

# Memo



Date: August 31, 2011

To: City Manager

From: Land Use Management, Community Sustainability (AW)

Application: OCP11-0004 / Z11-0034      Owner: Simple Pursuits Inc., Inc. No. BC0449611

Address: 565, 591, 615, 641, Osprey Ave.      Applicant: Worman Commercial  
564, 594, 616, 636 Raymer Ave.

Subject: OCP Amendment & Rezoning - Supplemental Report

Existing OCP Designation: Multiple Unit Residential - Medium Density

Proposed OCP Designation: Commercial

Existing Zone: RU6 - Two Dwelling Housing

Proposed Zone: C4 - Urban Centre Commercial

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## 1.0 Recommendation

THAT Resolution R820/11/08/22 be rescinded;

AND THAT OCP Bylaw Amendment No. OCP11-0004 to amend Map 4.1 of the *Kelowna 2030* - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 35, D.L. 14, ODYD, Plan 3769, located at 564 Raymer Avenue, Lot 34, D.L. 14, ODYD, Plan 3769, located at 594 Raymer Avenue, Lot 33, D.L. 14, ODYD, Plan 3769, located at 616 Raymer Avenue, Lot 32, D.L. 14, ODYD, Plan 3769, located at 636 Raymer Avenue, Lot 27, D.L. 14, ODYD, Plan 3769, located at 641 Osprey Avenue, Lot 26, D.L. 14, ODYD, Plan 3769, located at 615 Osprey Avenue, Lot 25, D.L. 14, ODYD, Plan 3769, located at 591 Osprey Avenue, Lot 24, D.L. 14, ODYD, Plan 3769, located at 565 Osprey Avenue, Kelowna, B.C. from the Multiple Unit Residential - Medium Density designation to the Commercial designation, as shown on Map "A" attached to the report of the Land Use Management Department, dated July 29, 2011, be considered by Council;

AND THAT Council considers the APC public process to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Land Use Management Department dated July 29, 2011;

AND THAT Rezoning Application No. Z11-0034 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 35, D.L. 14, ODYD, Plan 3769, located at 564 Raymer Avenue, Lot 34, D.L. 14, ODYD, Plan 3769, located at 594 Raymer Avenue, Lot 33, D.L. 14, ODYD, Plan 3769, located at 616 Raymer Avenue, Lot 32, D.L. 14, ODYD, Plan 3769, located at 636 Raymer Avenue, Lot 27, D.L. 14, ODYD, Plan 3769, located at 641 Osprey Avenue, Lot 26, D.L. 14, ODYD, Plan 3769, located at 615 Osprey Avenue, Lot 25, D.L. 14, ODYD, Plan 3769, located at 591 Osprey Avenue, Lot 24, D.L. 14, ODYD, Plan 3769, located at 565 Osprey Avenue, Kelowna, B.C. from RU6 - Two Dwelling Housing to the C4 - Urban Centre Commercial Zone be considered by Council;

A handwritten signature in blue ink, located in the bottom right corner of the page.

AND THAT the OCP Bylaw Amendment No. OCP11-0004 bylaw and the zone amending bylaw be forwarded to a Public Hearing for further consideration

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Fire Department, Development Engineering Branch and Fortis BC being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a plan of subdivision to consolidate the properties as proposed;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the lane closure and the registration of Statutory Right of Ways for Public Utilities and Public Access;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to a 15m road dedication for the Tutt Street link between Osprey and Raymer Avenues;

## **2.0 Purpose**

To amend the Official Community Plan future land use designation from "Multiple Unit Residential - Medium Density" to "Commercial" for the subject properties. To rezone the subject properties from RU6 - Two Dwelling Housing to C4 - Urban Centre Commercial in order to permit the construction of the 4 commercial building phased development project.

## **3.0 Background**

After the August 21, 2011 Council meeting the applicant met with Staff to discuss the proposed development's direction. From this discussion the applicant has requested that the 4 lots closest to Richter Street be removed from the application. This change will result in a reduction in the number of proposed commercial buildings from a total of six to four. The applicant will be reconsidering how to best move forward with the excluded properties at a later date.

## **4.0 Land Use Management**

The subject properties are located within the Pandosy Town Centre and the applicant's land assembly efforts will allow for a coordinated approach to the redevelopment of this area. While the applicant has applied for a comprehensive development of the subject properties, four separate lots and commercial developments will be phased over time as part of this development. Staff acknowledge that this land assembly is a significant undertaking, and while expanding the commercial designation east of the Tutt Street extension was not envisioned within the OCP, it is recognized that reducing the scale of the commercial expansion is more consistent. Notably, allowing commercial development east of the Tutt Street extension will physically enable the dedication and construction of this important pedestrian and vehicular connection. Upon completion of this phase, the applicant will revisit market conditions to develop the four properties closest to Richter Street and it will be encouraged for them to be considered for residential or a mixed use project that will complement the adjacent park and



school site to contribute to the goal of providing a ‘complete community’ in the South Pandosy Town Centre.

**5.0 Proposal**

**5.1 Project Description**

The applicant is proposing to develop the subject property with a series of 4 four-storey commercial buildings. Each building will be located on a separate property so that the development can be phased. The required parking is located at grade and each lot will meet its individual parking needs. The applicant has indicated that their intended mix of tenants will not require a loading space and has applied to reduce the required loading stalls for each site from 1 space required to 0 provided.

As part of the infrastructure requirements a vehicular and pedestrian link connecting Tutt Street from Osprey to Raymer Avenue will be provided. A detailed design will include streetscaping and a different roadway treatment that will act as a gateway for people entering the South Pandosy Town Centre from this location. The landscape plan shows that a number of street trees will be added to the area while a few additional trees have been applied to help provide shade to the surface parking areas. The applicant will be providing wider sidewalks with a similar treatment to that found within the existing South Pandosy commercial area which will occur within the City’s existing road right of way. The surface parking will be framed by the proposed buildings and the multiple access points onto Raymer and Osprey Avenues will provide access to the development.

The application compares with the requirements of Zoning Bylaw No. 8000 for each of the 4 proposed buildings as follows:

Zoning Bylaw No. 8000		
Criteria	Proposed	C4 Zone Requirements
<b>Development Regulations</b>		
Floor Area Ratio (FAR)	1.0	1.0
Site Coverage (buildings)	31%	75%
Height	15m / 4 storeys	15m / 4 storeys
Front yard - Entire Site	0.0m	0.0m
Side yard (W) - Entire Site	19.5m	2.0m
Side Yard (E) - Entire Site	4.38m	0.0m
Rear yard - Entire Site	7.6m	0.0m

Other Regulations		
Vehicle Parking (per bldg.)	24 stalls	23 stalls
Bicycle Parking	Class I: 3 Class II: 7	Class I: 3 Class II: 7
Loading stalls	0 stalls*	6 stalls

\* Variance Required

**6.0 Current Development Policies**

Staff recommends that the APC public process should be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, and that the process is sufficiently early

and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan is not required in this case.

Staff have reviewed this application and it may move forward without affecting either the City's financial plan or waste management plan.

## 7.0 Technical Comments

### 7.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- 2) Signage areas for the commercial spaces are to be defined on the Development Permit (areas allowed)
- 3) Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building. A 2nd exit may be required from all of the ground floor units depending on floor layout and if the building is protected by a sprinkler system or not. Spatial calculations to support the unprotected openings between building 3 & 4 and buildings 5 & 6 are required along with confirmation if the buildings are sprinklered or not. Guard rails are required for the upper floor decks along with confirmation of occupant load of the decks and confirmation of travel distances to exit from the deck.
- 4) Minimum width of the public corridor is required on ground floor level and confirmed at time of building permit application.
- 5) Awnings over city property require an indemnification agreement(s).
- 6) Full Plan check for Building Code related issues will be done at time of Building Permit applications

### 7.2 Development Engineering Department

See Attached.

### 7.3 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. The fire hydrants are to be within 45M of the fire department connection. A Fire Safety Plan as per section 2.8 of the BCFC is required. Additional comments will be required at the Building Permit application.

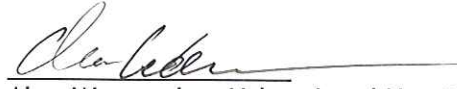
### 6.4 Fortis BC

FBC requires that the developer bears the cost of salvage of the existing overhead wire if it is no longer required. If the overhead service is to remain, right of way for these facilities is required by FortisBC. Right of way is required for the existing street lighting impacted by the development. Of additional note is that the four properties at the west end of the development require electrical servicing at the developer's cost should their service be impacted by the development.

Of additional note is that the location of the overhead 138 kilovolt transmission facilities relative to the proposed buildings must be addressed. Appropriate clearances between the proposed buildings and associated facilities and overhead electrical conductors must be maintained. FortisBC must complete a technical review once the proposed plans for the building locations and associated facilities are in place in order to address safety and operation considerations as to the transmission facilities.

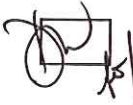


Report prepared by:



Alec Warrender, Urban Land Use Planner

Reviewed by:



Shelley Gambacort Director, Land Use Management

Approved for inclusion:



J. Paterson General Manager, Community Sustainability

**Attachments:**

Subject Property Map

Site Plan

Schematic Rendering

Landscape Plan

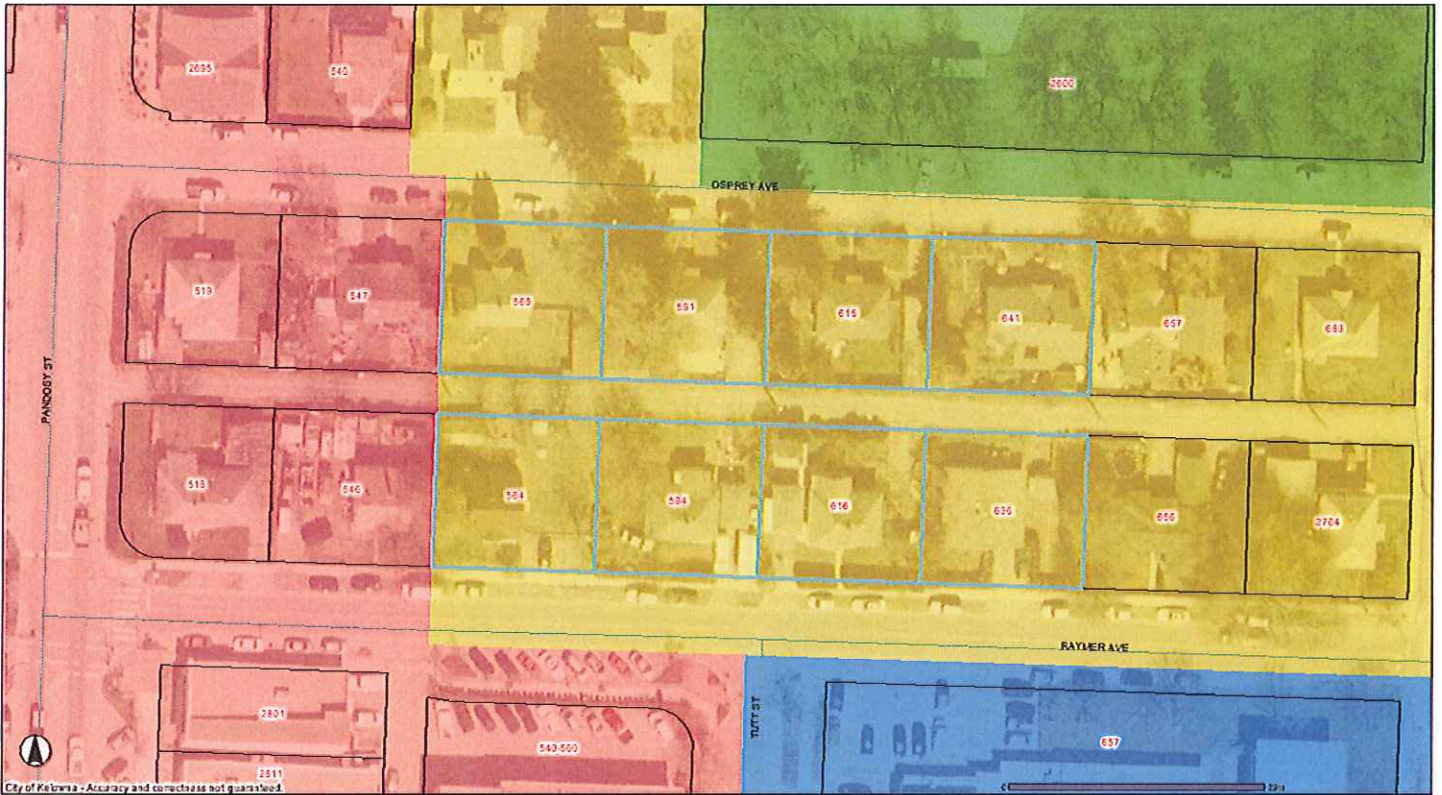
Development Engineering Requirements







# MAP "A"



**Subject Property to have Future Land Use designation changed from "MUTIPLE UNIT RESIDENTIAL – MEDIUM DENSITY" to "COMMERCIAL"**











OSPREY/RAYMIER REDEVELOPMENT | Kelowna, BC

Worman Homes | Worman Commercial



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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** June 29, 2011  
**File No.:** Z11-0034 OCP11-0004  
**To:** Land Use Management (AW)  
**From:** Development Engineering Manager (SM)  
**Subject:** Z11-0034 / OCP11-0004  
Proposed 4-6 story Commercial  
565, 591, 615, 641, 657, 683 Osprey Ave / 2764 Richter St. / 656, 636, 616, 594,  
564 Raymer Ave. Lots 24 -35 Plan 3769

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The Works & Utilities Department have the following comments and requirements associated with this application to amend the OCP and to rezone from RU-6 to C4. 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 Derek Corning E.I.T.

1. General

- a) Provide a lot consolidation plan for review.
- b) The postal authorities must be contacted to determine whether or not a "community mailbox" will be utilized, and if so, its location should be determined and the proposed location shown on the construction plans. Please contact the Canadian Post Corporation, Delivery Services, P.O. Box 2110, Vancouver, B.C. V6B 4Z3 (604) 662-1381 in this regard.
- c) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- d) Land transactions must be arranged through the City's Real Estate and Building Services department. Contact Jordan Hettinga, the City's REBS Manager, to make arrangements.
- e) The developer must obtain the necessary permits and have all existing utility services disconnected prior to moving existing houses.
- f) Access is not permitted onto Richter St.
- g) If the existing lane remains public, 7.6m of width is required for the commercial area.

## 2. Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- iii) Recommendations for items that should be included in a Restrictive Covenant.
- iv) Any items required in other sections of this document.
- v) Recommendations for roof drains and perimeter drains.
- vi) Recommendations for construction of detention or infiltration ponds if applicable.

## 3. Domestic Water and Fire Protection

- (a) The developer's consulting engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The existing 100mm Cast Iron water-main on Osprey Avenue is substandard. The applicant is responsible for removal and replacement of this section of main. Once the fire flow requirement is known the City can model the water main to determine the required pipe replacement diameter.



If it is determined that upgrades to any other existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.

- (b) The existing twelve lots are serviced with small -diameter copper water services. Only one service will be permitted per lot. The applicant, at his cost, will arrange for the removal of all existing services and the installation of one new larger metered water service per lot.
- (c) 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. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.
- (d) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.
- (e) The applicant is to confirm with the City of Kelowna water division that the supply of domestic water and fire protection is achievable in accordance with the City standards for the proposed development.

#### 4. Sanitary Sewer

- (a) The existing twelve lots are connected with sewer services. The developer's consulting engineer will determine the requirements of the proposed development and establish the service needs. Only one service will be permitted per lot. The applicant, at their cost, will arrange for service and main upgrades as required, as well as the capping of all existing unused services. Any upgrades required will be at the developer's expense.
- (b) The sanitary main existing in the laneway between Osprey Avenue and Raymer Avenue must continue to service the School site. If the lane is incorporated within the development a Utility Right of Way will be required at the applicants cost. If the development proposes to build over the sanitary main, the developer must provide all properties currently being serviced by this main with an alternative service connection.

#### 5. Storm Drainage

- (a) It will be necessary for the developer to construct storm drainage facilities on Osprey Avenue and Richter Street to accommodate road drainage fronting the proposed development.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage system may be connected to an existing or proposed drainage system with an overflow service.

- (c) Provide a lot-grading plan.

## 6. Road Improvements

- (a) Osprey Avenue fronting this development must be upgraded to an urban standard including barrier curb and monolithic sidewalk, piped storm drainage system, fillet pavement, landscaped boulevard complete with underground irrigation system, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading.
- (b) Raymer Avenue fronting this development must be upgraded to an urban standard including barrier curb and monolithic sidewalk, piped storm drainage works, fillet pavement, landscaped boulevard complete with underground irrigation system, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading.
- (c) Richter Street fronting this development must be upgraded to a major arterial standard (SS-R12) including barrier curb and separate sidewalk, piped storm drainage system, pavement widening, landscaped boulevard complete with underground irrigation system, and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading.
- (d) The centre line of the Tutt Street shall be extended through the site to provide 7m of drive aisles. The curb/gutter and sidewalk shall be provided onsite and a SROW for public access must be registered (8m total). As an alternative the standard 15m roadway can be dedicated and constructed.
- (e) Service upgrades will require road cuts and pavement restoration work within City road ways. The work must be approved by the City and constructed to City Standards.
- (f) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- (g) Relocate existing poles and utilities, where necessary.
- (h) Sidewalks on Raymer Avenue and Osprey Avenue must be extended through the Tutt Street Extension to maintain a continuous sidewalk.
- (i) Provide a cost estimate from the Civil Consultant of all the offsite works for review.

## 7. Road Dedication and Subdivision Requirements

- (a) Corner rounding (7m Radius) dedications are required for the North and South East lot corners.
- (b) If the public laneway becomes private a utility Statutory Right of way will be required along the sanitary sewer main alignment.
- (c) If the public lane becomes private a public access easement will be required from the west property line to the future Tutt Street extension.



8. Electric Power and Telecommunication Services and Street Lights

- (a) The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. 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.
- (b) Street lights must be installed on all roads
- (c) Remove aerial trespass(es)

9. 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.

10. Design and Construction

- (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.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- (c) 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).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

11. 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 applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. 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 named on the insurance policy as an additional insured.

12. 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.

13. Bonding and Levy Summary

(a) Bonding (cost estimate to be provided by civil engineer)

Civil Consultant to provide Estimate of all offsite upgrades for review and for bonding purposes

Frontage improvements	
Raymer Avenue	
Osprey Avenue	
Richter Street	
Tutt Street Construction	
Service upgrades	
Water Main Replacement	
<b>Total Bonding</b>	<b>TBD</b>

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 prior to 4<sup>th</sup> reading of the zone amending bylaw.

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 the total off-site construction costs, not including design. 5% GST will be added.

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Steve Muenz, P. Eng.  
 Development Engineering Manager  
 DC