 7.6.1(c) Minimum Landscape Buffers:

To vary the required buffer for the south and west property lines from 3.0m required to 1.2m proposed.

Section 8.1.10 (d) Location of parking for non-residential classes:

To vary the required location of the side or rear property line abutting residential zones from 1.5m required to 1.2m proposed.

AND FURTHER THAT the applicant be required to complete the requirements of the Development Engineering Branch within 180 days of Council approval of the Development Permit and the Development Variance Permit Application, in order for the permits to be issued.

2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

3. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ n/a .
- (b) A Certified Cheque in the amount of \$ n/a .
- (c) An Irrevocable Letter of Credit in the amount of \$ n/a .

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY COUNCIL ON THE ___th DAY OF JUNE, 2011.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ___TH DAY OF JUNE 2011.

Shelley Gambacort
Director of Land Use Management