

REPORT TO COUNCIL



Date: August 24, 2015
RIM No. 1250-30
To: City Manager
From: Community Planning, Community Planning & Real Estate (TY)
Application: Z15-0005 **Owner:** 0958123 BC Ltd
Address: 540 Osprey Avenue **Applicant:** U-neek Thinking
Subject: Rezoning Application
Existing OCP Designation: MXR - Mixed Use (Residential/Commercial)
Existing Zone: RU6 - Two Dwelling Housing
Proposed Zone: C4 - Urban Centre Commercial

1.0 Recommendation

THAT Rezoning Application No. Z15-0005 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 14 ODYD Plan EPP14200, located at 540 Osprey Avenue, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the C4 - Urban Centre Commercial zone be, considered by Council.

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

AND THAT the final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning department dated August 24, 2015;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property.

2.0 Purpose

To rezone the subject property to facilitate a five storey mixed use building.

3.0 Community Planning

Community Planning Staff supports the proposed rezoning application on the subject property. The property is designated in Kelowna's Official Community Plan as MXR - (Mixed Use Residential/Commercial). In the Pandosy Urban Centre this Future Land Use specifically speaks to the C4 - Urban Center Commercial zone. The proposed development meets the intent of the C4

zone providing retail, office and residential opportunities. Retail is located on the first storey with offices on the second storey, and residential on the remaining three storeys.

The applicant worked with City Staff to bring forward an example of a mixed use development with three types of uses on one property. This development will add six multi-family units with the goal of densifying the Pandosy Urban Centre, and encouraging a live/work/play ideal.

The OCP seeks to revitalize this urban centre, encouraging the residential component of a mixed use building. The applicant has relocated a single family dwelling that was on the subject property to another residential property in Kelowna. The applicant has also worked with Staff to bring forward a design that fits with current redevelopment of the surrounding blocks as well as neighbouring properties yet to be developed.

4.0 Proposal

4.1 Background

A 1940s single family home that was on the subject property was renovated and relocated to 2047 Doryan Street, Kelowna BC.

As part of this rezoning application, City of Kelowna Development Engineering has identified a 1.65 m dedication requirement along the front property line of the subject property in order to construct a sidewalk along the north side of Osprey Ave. This sidewalk will be located along the north side of the existing curb on the subject block. A sidewalk in this location will further the goals of pedestrian linkages within this urban centre. The application shows a revised property line set back 1.65 m from existing and has agreed to install two street trees on the subject property.

4.2 Project Description

The exterior finish of the first storey of the mixed use building will be coloured concrete with a textured finish. The remaining storeys will be a mix of materials such as stucco, split faced concrete masonry block, corrugated metal, and wood finish fibreglass siding.

A zero lot line is permitted and utilized along the west side of the property. This west wall of the proposed building is void of any architectural details such as windows in order to meet BC building code fire separation requirements and as such does not have the same aesthetic appeal as other exterior walls. The applicant has proposed a mural installation to address visual interest of this wall for the neighbouring properties and traffic along Pandosy Street. The final design has not been determined; however the applicant has noted the proposed size and location as shown on the conceptual elevations.

On the ground floor, the proposed building will provide retail space with two entrances to the upper storeys. Patio space for residential and office units are provided for in the front and rear of the building.

Three variances will be triggered with the proposed design. They include site coverage, height and parking. The site coverage is triggered as all parking is enclosed, screening views from neighbouring properties as noted as a guideline in Kelowna's OCP. The same exterior treatment along the front of the building will continue around the rear parking enclosure. The first storey of the development creates a site coverage of 91%, the upper storeys of the building have a site coverage of 37%.

The fifth storey requires the second variance as noted in the Zoning Analysis Table in this report. The footprint of the fifth storey is 22% of the storey below it and is set back 5.0 m from the front of the building, and 6.0 m from each side. This reduces the visibility of the top storey from

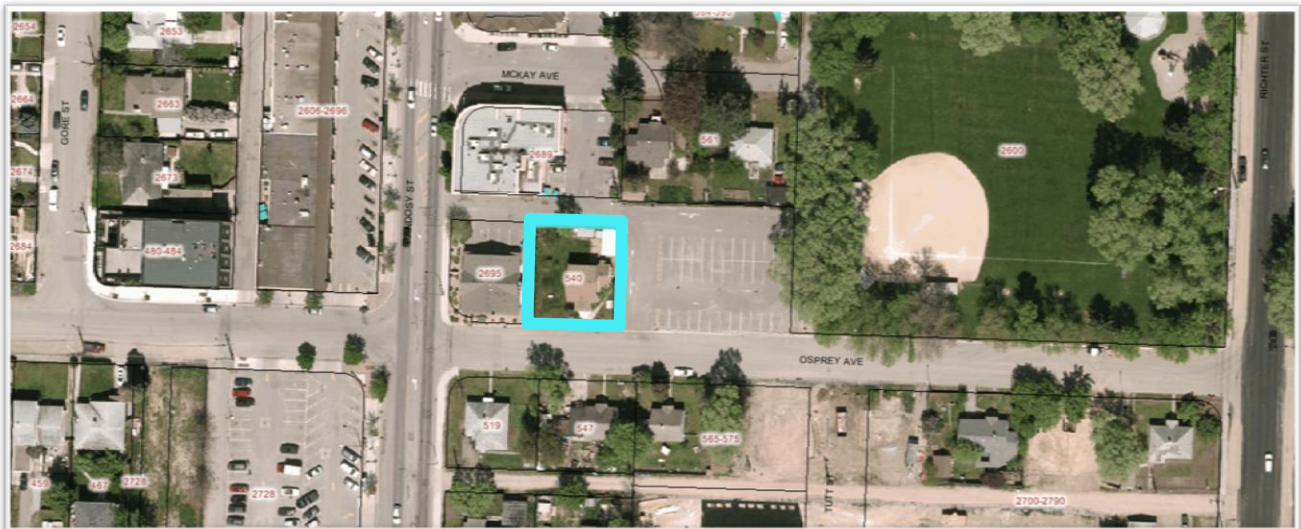
pedestrians and local traffic. The floor area of the fifth floor is 56.5 m², and together with patio trellis is 132.5 m².

The off street parking for this development is the third variance requested. The applicant has accommodated full size parking stalls for each residential unit along with the one accessible parking space for the commercial uses. The variance is for the six commercial spaces that are required as part of Zoning Bylaw No. 8000. The applicant will be required to provide the City funds as per the Payment in Lieu of Parking Bylaw No. 8125, Schedule A, South Pandosy Urban Town Centre: \$7,500.00 per off-street parking space.

Staff worked with the applicant with the parking requirements and agreed that at the very minimum the development would need to address the residential unit parking as well as provide the accessible parking of the commercial use. The Pandosy Urban Centre is in a transition of encouraging alternative means of transportation, the subject property is within 100 m of the BC Transit bus stops heading north and south along Pandosy Avenue. Staff feels that six residential units assists in increasing density of those living in this urban area which will in turn assist with parking issues for those that work in the area. Long term plans to increase multiple unit residential go hand in hand with tackling the parking problems in the area. By balancing the commercial and residential spaces a vibrant community with less need to travel is created. This development is an example where the residential outweighs the commercial space both in units and square meters.

The landscape design along Osprey Avenue takes into account safety and sightlines for pedestrian use as well as vehicular traffic using the adjacent lane. Trees will be installed with root protection for the building and City infrastructure.

Subject Property Map: 540 Osprey Ave



4.3 Site Context

The subject property is located on the north side of Osprey Avenue between Pandosy Street and Richter Street in the South Pandosy sector of Kelowna. The property is currently zoned RU6 - Two Dwelling Housing, identified in Kelowna’s OCP as MRX, and is within the Permanent Growth Boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4	Retail Commercial Building

East	City of Kelowna Road Dedication	Non-Accessory Parking Lot
South	RU6	Single Family Dwelling
West	CRU6	Retail Commercial Building

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	460 m ²	543.21 m ²
Minimum Lot Width	13.0 m	22.01 m
Minimum Lot Depth	30.0 m	24.68 m
Development Regulations		
Maximum Floor Area Ratio	1.3 + (0.2*(7/12)) = 1.42	1.42
Maximum Site Coverage	75%	91% ❶
Maximum Height	4 Storeys or 15.0 m	5 storeys or 17.8 m ❷
Minimum Front Yard	0.0 m	0.4 m
Minimum Side Yard (west)	0.0 m	0.0 m
Minimum Side Yard (east)	0.0 m	0.4 m
Minimum Rear Yard	0.0 m	0.0 m
Other Regulations		
Minimum Parking Requirements	1 per dwelling unit = 6 required 1.75 per 100m ² GFA of commercial space 382 m ² of GFA commercial (6.7) = 7 required <i>1 to be accessible parking</i> 13 total	6 residential 1 commercial (accessible) ❸ 7 total
Bicycle Parking Class I	0.5 per dwelling unit = 3 0.2 per 100 m ² GLA = 1	11
Bicycle Parking Class II	0.1 per dwelling unit = 1 0.6 per 100m ² GLA = 3	7
Private Open Space	6.0 m ² per bachelor = 24m ² 10.0 m ² per 1 bedroom = 10 m ² 15.0 m ² per +1 bedroom = 15.0m ²	44 m ² 16 m ² 92 m ²
❶ Indicates a requested variance to the Maximum Site Coverage ❷ Indicates a requested variance to the Maximum Height ❸ Indicates a requested variance to the Minimum Parking Requirements		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Goals For a Sustainable Future¹ The objectives and policies in each of the OCP chapters are focused on creating a sustainable community. Some of the main goals of this OCP are to:

1. Contain Urban Growth. Reduce greenfield urban sprawl and focus growth in compact connected and mixed-use (residential and commercial) urban and village centres.

Land Use Designation Definitions

¹ City of Kelowna Official Community Plan, (Introduction Chapter).

Mixed Use (Residential / Commercial) (MXR)² Developments that provide for commercial floor space on the ground floor or above, with additional potential for residential units above the ground floor.

Development Process 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.

Other Urban Centres⁴ : Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.

Site and Context Considerations⁵ Ensure all parking is screened from public view or contained within the structure.

Town Centre (S. Pandosy / Rutland / Capri-Landmark)⁶

A vibrant, amenity-rich area wherein different land uses frequently occur within the same building and almost always occur within a one-block area.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- A Building 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(s):
 - Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.

² City of Kelowna Official Community Plan, (Future Land Use Chapter).

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

⁴ City of Kelowna Official Community Plan, Policy 5.5.1 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Policy 5.5.1 (Development Process Chapter).

⁶ City of Kelowna Official Community Plan, Policy D.1.19(Urban Design Development Permit Areas Chapter).

- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, accessibility etc
- Washroom requirements for base building are to be addressed in the building permit application. This will be addressed at time of building permit application.
- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure.

6.2 Development Engineering Department

See Schedule (A), Revised Development Engineering Memorandum dated April 23, 2015

6.3 FortisBC Inc - Electric

- There are primary distribution facilities within the lane adjacent the subject's north property line. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

Application Chronology

Date of Application Received:	January 28, 2015
Date of Revised Drawings Received:	June 16, 2015
Date Public Consultation Completed:	July 16, 2015

Report prepared by:

Tracey Yuzik, Planner

Reviewed by:

Lindsey Ganczar, Planning Supervisor

Approved for Inclusion:

Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
Schedule (A) Development Engineering Memorandum
Conceptual Site Plan
Conceptual Elevations
Conceptual Landscape Plan