

City of Kelowna Public Hearing AGENDA



Tuesday, February 4, 2014
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after January 21, 2014 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

3.1 Bylaw No. 10899 (TA13-0005) & Bylaw No. 10907 (Z12-0070) - 543 Tungsten Court, Tysen Properties Ltd.

4 - 31

To consider a proposal to rezone the subject property from the RU1 - Large Lot Housing zone to the RU4h - Low Density Cluster Housing (Hillside Area) in order to facilitate the development of four duplexes (8 units) on the subject property. A corresponding Text Amendment is proposed to the RU4 - Low Density Cluster Housing and RU4h - Low Density Cluster Housing (Hillside Area) zones to increase the maximum density for the zones from 15 units per hectare to 17 units per hectare.

3.2 Bylaw No. 10901 (OCP12-0017) & Bylaw No. 10902 (Z12-0069) - 1215 St. Paul Street and 557 & 567 Clement Avenue, Joseph Higgins et al

32 - 51

To amend the Official Community Plan Future Land Use Designation from Multiple Unit Residential – Medium Density to Mixed Use (Residential / Commercial) and to rezone from RU2 – Medium Lot Housing to C7 – Central Business Commercial zone in order to permit the construction of a 4 storey mixed use building.

4. Termination

5. Procedure on each Bylaw Submission

(a) Brief description of the application by City Staff (Land Use Management);

(b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

REPORT TO COUNCIL



Date: December 16, 2013

RIM No. 1250-30

To: City Manager

From: Urban Planning, Community Planning & Real Estate (JM)

Application: Z12-0070, TA13-0005 **Owner:** Tysen Properties Ltd.

Address: 543 Tungsten Court **Applicant:** Bonn, William

Subject: 2014-01-21 Report Z12-0070 TA13-0005 543 Tungsten Ctl

Existing OCP Designation: S2RESH - Single / Two Unit Residential (Hillside)
S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU4h - Low Density Cluster Housing (Hillside Area)

1.0 Recommendation

THAT Rezoning Application No. Z12-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Section 24, Township 28, SDYD, Plan 30848, Except Plan KAP75239, KAP87841 and KAP92925, located on 543 Tungsten Court, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU4h - Low Density Cluster Housing (hillside area) zone, be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA13-0005 to amend City of Kelowna Zoning Bylaw No. 8000 by increasing the maximum density in the RU4 - Low Density Cluster Housing and RU4h - Low Density Cluster Housing (hillside area) zones as outlined in the Report of the Urban Planning Department dated December 16, 2013, be considered by Council;

AND THAT the Text Amendment 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 subsequent to the submission by the applicant of a plan of subdivision;

AND FURTHER 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 consider a proposal to rezone the subject property from the RU1 - Large Lot Housing zone to the RU4h - Low Density Cluster Housing (Hillside Area) in order to facilitate the development of

four duplexes (8 units) on the subject property.

A corresponding Text Amendment is proposed to the RU4 - Low Density Cluster Housing and RU4h - Low Density Cluster Housing (Hillside Area) zones to increase the maximum density for the zones from 15 units per hectare to 17 units per hectare.

3.0 Urban Planning Department

Urban Planning staff are supportive of both the proposed Rezoning and the proposed Text Amendment required to facilitate this development. The merits of each are analyzed separately below:

Rezoning:

The surrounding neighbourhood is composed entirely of fee simple single dwelling housing either in the RU1 or RU2 zones. The proposed development, which consists of four duplexes in a strata format, is a departure from this established development pattern. Nevertheless, the RU4 zone proposed for the site does fall within the S2RES - Single / Two Unit Residential OCP designation for the site. From a housing diversity perspective, providing a variety of housing forms in a neighbourhood (e.g.: single dwelling, duplex) works towards achieving the City's objective of creating complete communities. Higher density housing (i.e.: townhouses, apartments) would not be supported, as there is limited access to services and amenities. However, a mix of low density housing forms with context-sensitive design is generally supported by City policy.

The grade difference between the subject property and adjoining lots should also assist in reducing the impact of the development. Views in the area look northward towards the lake, and those lots whose views could be affected by the proposed development are predominantly located at a slightly higher elevation. This should result in the development having a lower visual impact.

In terms of character, the duplex dwellings are subject to very similar development regulations as are single detached dwellings. In fact, the height regulations for both duplex development and single detached development are identical.

Text Amendment:

In order to achieve a total of eight (8) units on site, a corresponding Text Amendment is necessary. Urban Planning staff are supportive of the text amendment, as it represents a minor increase in density overall. Also, given the limited uptake of the zone of the past several years, this amendment should serve to make the zone a more viable option for developers in the future.

4.0 Proposal

4.1 Background

Proposed Development:

The subject property is the remainder of a larger parcel that was recently subdivided to create 10 new lots, nine (9) of which are zoned for single family development, and one of which is zoned for two dwelling housing development. These lots are all located on the north side of Tungsten Court.

The applicant has conducted Neighbour Consultation in accordance with Council Policy 367. Several neighbours have expressed significant concerns with the proposed development. Principally, these concerns are centered on impact to view, increase in traffic and noise, and

parking. In an effort to address view concerns, the applicant has proposed to lower the roof pitch of the dwellings.

Text Amendment:

The RU4 - Low Density Cluster Housing zone was introduced into the zoning bylaw in 1998 to incentivize a developer to preserve significant features on land by allowing for the clustering of dwellings on a parcel more densely than would normally be permitted. The RU4h - Low Density Cluster Housing (Hillside Area) was introduced in 2004. However, since that time, the zones have been used rarely.

4.2 Project Description

Proposed Development:

The applicant is seeking to develop a total of 4 duplexes (8 units) on the subject property. Three of the four duplexes front onto the south side of Tungsten Court, with a fourth duplex set at the rear of the property. Access for the development is taken via strata driveway from Tungsten Court, which extends through the centre of the proposed units.

The proposed units fronting Tungsten are 2 ½ storeys in height, and the unit at the rear of the parcel is a walk-up rancher. All the units feature a craftsman style of architecture, making use of diverse finishing materials, including horizontal vinyl siding, wood shakes, with stone and wood accents.

A Development Permit to assess the form and character of this hillside development is required and will be executed at a staff level.

4.3 Site Context

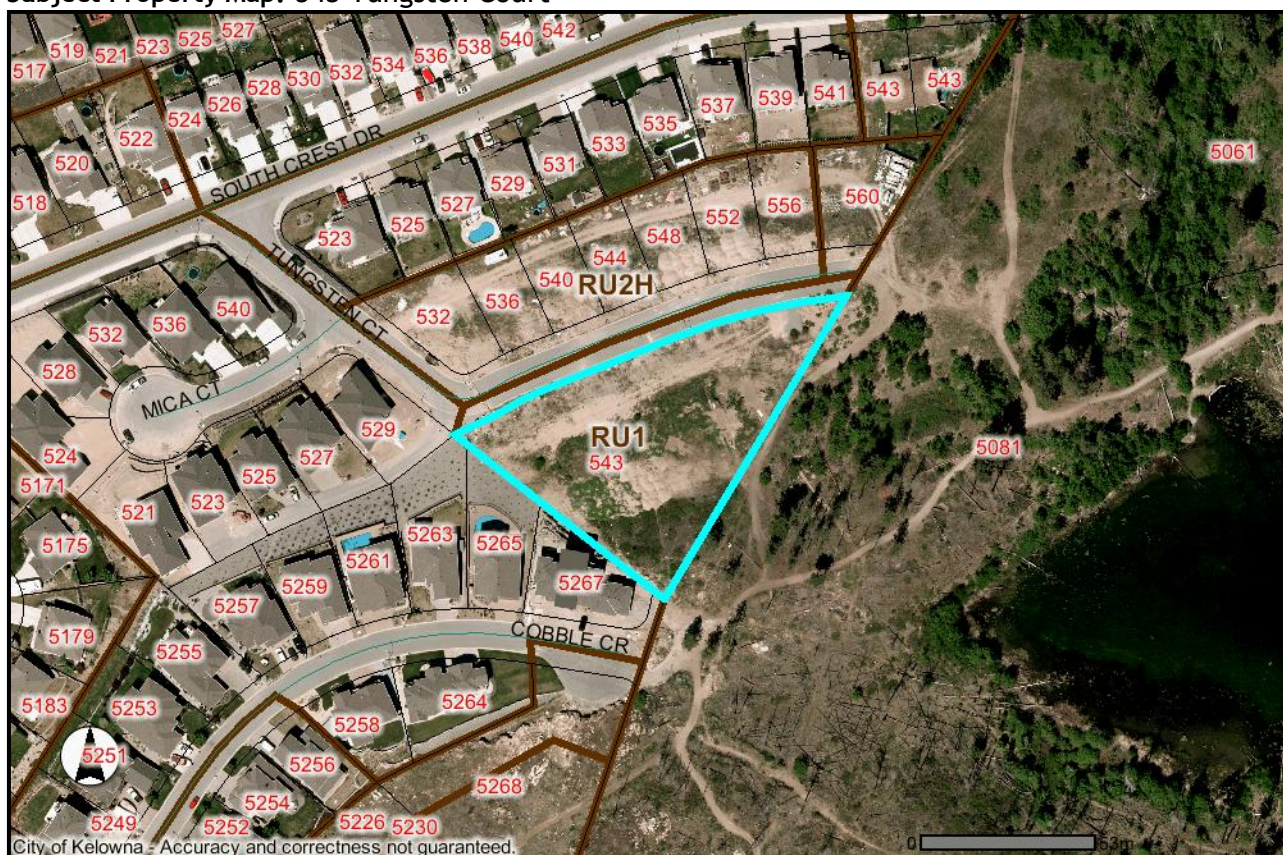
The subject property is situated on the south side of Tungsten Court, and is approximately 0.48ha in area. The high point of the parcel is at the southernmost corner, from which the lot slopes down towards the road by a total of 12m. The parcel does not presently contain any improvements.

The OCP Future Land Use designation for the subject property is a mix of S2RES - Single / Two Unit Residential and S2RESH - Single / Two Unit Residential (Hillside), and the lot is located within the Permanent Growth Boundary.

Surrounding land uses are varied, with single family residential on the north and west sides, and a large, undeveloped parcel containing Fraser Lake to the east. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing RU2h - Medium Lot Housing (hillside area) RU6 - Two Dwelling Housing	Hillside single family residential
Southeast	A1 - Agriculture 1	Undeveloped land / Fraser Lake
Southwest	RU1h - Large Lot Housing (hillside area)	Hillside single family residential

Subject Property Map: 543 Tungsten Court



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU4h ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	6,000 m ²	4,829 m ² ●
Lot Width	40.0 m	Exceeds
Lot Depth	30.0 m	Exceeds
Development Regulations		
Density (units/ha)	15 dwellings/ha	17 dwellings/ha●
Site Coverage	35% for buildings (45% including driveways and parking areas)	23.18%(44.5%)
Height	2 ½ storeys	2 ½ storeys
Front Yard	3.0 m	4.5 m
Side Yard (east)	3.0 m	7.5 m
Side Yard (west)	3.0 m	4.5 m
Rear Yard	4.5 m	exceeds
Other Regulations		
Minimum Parking Requirements	2 stalls per dwelling (incl. 1 per 7 units visitor)	2 x 8 dwellings = 16 stalls + 5 visitor stalls

Bicycle Parking	Class I: 0.5 per dwelling unit Class II: 0.1 per dwelling unit	Class I: 4 Class II: 1
Landscaping	Front: Level 1 Rear: Level 3 Side: Level 3	Front: Level 1 Rear: Level 3 Side: Level 3
<p>● No further subdivision of this land is proposed, so the land may be zoned RU4h without meeting minimum parcel size requirements.</p> <p>● See corresponding Text Amendment TA13-0005.</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Address Housing Needs of All Residents.¹ Address housing needs of all residents by working towards an adequate supply of a variety of housing.

Complete Suburbs 5.2.3.² Support a mix of uses within Kelowna's suburbs (see Map 5.1 - Urban Core Area), in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 - Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context. Building heights in excess of four storeys will not be supported within the suburban areas, unless provided for by zoning existing prior to adoption of OCP Bylaw 10500.

Compact Urban Form.³ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Steep Slopes.⁴ Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

Cluster Housing.⁵ Require new residential development to be in the form of cluster housing on / or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to:

- Protect environmentally sensitive areas of a development site and preserve them on a permanent basis utilizing the most appropriate tools available;
- Facilitate creative and flexible site design that is sensitive to the land's natural features and adaptive to the natural topography;

¹ City of Kelowna Official Community Plan, Chapter 1 (Introduction), Goals for a Sustainable Future, Goal 2.

² City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.15.12 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Policy 5.22.1 (Development Process Chapter).

- c. Decrease or minimize non-point source (i.e. asphalt roofs, driveways and parking) pollution impacts by reducing the amount of impervious surfaces in site development;
- d. Promote overall cost savings on infrastructure installation and maintenance; and
- e. Provide opportunities for social interaction, walking and hiking in open space areas.

Sensitive Infill.⁶ Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

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

6.2 Development Engineering Department

See Memorandum from Development Engineering, dated January 9, 2013.

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 60 ltr/sec flow.

6.4 Telus

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

6.5 Shaw Cable

Owner/developer to install an underground conduit system.

7.0 Application Chronology

Date of Application Received:	December 4, 2012
Application placed on hold pending Subdivison:	December 4, 2012
Subdivision Completed:	April 9, 2013
Neighbour Consultation:	Initial mail-out in September, 2013, with onsite meeting on October 28, 2013
Additional Information Received:	December 5, 2013

⁶ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

Report prepared by:

James Moore, Land Use Planner

Reviewed by:



Ryan Smith, Urban Planning Manager

Approved for Inclusion:



D. Gilchrist, Div. Director, Community Planning & Real Estate

Attachments:

Subject Property Map

Subdivision Plan

Site Plan

Floor Plans

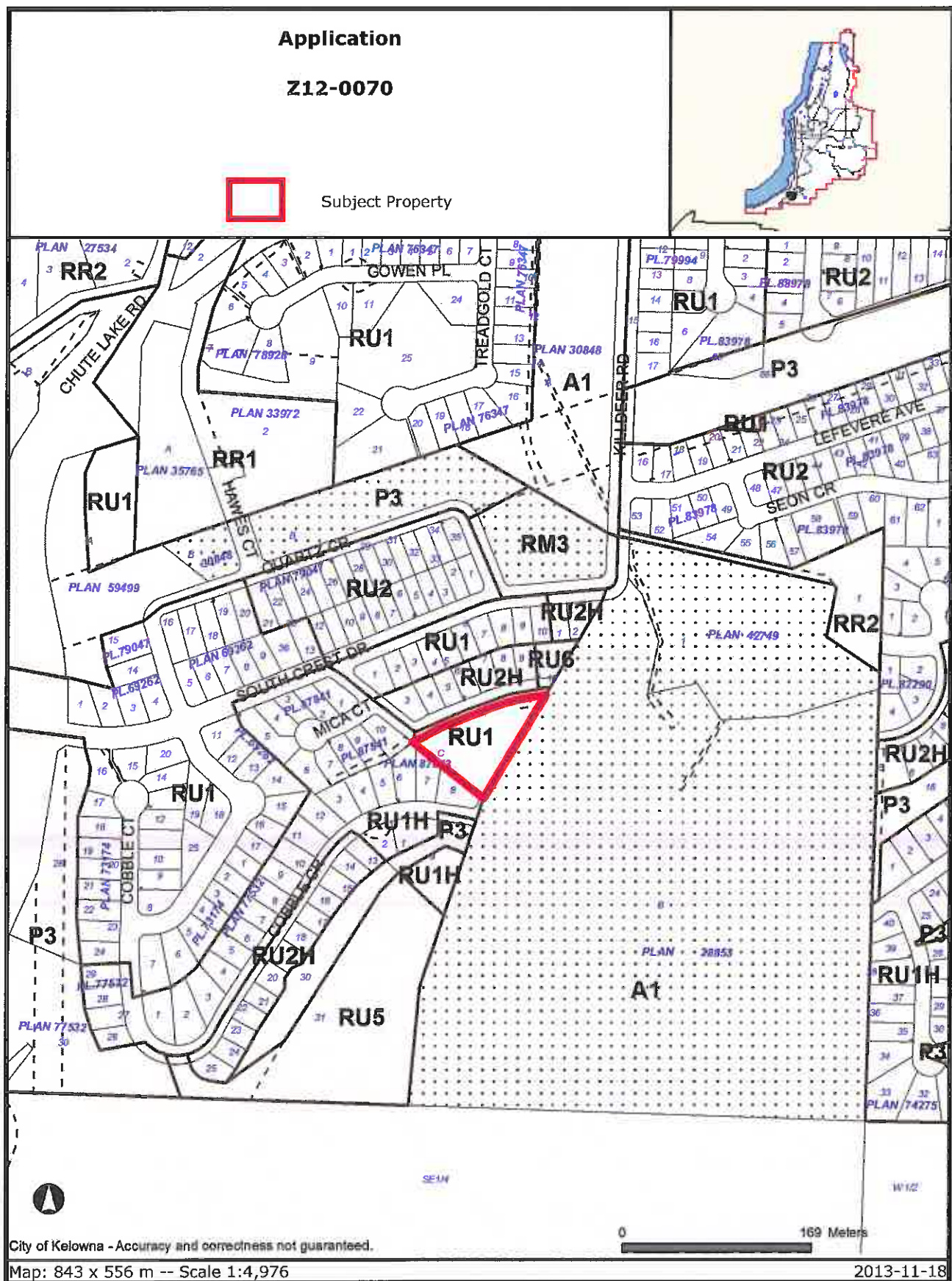
Conceptual Elevations

Conceptual Rendering

Conceptual Cross-Sections

Context/Site Photo

Development Engineering Memorandum, dated January 9, 2013.



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.

TO PROVIDE OUR CLIENTS WITH
CREATIVE AND ATTRACTIVE DESIGN
IT HAS BEEN NECESSARY IN SOME
CIRCUMSTANCES TO USE BEAM SIZES AND
TEMPERATURE DETAILS NOT SPECIFIED IN
THE CURRENT CANADIAN ROADSIDE
BUILDING STANDARDS.

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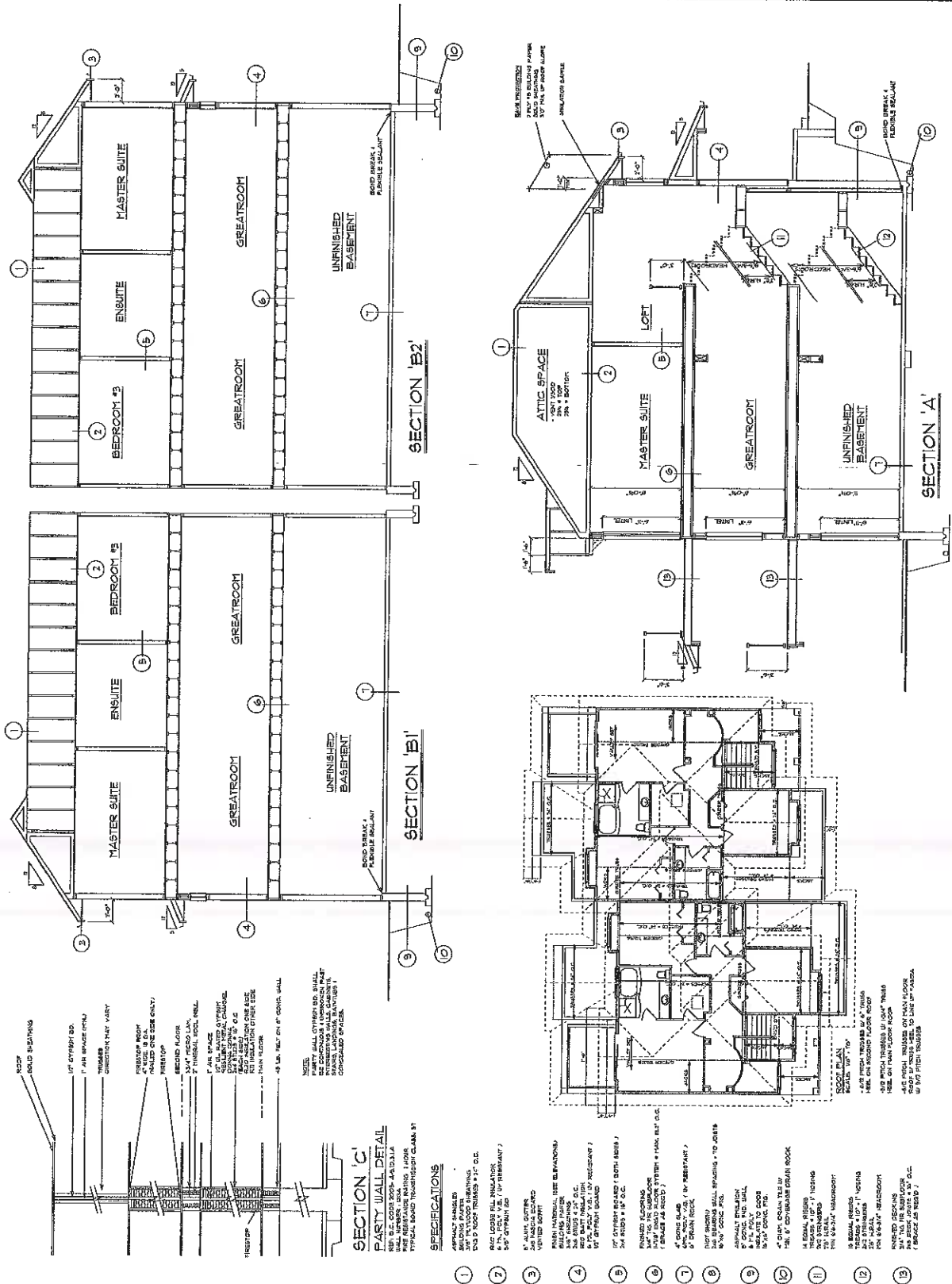




ILLUSTRATION / THE ARTS ABOVE



ILLUSTRATION / THE ARTS ALIVE

Z12-0070 - Context / Site Photo

543 Tungsten Court



View of subject property from Tungsten Court looking southeast.

CITY OF KELOWNA
MEMORANDUM

Date: January 9, 2013
File No.: Z12-0070

To: Land Use Management Department (BD)

From: Development Engineering Manager (SM)

Subject: 543 South Crest Dr. Horn Crescent Lot C Plan 30848 Proposed RU4H

Development Engineering has the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this application.

1. Domestic Water and Fire Protection

- (a) The developer's consulting civil engineer will determine the domestic and fire protection requirements of this proposed zone and establish hydrant requirements and service needs.
- (b) The subject property is currently pre-serviced with six small diameter water services. Only one service will be permitted for this lot. The applicant, at his cost, will arrange for the disconnection of all existing services at the main and the installation of a larger metered service. The estimated cost of this construction for bonding purposes is **\$40,000.00**

2. Sanitary Sewer

- (a) Our records indicate that the subject property is connected with six small diameter sewer services. Only one service will be permitted for this lot. The applicant, at his cost, will arrange for the capping of all existing services at the main and the installation of one larger service. The estimated cost of construction for bonding purposes is **\$20,000.00**

3. Storm Drainage

- (a) Provide a storm water management plan which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must include provision of a Lot Grading Plan.
- (b) 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.

4. Road Improvements

- (a) Horn Crescent requires the construction of a temporary hammerhead turnaround. Also required is a concrete sidewalk with a landscaped boulevard for the full frontage of this property including the re-location or adjustment of existing utility appurtenances if required to accommodate the construction. Reflective no-post barriers complete with signage will also be required at the terminus of this road right-of-way. The estimated cost of this construction for bonding purposes is **\$20,000.00**
- (b) Servicing requirements as well as disconnects and removals will necessitate numerous road trenches. Road restoration shall include the total removal and replacement of the existing pavement for the full frontage length of this property. The estimated cost of this construction for bonding purposes is **\$60,000.00**
- (c) Construct a 3.0m wide pedestrian pathway from the Coble Crescent, to the Horn Crescent road right-of-way. The estimated cost for this construction for budget purposes is **\$25,000.00**

5. Road Dedication and Subdivision Requirements

- (a) Dedicate sufficient right-of-way to accommodate a hammerhead turn around on Horn Crescent.
- (b) Provide a 3.0m wide public access ROW that will link the terminus of Coble Crescent with Horn Crescent for the purposes of a pedestrian walkway.
- (c) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

6. 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.

7. Bonding and Levy Summary(a) Bonding

Service upgrades and disconnects	\$ 60,000.00
Road improvements and restoration	\$ 80,000.00
Pedestrian pathway	\$ 25,000.00

Total Bonding

\$ 165,000.00

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.

8. Administration Charge

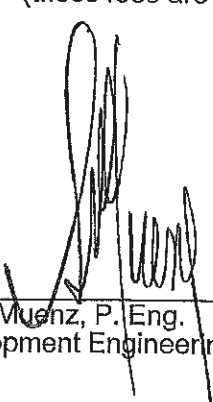
An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3% of Total Off-Site Construction Cost plus HST) **\$4,263.84** (\$ 3807.00 + 456.84 HST)

9. Charges and Fees

- a) Development Cost Charges (DCC's) are payable.
- b) Water Extended Service Area Latecomers (ESA's):

ESA#	Front ender	Component	Anniversary (rates change)	*Rate/unit \$
11	No. 21 Great Projects	Reservoir South Crest	November 3,10	1289.00

*(these fees are to be confirmed at time of development)


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

REPORT TO COUNCIL



Date: 1/13/2014

RIM No. 1250-30

To: City Manager

From: Urban Planning, Community Planning & Real Estate (AW)

Application: OCP12-0017 / Z12-0069

Owner: Joseph Higgins
Fresh Start Enterprises
Retaine Financial Corp &
Fresh Start Enterprises

Address: 1215 St. Paul Street
567 & 557 Clement Avenue

Applicant: Cathy Higgins

Subject: Supplemental Report: OCP Amendment & Rezoning Applications

Existing OCP Designation: Multiple Unit Residential - Medium Density

Proposed OCP Designation: Mixed Use (Residential / Commercial)

Existing Zone: RU2 - Medium Lot Housing

Proposed Zone: C7 - Central Business Commercial

1.0 Recommendation

THAT Council receive for information the Supplemental Report from the Land Use Management Department dated January 13th, 2014;

THAT Official Community Plan Bylaw Amendment No. OCP12-0017 to amend Map 19.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 26, District Lot 139, ODYD, Plan 1303 located at 1215 St. Paul Street, Lot 27 & 28, District Lot 139, ODYD, Plan 1303, located at 557 & 567 Clement Avenue from Multiple Unit Residential - Medium Density to Mixed Use (Residential / Commercial), as shown on Map "A" attached to the Report of the Land Use Management Department dated January 13th, 2014, be considered by Council;

AND THAT Council considers the applicant's November 8th, 2013, Public Information Meeting 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 January 13th, 2014;

AND THAT Rezoning Application No. Z12-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 26, District Lot 139, ODYD, Plan 1303 located at

1215 St. Paul Street, Lot 27 & 28, District Lot 139, ODYD, Plan 1303, located at 557 & 567 Clement Avenue from RU2 - Medium Lot Housing to C7 - Central Business Commercial be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment and the Zone Amending Bylaw be forwarded to the February 4, 2014 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 Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the submission of a plan of subdivision to consolidate the properties.

2.0 Purpose

To amend the Official Community Plan Future Land Use Designation from Multiple Unit Residential - Medium Density to Mixed Use (Residential / Commercial) and to rezone from RU2 - Medium Lot Housing to C7 - Central Business Commercial zone in order to permit the construction of a 4 storey mixed use building.

3.0 Land Use Management

The subject properties are within the Downtown Urban Centre, located at the corner of St. Paul Street and Clement Avenue. The applicant's land assembly efforts will allow for a coordinated approach to the redevelopment of this corner.

OCP Future Land Use Designation

The existing medium density residential designation was intended to provide a housing mix to support the principles of live, work, play for the Downtown urban centre. The Mixed Use / Residential designation within the Downtown Urban Centre was intended to accommodate the existing and future commercial needs within the Downtown and the surrounding residentially designated properties would provide support those businesses. The subject properties had been designated commercial in the 2020 OCP and there is some merit to having a commercial development in this corner location as you enter Downtown from Clement. Additionally, the applicant has replaced the office space on the fourth floor with two residential units. Taking these details into consideration and recognizing the mix of uses and objectives that must be achieved on the edge of the Downtown Urban Centre, this project would be a welcomed addition to the area and would provide an appropriate transition to the adjacent residential properties.

Site Planning

The applicant has oriented the building towards Clement Avenue with parking located at the rear with access from the lane. This will help to provide a noise buffer from traffic along Clement Avenue while creating a more urbanized street frontage as you enter downtown. As part of the proposal the applicant will be applying a similar level of streetscaping that can be found further along St. Paul Street where other projects have proceeded.

In summary, Staff have worked with the applicant in an attempt to address Council's concerns with the proposed development. The applicant has adjusted the proposal to include two residential units on the fourth floor rather than office space. This modification in conjunction

with the applicant's request to replace the loading stall with two medium sized parking stalls has eliminated the parking shortfall. Staff remain supportive of the proposed development, the addition of two residential units will result in a greater mix of uses onsite while limiting the amount of commercial space on the north side of St. Paul Street. Varying the loading space requirement to allow two additional parking stalls should not have a negative impact on the area. The two parking stalls will be in higher demand than the loading stall for a project of this nature. Should Council support the land use, a Development Permit and Development Variance Permit will be submitted for Council consideration at a later date.

4.0 Proposal

4.1 Background

Council deferred consideration of the application at the December 9th, 2013 Regular Council meeting and requested that Staff work with the applicant to provide residential units within the proposal and address the proposed shortfall in parking.

4.2 Project Description

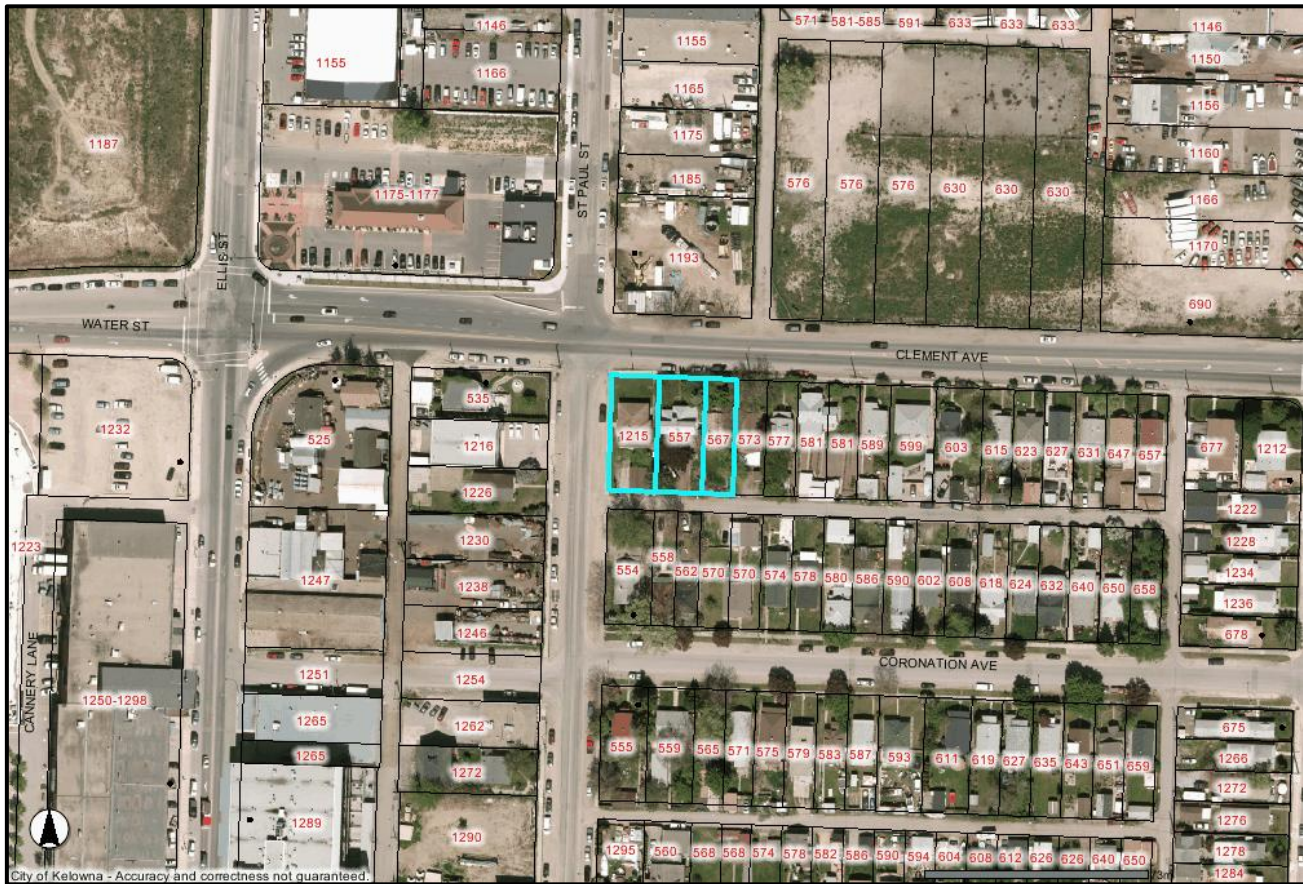
The proposed development contemplates the consolidation of three single family lots in order to accommodate the proposed 4 storey mixed use development. The building has been oriented towards Clement Avenue and St. Paul Street with the parking located at the rear. The lower level is intended to accommodate general commercial/retail. Office space is planned for the 2nd & 3rd storeys with two residential units on the 4th floor. Individual tenant spaces would have entrances from the frontage roads and/or the internal parking area, as well as the internal lobby spaces. The proposed building materials & colours consist primarily of neutral-toned stucco, canopies and window trim, grey window sills/headers and brick.

Site access would be limited to the rear lane. Landscaping will be provided on the perimeter of the surface parking area, but the landscape buffers may require a variance. This will be confirmed once a Landscape Architect has created a plan as part of the Development Permit that will be forwarded to Council should the proposed land use be supported. With the addition of the two residential units on the fourth floor and the proposed changes to the parking layout the project now compares to Zoning Bylaw No. 8000 as follows:

Zoning Analysis Table		
CRITERIA	C7 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	9.0	1.32
Height	22.0m	15.6m / 4 storeys
Front Yard	0.0m	0.3m
Side Yard (west)	0.0m	0.3m
Side Yard (east)	0.0m	1.2m
Rear Yard	0.0m	19.63m
Site Coverage	75%	50%
Other Regulations		
Minimum Parking Requirements	24 stalls	24 stalls
Bicycle Parking	Class I: 4 spaces Class II: 11 spaces	Class I: 6 spaces Class II: 11 spaces
Loading Space	1 stalls	0 stalls ¹
¹ Vary the loading spaces from 1 required to 2 proposed. * Landscape Buffer variances may be required, to be confirmed with landscape plan at DP stage		

4.3 Site Context

Subject Property Map:



The subject property is located in an area of transition on the corner of St. Paul Street and Clement Avenue in the Downtown Urban Centre area. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I4 - Central Industrial	Industrial (Designated Commercial)
East	RU2 - Medium Lot Housing	Single Family Housing (Designated Multiple Unit Residential - Medium Density)
South	RU2 - Medium Lot Housing	Single Family Housing (Designated Multiple Unit Residential - Medium Density)
West	I4 - Central Industrial	Industrial Mixed Use (Residential / Commercial)

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Staff recommends that the November 8th, 2013 Public Information Meeting held by the applicant 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 ongoing. Furthermore, additional consultation with the Regional District of Central Okanagan is not required in this case.

5.2 Current Development Policies - Kelowna Official Community Plan 2030 (OCP)

5.2.1 Development Process (Chapter 5) - Considerations in Reviewing Development Applications

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

5.2.2 Development Process (Chapter 14) - Urban Design Guidelines

Objectives

- Use appropriate architectural features and detailing of buildings and landscapes to define area character;
- Convey a strong sense of authenticity through high quality urban design that is distinctive of Kelowna;
- Enhance the urban centre's main street character in a manner consistent with the area's character;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
- Encourage an appropriate mix of uses and housing types and sizes;
- Design and facilitate beautiful public open spaces that encourage year round enjoyment;
- Create open, architecturally-pleasing and accessible building facades to the street; and
- Improve existing streets and sidewalks to promote alternative transportation.

6.0 Technical Comments

6.1 Building & Permitting Department

No Comment.

6.2 Development Engineering Department

See Attached.

6.3 Fire Department

No comment.

6.4 Fortis BC - Gas

Please be advised FortisBC has reviewed the above mentioned referral and we have no objections with the proposal. There is a requirement for abandonment of existing service lines to accommodate demolition.

7.0 Application Chronology

Date of Application Received: November 28th, 2012

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

Applicant Hosted Public Open House: November 8th, 2013

Report prepared by:

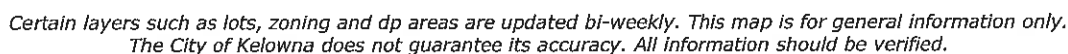
Alec Warrender, Land Use Planner

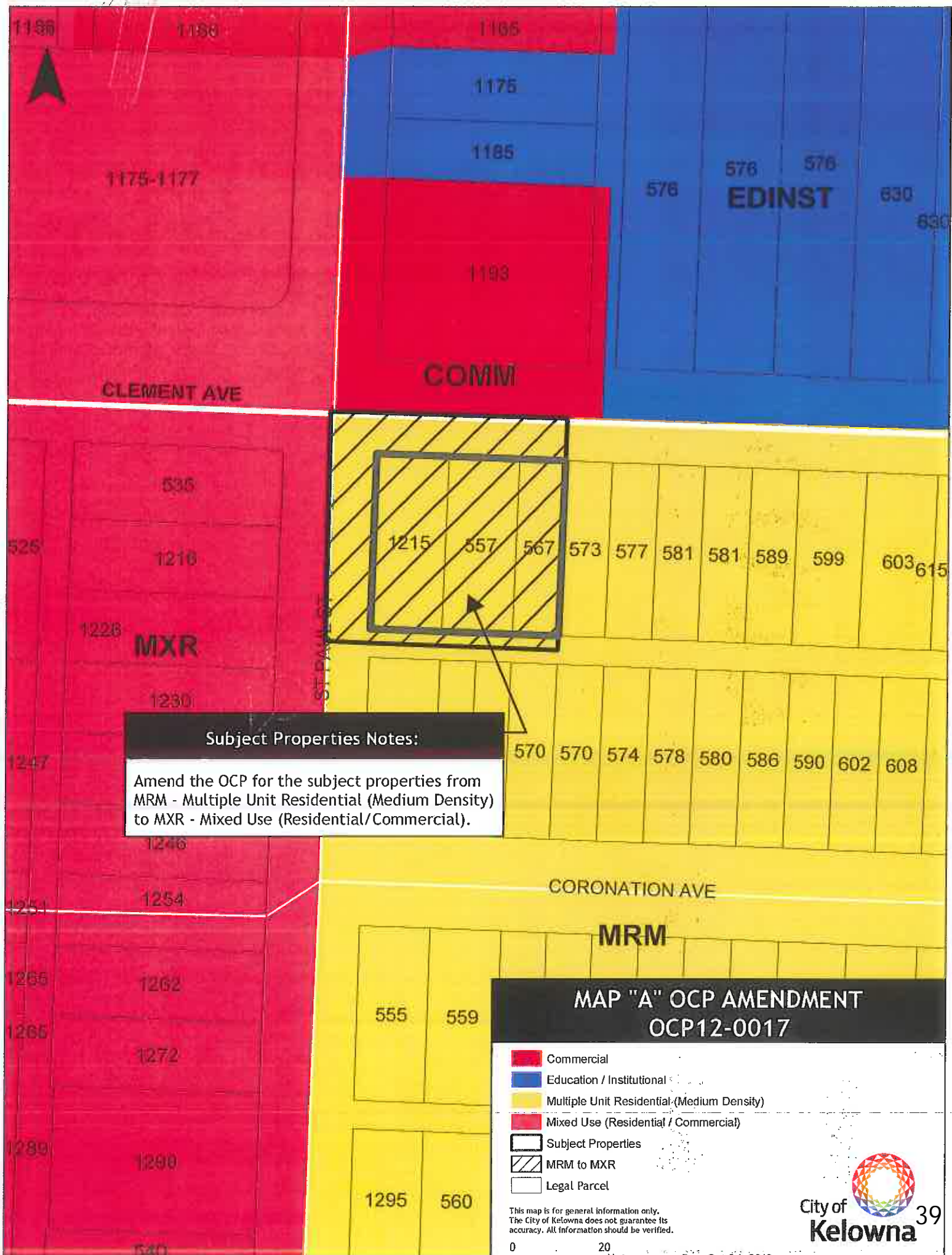
Reviewed by: ☐ Ryan Smith, Manager, Urban Land Use

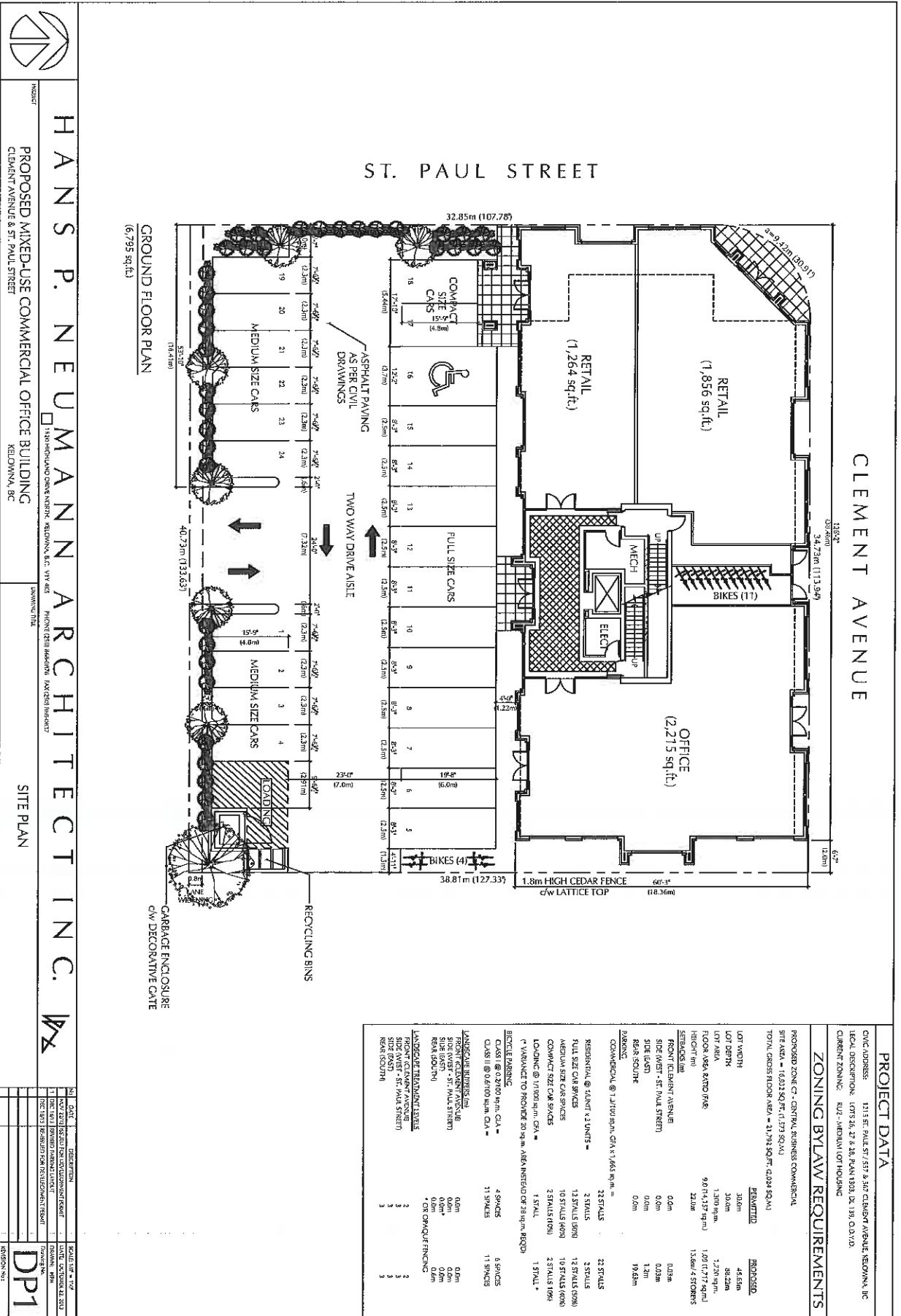
Approved Inclusion: ☐ D. Gilchrist, Community Planning & Real Estate Divisional Director

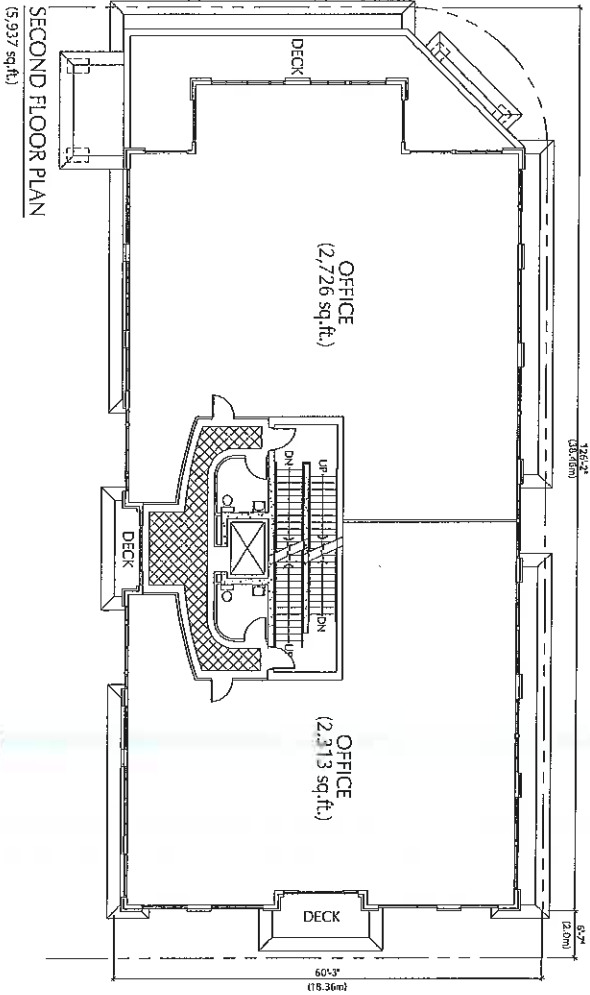
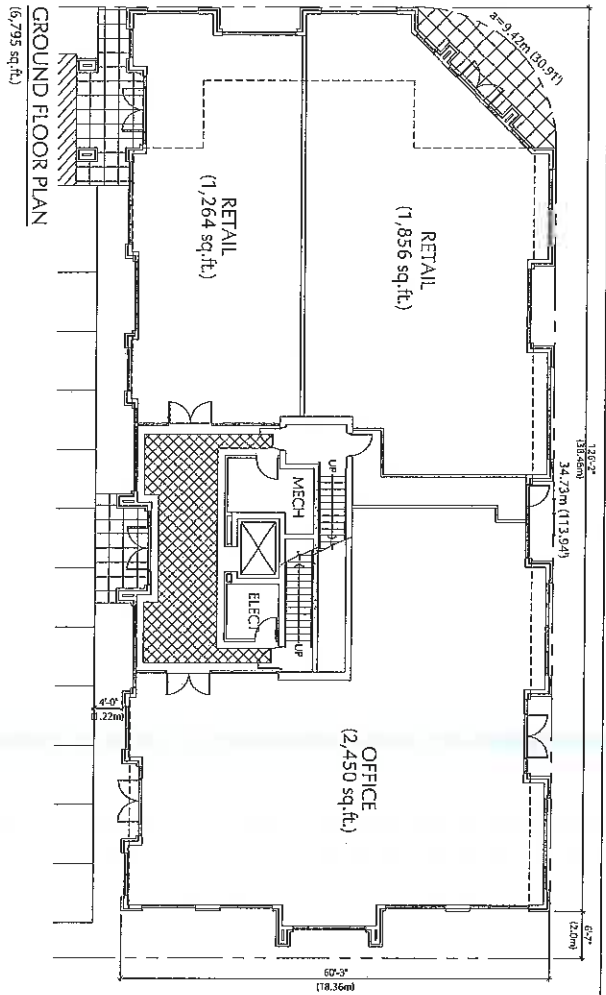
Attachments:

Map A
Subject Property Map
Sit Plan
Elevations
Development Engineering Requirements
Open House Summary











HANS P. NEUMANN ARCHITECT INC.

PROPOSED MIXED-USE COMMERCIAL OFFICE BUILDING

CLEMENT AVENUE & ST. PAUL STREET

KELOWNA, BC

PROJECT

1500 HIGHLAND STREET NORTH, KELOWNA, B.C. V7Y 4G3

PHONE: 250.866.8373 FAX: 250.866.0327

DATE: OCTOBER 21, 2013

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

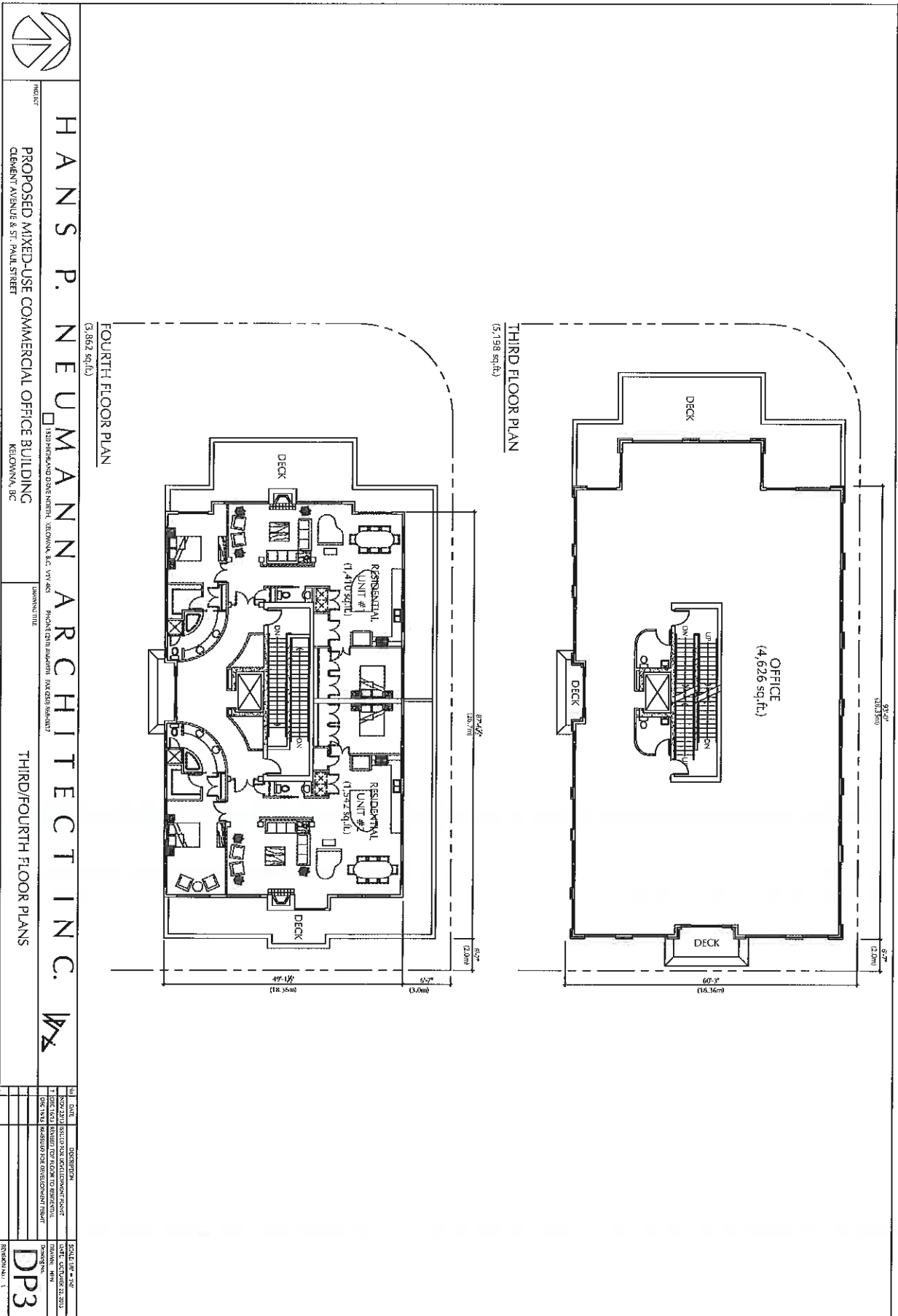
DATE: OCTOBER 21, 2013


DESIGNER: HPI

REVISION NO.

MAIN/SECOND FLOOR PLANS

DP2





HANS P. NEUMANN ARCHITECT INC.

PROPOSED MIXED-USE COMMERCIAL OFFICE BUILDING

CLEMENT AVENUE & ST. PAUL STREET

KELOWNA, BC

PROJECT

1830 HICKMAN DRIVE NORTH, KELOWNA, B.C. V7Y 4G5

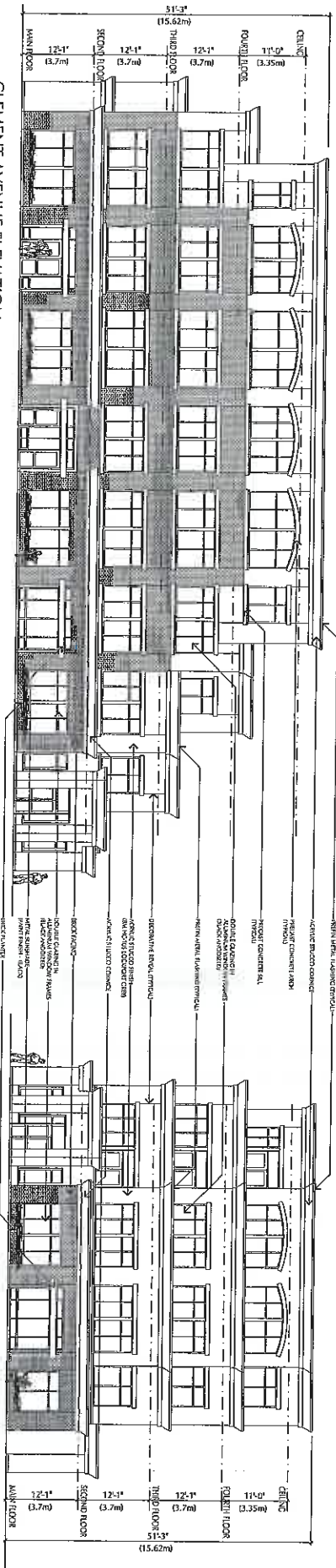
ARCHITECT

PHOTOGRAPHY: JASON BROWN

DATE: 11.2013

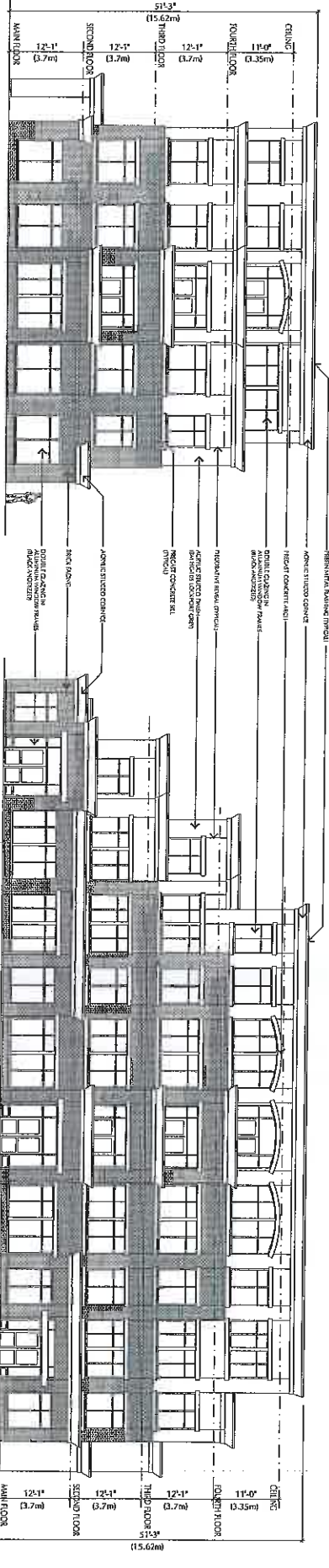
SCALE: 1/8" = 1'-0"

PROJECT NO.: DP3



CLEMENT AVENUE ELEVATION
SCALE: 1/8" = 1'-0"

ST. PAUL STREET ELEVATION
SCALE: 1/8" = 1'-0"



EAST (SIDE) ELEVATION
SCALE: 1/8" = 1'-0"

SOUTH (LANE) ELEVATION
SCALE: 1/8" = 1'-0"

HANS P. NEUMANN ARCHITECT INC.

120 HIGHLAND DRIVE NORTH, NICOVNA, B.C. V7Y 4G3

PHONE (250) 884-0875 FAX (250) 884-0877

PROPOSED MIXED-USE COMMERCIAL OFFICE BUILDING
CLEMENT AVENUE & ST. PAUL STREET
KELOWNA, BC

ELEVATIONS



NO.	DATE	DESCRIPTION
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SCALE: 1/8" = 1'-0"

DATE: OCTOBER 22, 2013

DRAWN: JPN

DP4

REVISION: N/A



CITY OF KELOWNA
MEMORANDUM

FILE COPY

Date: January 14, 2013
File No.: Z12-0069

To: Land Use Management Department (AW)

From: Development Engineering Manager

Subject: 1215 St. Paul Street, 557 & 567 Clement Ave

RU2 to C7

The Development Engineering Department has the following comments and requirements associated with this rezoning 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 Sergio Sartori

1. Domestic Water and Fire Protection

- a) The subject properties are currently serviced with 13mm-diameter water services. 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. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the disconnection of existing services and the installation of a new service.
- b) The area has two hydrants 140m apart which exceeds the Bylaw for commercial developments. Also the hydrants are color coded green which indicates a maximum of 110 l/s capacity. A new hydrant will be required for the proposed development and the existing 250mm. C.I. main between the hydrants should be replaced with a 250mm. PVC.

2. Sanitary Sewer

The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service.

3. Storm Drainage

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems.

4. Transportation

- a) The proposed development triggers the requirement for a limited scope Traffic Impact Study. Recommendations from the Traffic Impact Assessment (TIA) will become requirements of this application. Prior to commencing the TIA, the developer's traffic consultant should meet with staff from the City of Kelowna to agree on the terms of reference for the study.

5. Road Improvements

- (a) Clement Ave must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, separate sidewalk, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- (b) St Paul Street must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, monolithic sidewalk, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.
- (c) Lane adjacent to this development site will require widening and reconstruction to a paved commercial standard.

6. Road Dedication and Subdivision Requirements

- (a) Dedicate widening of the rear lane to provide the required widening to provide an ultimate 7.6m wide commercial standard lane.
- (b) Dedicate a 6.0m radius corner rounding at the St Paul Street & Clement Ave corner.
- (c) Lot consolidation is required.
- (d) Grant statutory rights-of-way if required for utility services.

7. Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as the subject properties are within the "City Center Urban Center".
- b) Streetlights must be installed on Clement Ave & St Paul Street.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

8. 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 Development Engineering 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.

9. Servicing Agreements for Works and Services

- (a) A Servicing Agreement is required for all offsite 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.

10. Other Engineering Comments

- (a) Provide all necessary Statutory Rights-of-Way for any utility corridors as required.
- (b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

11. Geotechnical Report

- a) Provide a comprehensive geotechnical report 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 development.**
 - Overall site suitability for development.
 - Presence of ground water and/or springs.
 - Presence of fill areas.

- Presence of swelling clays.
- Presence of sulphates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

12. Development Permit and Site Related Issues

- (a) No driveway access will be permitted to Clement Ave or St Paul Street. The vehicular access to the development site is to be provided from the lane.
- (b) The proposed parking stalls must meet the zoning bylaw requirements.
- (c) Access and Manoeuvrability
 - (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.
 - (ii) Perimeter access must comply with the BC Building Code. Fire Truck access designs and proposed hydrant locations will be reviewed by the Fire Protection Officer.



Steve Muenz, P. Eng.
Development Engineering Manager

ss

FRESH START ENTERPRISES INC./RETAINÉ FINANCIAL CORP.
PO Box 2309 Banks Centre RPO
Kelowna, BC V1X 6A5

November 12, 2013

To: City of Kelowna Planning Department
1435 Water Street
Kelowna, BC V1Y 1J4
Attention: Alec Warrender, Land Use Planner, RPP, MCIP

From: Fresh Start Enterprises Inc. and Retainé Financial Corp.
Cathy and Joe Higgins

Re: Second Public Information Meeting in Support of Plans to Apply for OCP Amendment
557 and 567 Clement Avenue, 1215 St. Paul Street, Kelowna BC

We, the owners of the above named properties, held a Public Information Meeting (PIM) on November 8, 2013, in support of our Official Community Plan (OCP) Amendment and Rezoning Application #Z12-0069. The meeting was announced and held in compliance with City of Kelowna Council Policy 367 entitled "Public Notification & Consultation for Development Applications". The three properties which are the subject of the application are shown on the attached survey sketch dated August 8, 2012.

The application is considered a "major" zoning application as defined in the Policy, since it involves an OCP amendment for future land use, from the currently proposed MRM, to C7 land use.

It should be noted that this was the second such public information meeting held in support of the OCP amendment and rezoning application. We have attached the text of our report dated November 13, 2012, which summarized the results of the first meeting held on November 9, 2012.

The PIM was conducted in compliance with Section 4c of the Policy. The remainder of this report and attachments provide information to summarize how the meeting was planned, advertised, and conducted. Where applicable, we have summarized the combined outcomes of both the first and the second meetings.

Location:

The Bean Scene Coffee House, 274 Bernard Avenue, Kelowna - This venue is within walking distance or a short drive from the subject properties.

Date/Time, and Duration:

Friday, November 8, 2013 from 4 pm to 7 pm. This timeframe allowed flexibility to those who work and was not disruptive of plans that neighbours may have had for the evening.

Planning/Advertising:

Prior to this second PIM, we met with various City Councillors to obtain a sense of what their concerns would be in considering our application. For our first meeting, we obtained copies of the legal titles for all properties within a 50m radius of our properties, and sent out and/or dropped off letters inviting these neighbours to our meeting. Certain Councillors suggested that we expand our title search beyond 50m and make an effort to speak to our neighbours directly, rather than just mailing or dropping off invitations.

In response to these suggestions, we obtained legal titles for properties along Clement Avenue and Coronation Avenue a distance of 100m from our properties. For those properties where the title searches indicated the owner lived on site, we knocked on doors before dropping off the invitations. Attached is a sample of the letter of

invitation we issued. Also attached is a map indicating the radius covered by our delivery (by hand or mailing). The letters were dropped off or mailed on October 26, 2013.

We also advertised our PIM twice in the Kelowna Daily Courier; on Tuesday October 29, and Friday November 1, 2013. Copies of these advertisements are attached.

Meeting Format:

The PIM was intended to be informal and allow one-on-one discussion between neighbours and the applicants. Cathy Higgins attended to represent the applicants, as well as Hans Neumann, who is our architect for the project.

We had the following materials on hand:

- Sign-In sheet which also asked for attendees to indicate their support of the application (attached).
- letter of support which attendees were asked to fill out if they were in support (completed letters attached).
- zoning maps - current zoning; future zoning according to the OCP that was in place when we purchased 1215 St. Paul Street and 557 Clement Avenue; and future zoning according to the 2030 OCP.
- various drawings which the City Planning Department has on file which show the general form and character of the project we propose for the property (3 storey).
- sketches of more recently prepared option of adding a 4th storey.

The City Planner responsible for the application, Alec Warrender, was also on hand to answer questions.

Meeting Attendance/Results:

At this second PIM, only two neighbours attended. Their feedback is summarized below. For the sake of completeness, we have also summarized the feedback from those neighbours who attended the first PIM. The attached map provides colour coding to illustrate who was invited, who attended, and whether they indicated support or not. NOTE: All attendees indicated support of the project, either verbally or in writing. We did not ask for written letters of support at the first PIM, so support is noted as verbal.

FIRST PIM:

1) Holly and Barry Grapentin - 535 Clement Avenue (straight across St. Paul Street). They indicated full and absolute support for our project and concept, including the plan to apply for C7 zoning. They had no concerns or problems associated with commercial vs. residential development.

2) Lynda and Nelson Rogers - 573 Clement Avenue (directly next door). The Rogers' had recently purchased this property for investment and eventual development. They indicated an intent to pursue commercial zoning. Due to their close proximity, they asked a lot of questions about our intentions and timing. Their only apparent concern was that we not build right up to their property line. We answered all of their questions, and exchanged business cards so that we could keep in touch. They later signed a letter of support (attached).

3) Louis and Regina Bazzana and their son Jerry - 581 Clement Avenue (2 lots). At the time of the first PIM, they had lived at 581 Clement Avenue for 56 years and have seen many changes. They realized that changes will occur along the street as time goes on, and were curious about what we were proposing. They had no apparent concerns or opposition to the information provided, or the intended application for OCP amendment. They mentioned the fact that many of the houses in the area are rentals now, and not well cared for. Their son Jerry attended the second PIM (see below).

4) Perry Freeman representing 1177 Ellis Street (The Train Station Pub): Perry is a managing director of Colliers International, and reviewed the concept for the 3 storey commercial building. He did not voice any objections, but requested that we email him a copy of the conceptual rendering drawing. We did as he asked.

5) Esther Merwin - 570 Coronation Avenue (2 lots). She was interested in what the project would look like on the south side (alley access side) since her property is located to the southeast of the subject properties, across the alley. She did not indicate any concern related to the rezoning of the properties from residential to commercial, but indicated that she would be interested in seeing how the project would look as more details are available. She also attended the second PIM (see below).

SECOND PIM:

1) Jerry Bazzana - 581 Clement Avenue. Jerry's parents have moved into a seniors home since last year's meeting. He asked a number of questions, including the implications of the rezoning and the project on his parents' property value. He signed a letter of support (attached).

2) Esther Merwin - 570 Coronation Avenue. Esther and her nephew attended. She signed a letter of support (attached).

Also attached is a letter of support related to the property at 1193 St. Paul Street (directly north at the NE corner of St. Paul and Clement. We received a phone call from the owner of 608 Coronation Avenue the day after the meeting. The owner, Mr. Tulloch, indicated his support and willingness to sign a letter of support. We have mailed him the letter for his signature

We trust that this report and attachments provide the information necessary to satisfy the City's requirement for a Public Information Meeting in support of our OCP amendment and rezoning application. Please contact us if you have any questions or concerns.

Sincerely,


Cathy Higgins, Fresh Start Enterprises Inc.


Joe Higgins, Retaine Financial Corp.

Attachments:

- (1) Survey sketch of subject properties
- (2) Report on First Public Information Meeting dated November 13, 2012
- (3) Example of the Invitation Letter
- (4) Map of Neighbours invited to the PIMs and illustrating those in support
- (5) Advertisements in Capital News (October 29 and November 1, 2013)
- (6) Sign-In Sheet
- (7) Letters of Support