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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** July 25, 2001  
**File No.:** (3360-20) **Z01-1029 / OCP01-004**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

APPLICATION NO. Z01-1029 / OWNER: PACIFIC SUN  
OCP01-004 ENTERPRISES LTD.

AT: 1889/1879/1859 Chandler St. and APPLICANT: PACIFIC SUN  
1450 Sutherland Avenue ENTERPRISES LTD. /  
DAVID KORNEILL

PURPOSE: TO REZONE THE THREE PROPERTIES ON CHANDLER STREET TO THE P1 – MAJOR INSTITUTIONAL ZONE AND TO CHANGE THE FUTURE LAND USE DESIGNATION OF ALL SUBJECT PROPERTIES TO EDUCATIONAL / MAJOR INSTITUTIONAL TO PERMIT THE EXPANSION OF THE STILL WATERS PRIVATE HOSPITAL

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: P1 – MAJOR INSTITUTIONAL

REPORT PREPARED BY: KIRSTEN BEHLER

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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### 1.0 RECOMMENDATIONS

THAT Map 15.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation for Lots 39, 41 and 42, D.L. 137, ODYD, Plan 10011, located on Chandler Street, Kelowna, B.C., from "Medium Density Multiple Family Residential" to "Education/Major Institutional";

THAT Map 15.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation for Lot A, D.L. 137, ODYD, Plan 10512, located on Sutherland Avenue, Kelowna, B.C., from "Commercial" to "Education/Major Institutional";

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 39, 41 and 42, D.L. 137, ODYD, Plan 10011, located on Chandler Street, Kelowna, B.C., from the RU6 – Two Dwelling Housing zone to the P1 – Major Institutional zone;

AND THAT 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 consolidation of the three lots and the lot to the east, Lot A, D.L. 137, ODYD, Plan 10512, and to the applicant executing a Servicing Agreement acceptable to the City of Kelowna.

## 2.0 SUMMARY

The applicant wishes to expand the existing private hospital located at 1450 Sutherland Avenue. The applicant has purchased three lots on Chandler Street adjacent to the Still Waters private hospital development. He has made an application to rezone these three lots to the P1 – Major Institutional zone, the same zone as the Still Waters private hospital site, in order to allow for the expansion of the facility. Since the three lots on Chandler Street are currently designated as Medium Density Multiple Family Residential and the lot on Sutherland Avenue is designated as Commercial, the applicant has further applied for an OCP amendment to change the future land use designation of all four lots to Educational/Major Institutional.

## 3.0 Advisory Planning Commission

The application was reviewed by the Advisory Planning Commission at the meeting of May 15, 2001, and the following recommendations were passed:

THAT the Advisory Planning Commission supports OCP01-004 by Pacific Sun Enterprises Ltd. (D. Kornell), Lots 39, 40 and 41, Plan 10011, Section 19., Twp. 26, ODYD, 1859/1879/1889 Chandler Street to change the future land use designation to “Education/Major Institutional”.

THAT the Advisory Planning Commission supports Z01-1029 by Pacific Sun Enterprises Ltd. (D. Kornell), Lots 39, 40 and 41, Plan 10011, Section 19, Twp. 26, ODYD, 1859/1879/1889 Chandler Street to change the zoning classification to the P1 – Major Institutional zone.

The proposed change of the future land use designation of the current Still Waters site has been added to the application following the APC meeting and has thus not been considered by the Commission. The change of land use for this site is a housekeeping issue which would otherwise have been addressed through the Draft OCP currently in process. With the proposed expansion of the facility and the associated lot consolidation, it is practical to address the future land use designation change at this point, rather than deferring it to the new OCP.

## 4.0 BACKGROUND

### 4.1 The Proposal

The original Still Waters facility was constructed in 1961, with the addition of the Joseph Benjamin Residence in 1965. There have been a number of renovations to the development over the years.

The applicant is proposing a major renovation of the Still Waters private hospital. In order to accommodate the expansion of the hospital, he purchased three lots to the west side of the existing hospital site.

This application seeks rezoning of the three lots on Chandler Street from the existing RU6 – Two Dwelling Housing zone to the P1 – Major Institutional zone, in order to permit the expansion of the private hospital use onto these lands. Since the subject properties are currently designated as Medium Density Multiple Family Residential, the applicant has also applied for an Official Community Plan amendment to change the future land use designation of the lots to Education/Major Institutional.

The three lots on Chandler Street are currently occupied by single family dwellings. It is proposed that the properties will be cleared and consolidated with the existing Still Waters property. The three lots abut the Still Waters site at their east property lines. The three lots are not contiguous, but are interrupted by Lot 40, Plan 10011. The applicant has attempted to purchase this lot to make the land addition to the Still Waters site contiguous. However, the owner of Lot 40 does not want to sell the property at this point, and Lot 40 is therefore not part this rezoning application.

Should the rezoning of the three subject properties be successful, the applicant wishes to demolish parts of the existing Still Waters building, in order to construct an upgraded care facility. The applicant submitted a conceptual site plan, showing an expanded parking lot at the south-east corner of the site. An additional parking lot will be located on Lot 39, the northernmost lot of the three lots on Chandler Street forming part of this application. The existing building wing on the south-east corner will be demolished to make room for the new parking lot, and three wings with bedrooms will be added in the north-east corner of the existing site and on Lots 41 and 42 on Chandler Street. Furthermore, the applicant proposes to connect the Joseph Benjamin Residence with the hospital building.

The renovated hospital building will predominantly have two storeys, with some potential three storey sections. The addition of one storey, as well as the construction of additional wings on the recently acquired lots on Chandler Street, will allow an expansion of the current facilities from 119 beds to approximately 156 beds, including the Joseph Benjamin Residence.

The concept includes landscape buffers at the Chandler Street and Sutherland Avenue frontages, as well as along Mill Creek. Due to the conceptual nature of the redevelopment plans, the applicant did not provide details on landscaping and fencing as part of the rezoning application.

The site of the existing Still Waters facility abuts Mill Creek, and the redevelopment of the site will trigger a Natural Environment / Hazardous Condition Development Permit. The applicant has been advised that a Development Permit will be required prior to the Building Permit stage. The scope of the DP will be limited to addressing impacts and mitigation to Mill Creek and will not address form and character of the proposed building.

The proposal meets the requirements of the P1 – Major Institutional zone as follows:

CRITERIA	PROPOSAL (all four lots combined)	P1 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	8767m <sup>2</sup> ❶	460m <sup>2</sup>
Site Width (m)	73.0m	13.0m
Site Depth (m)	120.0m	30.0m
Site Coverage (%)	40%	50%
Total Floor Area (m <sup>2</sup> )	7761 m <sup>2</sup>	17,534m <sup>2</sup>
F.A.R.	0.89	2.0
Storeys (#)	3 storeys maximum	6 storeys or 22.0m
Setbacks (m)		
- Front	6.0m	6.0m
- Rear	2.7m ❷	7.5m
- North Side	5.0m	4.5m
- South Side	6.0m	6.0m
Landscape Buffers (m) ❸		
- Front	6.0m wide landscaping	Level 2, 3.0m min. landscaping
- Rear	Existing fence and landscaping along creek ❹	Level 3, 3.0m vegetative buffer or fence
- North Side	Existing opaque fence	Level 3, 3.0m vegetative buffer or fence
- South Side	6.0m wide landscape buffer in front of buildings	Level 3, 3.0m vegetative buffer or fence
Parking Stalls (#)	52	1 per 3 beds (Major group home): 52
Bicycle Parking	❺	Class I: 1 per 25 employees Class II: 5 per building public entrance

**Notes:**

- ❶ The site is comprised of 4 lots: The recently acquired lots on Chandler Street and the existing Still Waters site.
- ❷ Non –conforming setback of the existing Joseph Benjamin Residence, located on the current Still Water site, which is not part of this rezoning.
- ❸ Since the current design is conceptual, the applicant has not provided detailed landscaping and fencing information. A landscape plan will have to be submitted at the building permit stage. For landscaping along Mill Creek, the information will have to be provided at the Natural Environment / Hazardous Conditions Development Permit stage.
- ❹ A 15.0m wide setback from Mill Creek is required. The required leave strip and landscaping will be addressed as part of a Natural Environment / Hazardous Conditions Development Permit, prior to issuance of a Building Permit.
- ❺ The conceptual proposal does not show any bicycle parking. The applicant will be required to include bicycle parking in the concept provided for the building permit application.

#### 4.2 Site Context

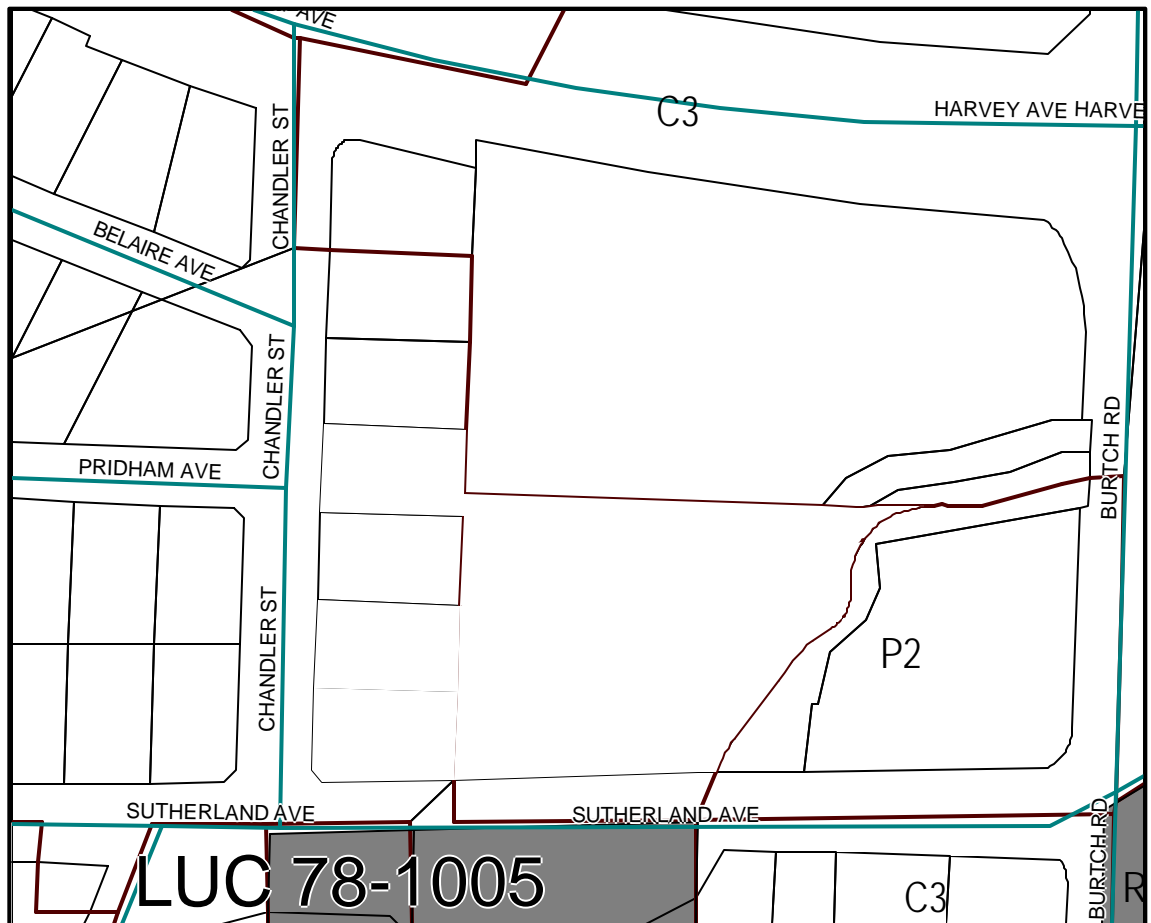
The properties are located in the Central City, south of Harvey Avenue and west of Burtch Road. The area has a mix of land uses, including commercial, residential and institutional. The neighbourhood to the west of the subject properties is zoned RU6 –

Two Dwelling Housing, and the area north of the properties is zoned C3 – Community Commercial. South of Springfield Road are multi-family developments, developed under a Land Use Contract, as well as C3 zoned properties.

Adjacent zones and uses are, to the:

- North - RU6 – Two-Dwelling Housing: Vacant; and  
C3 – Community Commercial: Retail and restaurants
- East - P2 – Education and Minor Institutional: Kelowna Community Church
- South - RM6 – High Rise Apartment Housing (LUC 78-1005): Apartment buildings;  
RU6 – Two-Dwelling Housing: Apartment buildings; and  
C3 – Community Commercial: Retail
- West - RU6 – Two Dwelling Housing: Single detached houses

Site Map



#### 4.3 Existing Development Potential

The three subject properties are zoned RU6 – Two Dwelling Housing. The purpose of this zone is to provide a zone primarily for semi-detached, duplex, or single-detached housing with a secondary suite.

#### 4.4 Current Development Policy

##### 4.4.1 Kelowna Official Community Plan

The Official Community Plan identifies the future land use designation of the three subject properties as Medium Density Multiple Family Residential. The desired rezoning of the properties to P1 – “Major Institutional” therefore triggers an OCP amendment to change the future land use for the properties to Educational/Major Institutional. The applicant has made an application for an OCP amendment, and application No. OCP01-004 should be considered concurrently with the rezoning application.

The OCP future land use designation for the area to the west is Medium Density Multiple Family. As this area is currently used for single and two-family land uses, it is anticipated that there will be significant redevelopment of the general area in the future.

##### 4.4.2 City of Kelowna Strategic Plan (1992)

The Strategic Plan includes the objective to provide for an increased diversity of land use in the existing and proposed future urban areas. The proposed rezoning would allow the continuation and expansion of the institutional use and thus contributes to the diversity of land use in the area.

#### 5.0 TECHNICAL COMMENTS

##### 5.1 Fire Department

Fire Department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Engineered fire flows required.

##### 5.2 Parks Manager

5.2.1. Parks Division will support under the condition that a landscape plan is submitted at development permit and/or building permit.

5.2.2. The following applies for all city lands or boulevard (BLVD) landscape and is standard information required on a landscape plan:

A. Plant materials list:

- |                       |                             |
|-----------------------|-----------------------------|
| i) Latin name         | iv) plant symbol key        |
| ii) common name       | iv) indicate existing trees |
| iii) size at planting |                             |

B. Plant material specifications:

- i) Deciduous Tree - caliper @300mm above rootball (min. 60mm)
- ii) Deciduous Shrub - spread (min. 450mm)
- iii) Coniferous Tree - height (min. 2.5m)
- iv) Coniferous Shrub - spread (min. 450mm)
- v) Seed/Sod Mix according to location and proposed activity use.

C. Scale of plan and north arrow clearly indicated on plan.

D. All plant materials (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by Parks Division. All materials located in BLVD to meet city standard for size and method of installation.

5.2.3. All mulch areas on private property that abut city lands to use acceptable

- 5.2.4. plastic edge to prevent mulch migrating into grass blvd or sidewalks. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
- 5.2.5. BLVD maintenance (irrigation, shrubs, ground cover, sod) is the responsibility of owner/occupant.
- 5.2.6. All BLVD tree maintenance is responsibility of Parks Division.
- 5.2.7. Planting plan to include all u/g utility locations in BLVD.

### 5.3 Public Health Inspector

Kitchen changes or pools must be approved by Health Unit.

### 5.4 Telus

Telus will provide underground facilities to this development. The developer will be required to supply and install as per Telus policy.

### 5.5 Works & Utilities

The Works & Utilities Department has the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit or the subdivision approval (lot consolidation) but are outlined in this report for information only.

#### 5.5.1 Domestic Water and Fire Protection

- (a) The existing water mains and fire protection systems on Chandler Street and Sutherland Avenue are sufficient for this proposed development.
- (b) Collect \$1,500.00 to disconnect three existing small diameter water services.
- (c) The proposed institution expansion should be serviced with domestic water and fire protection from the existing facility. If a larger service or additional service is required it can be provided at the applicants cost.
- (d) Water used in the new facility must be metered. If water is extended from the existing facility it must be from a metered source.

If there is to be landscaping on the site, the developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

#### 5.5.2 Sanitary Sewer

- (a) The existing sanitary systems on Chandler Street and Sutherland Avenue are sufficient for this proposed development.
- (b) Collect \$2,100.00 to disconnect small diameter sanitary sewer services.
- (c) The proposed institution expansion should be serviced with sanitary sewer from the existing facility if possible. If a new service or additional service is required it can be provided at the applicants cost.

### 5.5.3 Storm Drainage

- (a) This development must construct a storm drainage piped system complete with catch basins on Chandler Street, connected to the existing manhole on Sutherland Avenue. The cost of this construction is included in the road-upgrading item.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The plan must accommodate the requirements to contain a 1 in 10-year storm event within pipes and identify overland drainage routes for a 100-year storm event with consideration for upstream water sources and downstream facility upgrading and/or provision of storm water retention facilities. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), storm water services for each lot created and/or on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service at the developer's cost, with approval from the City drainage engineer.

### 5.5.4 Road Improvements

- (a) Chandler Street must be upgraded to a full urban standard including curb and gutter, monolithic sidewalk, piped storm drainage system including catch basins, manholes/ drywells, pavement widening, landscaped boulevard complete with underground irrigation system, ornamental street lights as required and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The cost of this construction for bonding purposes is \$70,500.00. Chandler Street construction includes the frontage of Lot 40.
- (b) Sutherland Avenue fronting lot 42 is currently fully urbanized. The only construction required is boulevard landscaping if required. This must be completed at the applicant's cost.

### 5.5.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Register statutory rights-of-way if required for utility services.
- (b) Consolidate the lots with the parent parcel.
- (c) Lot 40 Plan 10011 is not included in this application and appears to be left as an isolated parcel. It is recommended that this lot also be purchased and consolidated along with the subject application.

### 5.5.6 Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the new building must be connected by underground services. 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.

#### 5.5.7 Street Lighting

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

#### 5.5.8 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.

#### 5.5.9 Oversizing Reduction Consideration

The proposed construction on Road is eligible to receive an oversizing credit for a portion of the pavement widening. The amount of the oversizing credit will be determined when the design engineer has submitted construction tender costs and design.

#### 5.5.10 Latecomer Protection

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

- (a) Storm drainage on Chandler Street.
- (b) Road upgrading in front of lot 40.

#### 5.5.11 Geotechnical Report

As a requirement of this application and/or prior to issue of subdivision preliminary layout review (PLR) by the Approving Officer, the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site and overland surface drainage courses traversing across or influencing this property.
- (b) Site suitability for development; i.e. hillside, unstable soils, etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyze soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

#### 5.5.12 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.

#### 5.5.13 Bonding and Levy Summary

- (a) Bonding Chandler Street upgrading \$70,500.00

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 as a condition of subdivision approval or building permit issuance, 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 or issuance of a building permit.

- |                   |                              |                   |
|-------------------|------------------------------|-------------------|
| (a) <u>Levies</u> | Disconnect water services    | \$1,500.00        |
|                   | Disconnect sanitary services | <u>\$2,100.00</u> |
|                   | Total Levies                 | <u>\$3,600.00</u> |

#### 5.5.13 Site Related Issues

- (a) 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 (Schlumberger) must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the owner will be invoiced for the meters.
- (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.

#### 5.5.14 OCP Amendment

The department has no requirements of the OCP amendment.

#### 5.5.15 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. 7% GST will be added.

5.6 BC Gas

BC Gas currently has existing gas services to the above addresses. These services will require abandonment in the event that this rezoning application proceeds to the Development Permit phase. If the proposed expansion to Still Waters Private Hospital is to proceed as shown, BC Gas will require relocation of existing gas service and meter set.

5.7 Shaw Cable

Owner/contractor to supply/install conduit system as per Shaw Cable drawings and specifications.

## 6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department has no concerns with the proposed rezoning of the three subject properties on Chandler Street. The addition of the subject properties to the existing Still Waters site will enable the upgrade and expansion of the facility. Further, the department has no concerns regarding the required Official Community Plan amendment to change the future land use designation of all four subject properties to Educational/Major Institutional. The rezoning and OCP amendments allow for the continued use and the expansion of the care facility, which contributes to the diversity of land uses in the area, thus meeting the objective of the City of Kelowna Strategic Plan.

In a proposal for seniors' housing of this magnitude, with common areas, it is positive if some space can be available for community use. This not only benefits the community, but also the senior residents, who need to interact with non-senior, non-staff people. A good example is a child care use. The mixing of children with senior residents has demonstrated positive and healthy advantages and is therefore recommended for the future expansion of the Still Waters facility. In addition, the rezoning of the three lots isolates Lot 40, Plan 10011, severely limiting future options for the owner(s) of that property. The applicant is encouraged to address this issue. This would furthermore allow a comprehensive development on all lots, which would eliminate the proposed parking lot on Lot 39. This parking lot is not consistent with the General Residential Development Permit Guidelines in the OCP and would weaken the definition of the street edge along Chandler Road.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

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R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

KGB  
Attach.

**FACT SHEET**

1. **APPLICATION NO.:** Z01-1029 / OCP01-004
2. **APPLICATION TYPE:** Rezoning / OCP Amendment
3. **OWNER:** Pacific Sun Enterprises Ltd.  
· **ADDRESS** #1 – 700 Rutland Road N  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1X 7W8
4. **APPLICANT/CONTACT PERSON:** Pacific Sun Enterprises Ltd. /  
· **ADDRESS** David Kornell  
· **TELEPHONE/FAX NO.:** Same  
491-7714/491-7289
5. **APPLICATION PROGRESS:**  
Date of Application: April 27, 2001  
Date Application Complete: April 30, 2001  
Servicing Agreement Forwarded to Applicant: N/A  
Servicing Agreement Concluded: N/A  
Staff Report to APC: May 10, 2001  
Staff Report to Council: July 25, 2001
6. **LEGAL DESCRIPTION:** Lots 39, 40 & 42, DL 137, O.D.Y.D.,  
Plan 10011 and Lot A, DL 137,  
O.D.Y.D, Plan 10512
7. **SITE LOCATION:** East Side of Chandler St., North of  
Sutherland Ave.
8. **CIVIC ADDRESS:** 1889, 1879, & 1859 Chandler St. and  
1450 Sutherland Avenue
9. **AREA OF SUBJECT PROPERTY:** 8767m<sup>2</sup> (after consolidation); three  
subject lots cover 2.696m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** 2,696m<sup>2</sup>
11. **EXISTING ZONE CATEGORY:** RU6 – Two Dwelling Housing
12. **PROPOSED ZONE:** P1 – Major Institutional
13. **PURPOSE OF THE APPLICATION:** To change the future land use  
designation of the properties to  
Educational/Major Institutional and to  
rezone the three properties on  
Chandler Street to the P1 – Major  
Institutional Zone to Permit Expansion  
of the Still Waters Care Home Private  
Hospital on Adjacent Lots
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** 02-081-19236  
**NOTE: IF LANDS ARE WITHIN 800 m OF A  
CONTROLLED ACCESS HIGHWAY**
15. **DEVELOPMENT PERMIT MAP 13.2  
IMPLICATIONS** N/A

**ATTACHMENTS**  
**(Not included in electronic version of report)**

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- Location Map
- Site Plan (Conceptual)
- Elevations (Conceptual)