
CITY OF KELOWNA
MEMORANDUM

Date: August 8, 2001
File No.: (3360-20) **Z01-1034/OCP01-006**

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. Z01-1034 / OWNER: RUBY HOLDINGS LTD.
OCP01-006 INC. NO. 146725

AT: GORDON DR. AT LEQUIME RD. APPLICANT: NEW TOWN PLANNING
SERVICES INC.

PURPOSE: OCP AMENDMENT TO CHANGE THE FUTURE LAND USE
DESIGNATION OF A PORTION OF THE SUBJECT PROPERTY
FROM THE "MULTIPLE FAMILY RESIDENTIAL – MEDIUM
DENSITY" DESIGNATION TO THE "EDUCATIONAL/MAJOR
INSTITUTIONAL" DESIGNATION

TO REZONE A PORTION OF THE SUBJECT PROPERTY TO
PERMIT THE DEVELOPMENT OF A PRIVATE SCHOOL

EXISTING ZONE: RM5 – MEDIUM DENSITY MULTIPLE HOUSING

PROPOSED ZONE: P2 – EDUCATION AND MINOR INSTITUTIONAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Map 15.1 – *General Future Land Use* of Schedule "A" of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of; part of Lot 3, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP66568, Located on Gordon Drive, from Multiple Family Residential – medium density to Educational / Major Institutional as shown on Map "A";

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 3, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP66568 as shown on Map "B" attached to the report of the Planning and Development Services Department, dated July 25, 2001, located on Gordon Drive, Kelowna, B.C., from the RM5 – Medium Density Multiple Housing zone to the P2 – Education and Minor Institutional zone;

AND THAT the Official Community Plan and 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 registration of a plan of subdivision in the Land Titles Office in Kamloops for the required lot consolidation;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

2.0 SUMMARY

This application for OCP amendment and Rezoning seeks to rezone the portion of lot 3, Plan 66568 to the P2 – Education and Minor Institutional zone to permit the development of a private school facility for the Okanagan Academy.

2.1 Advisory Planning Commission

The above noted applications (Z01-1034/OCP01-006) were reviewed by the Advisory Planning Commission at the meeting of July 10, 2001 and the following recommendations were passed:

THAT the Advisory Planning Commission supports development applications OCP01-006 and Z01-1034 by New Town Planning Services (Keith Funk), for a portion of Lot 3, Plan 66568, Sec. 6, Twp 26, O.D.Y.D., to amend the Official Community Plan Future Land Use Designation from Multi-Family Low Density to Education / Major Institutional and to rezone a portion of the subject property to the P2 – Education and Minor Institutional in order to permit the development of a private school.

3.0 BACKGROUND

3.1 The Proposal

The subject property has been under application for both rezoning and development permit over the years to permit multiple family residential uses. Most recently, there has been an application to rezone from the Golf Course use to low and medium density multiple housing made in April 1998. On December 20, 1999, after a successful public hearing held on December 12, 1998, the zone amending bylaw was adopted. However, the building construction that was authorized under DP99-10,095 was never commenced. Application DP00-10,038 sought permission to construct a different form of low density multiple housing. That development permit application proposed a form of linked housing. That development permit application has been reviewed by council, and authorized for issuance on October 2, 2000. However, to date that development permit has not been issued, although there has been one extension of Council approval for the file. In April 2000, the parent property was subdivided into 3 properties, with the northern property being proposed for park use.

At this time, the applicant has applied to rezone that portion of lot 3, plan 66568, south of the revised Lequime Road location, from the existing RM5 – Medium Density Multiple Housing zone to the P2 – Education/ Minor Institutional zone in order to permit the development of that portion of the site into a private school for the Central Okanagan Academy. Although schools are considered an appropriate use with the “Multiple Family – Medium Density” future land use designation, staff has requested the applicant to amend the future land use designation to the “Education/Major Institutional” future land

use to better reflect the intended use. It must be noted that the OCP amendment will serve to primarily change the Future Land Use designation on Map 15.1 of the Official Community Plan rather than to change permitted land uses.

The proposed development is anticipated to consist of a 2,508 m² building that is located adjacent to the proposed location for the future extension of Lequime Road. The building is designed in an “L” shape, with parking and bus loading area located between the proposed school building and the road. There is a playing field located in the southwest corner of the property, near the existing residential uses. The remainder of the lot is anticipated to be grassed.

The proposal as compared to the P2 zone requirements is as follows:

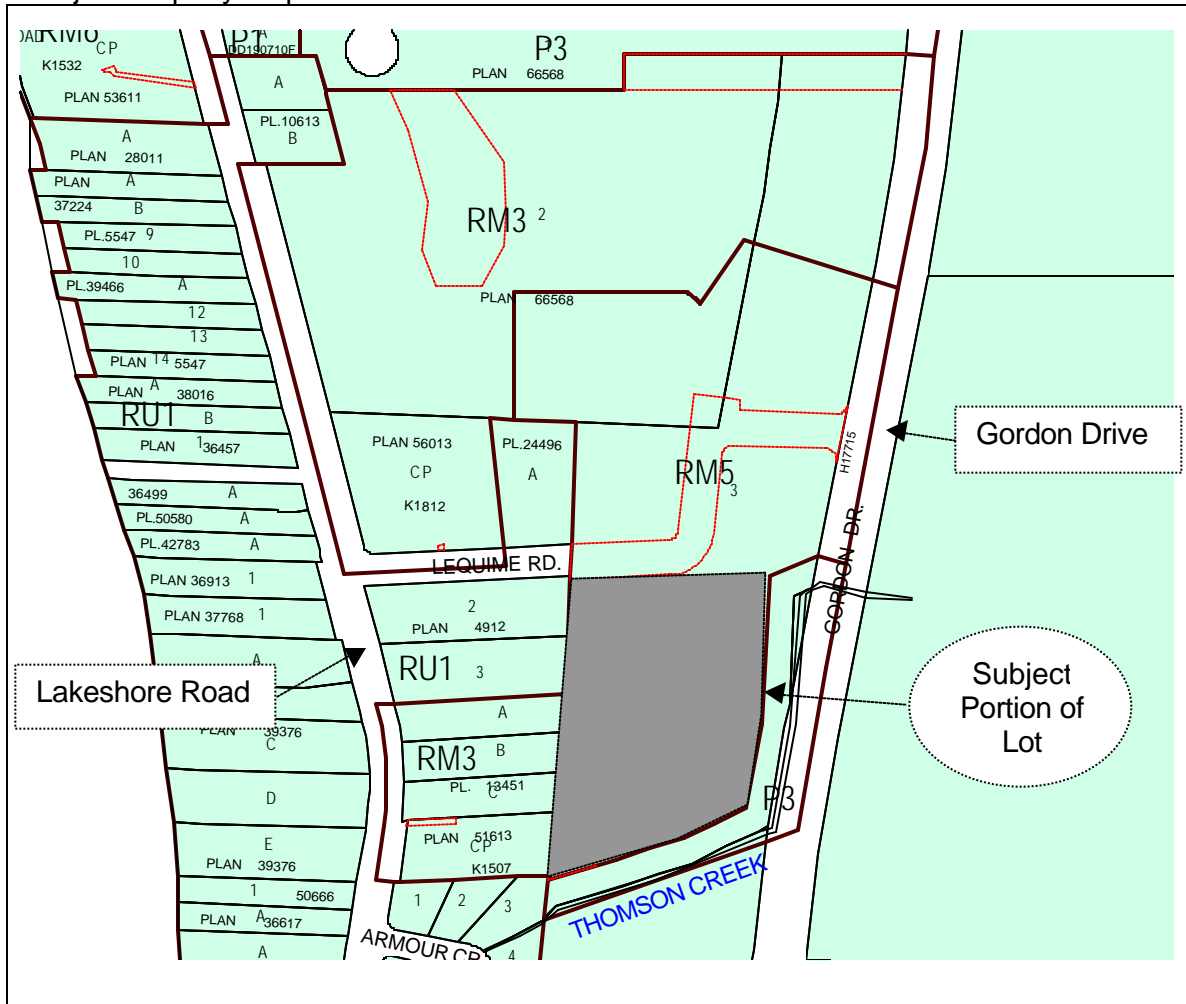
CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Site Area (m ²)	18,372m ²	660m ²
Site Width (m)	100 m	30.0m
Site Coverage (%)	13.7%	40% Buildings 60% Buildings, parking and pvmt
Total Floor Area (m ²)	2,508m ²	
F.A.R.	0.14	1.0
Storeys (#)	1	3 storeys (13.5m)
Setbacks (m)		
- Front	13.6m	6.0m
- Rear	76.8m	7.5m
- East Side	4.6m	4.5m
- West Side	26.3m	4.5m
Parking Stalls (#)	30 stalls provided	1 stall per 10 students
Loading Stalls (#)	35 stalls provided 9 bus loading stalls	1.5 stalls per 100 students (min 5 stalls) plus 3 bus loading stalls

Note; The figures shown in the above table are based upon an anticipated subdivision of the subject property which will reduce the size of Lot 3, Plan 66568 from the current size of 43,916 m² down to a proposed size 18,372 m²

3.2 Site Context

The subject property was part of the former Fairview Golf Course site. The golf course has not operated on this property for approximately 3 years. The subject property is generally level, and is adjacent to Gordon Drive on the east side, and has Thompson Creek running down approximately ½ of the Gordon Drive frontage and across the southern property line. The portion of Thompson creek next to Gordon Drive is currently being relocated in conjunction with preliminary work at the Mission Sports Field.

Subject Property Map



Adjacent zones and uses are, to the:

- North - RM5 – Medium Density Multiple Housing, vacant
- East - A1 – Agriculture 1 / Gordon Drive, Mission Sports Fields
- South - A1 – Agriculture 1/Thompson Creek, vacant field
- West - RU1 – Large Lot Housing, single family residential uses
RM3 – Low Density Multiple Housing – multi-family uses

3.3 Existing Development Potential

The existing zone of RM5 – Medium Density Multiple Housing permits; apartment housing, congregate housing, group homes – major, and stacked row housing as principal permitted uses, and care centres – minor, intermediate, & major, and home based businesses – minor are permitted as secondary uses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The current Official Community Plan designates the future land use of the subject property as a combination of multi-family residential – low density and multi-family residential – medium density. It also designates Park and Open Space along the length of Thompson Creek. An application has been made to amend the future land use designation of the subject property from the existing “multiple family residential – medium density” designation to the proposed “educational/major institutional” designation. It should be noted that the existing OCP designation supports school uses.

3.4.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan supports infill development to higher densities where urban services can be provided concurrently with development.

3.4.3 North Mission/Crawford Sector Plan

The North Mission/Crawford Sector Plan generally supports the proposed land uses. Most of the site specific development criteria listed on Illustrative Concept #5 in the Sector Plan has been addressed through the conceptual development plans (see Map “B” and Schedule “A”). Inconsistencies with the Sector Plan are addressed as part of the zone and OCP amending bylaws.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 B.C. Gas

There is no gas main in Lequime Road fronting this development. A main extension will be required, initiated by gas application. Allow 6 to 8 weeks lead time for permitting to be complete.

4.2 Fire Department

Fire department access and hydrants as per the BCBC and City of Kelowna Subdivision By-law. Contact F.P.O. for preferred location(s) of new hydrant(s). Engineered fire flows will be required for building.

4.3 Parks Manager

1. Parks Division will support under the condition that a detailed landscape plan is submitted for review at development permit and/or building permit.
2. Higher canopy shade trees to be used beside city sidewalks and roads to avoid unnecessary pruning.
3. The following applies for all boulevard (BLVD) landscape and is standard information required on a landscape plan:

- A. Plant materials list:
 - i) Latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - v) indicate existing trees
- 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 meet city standard for size and method of installation.
- 4. All mulch areas on private property that abut city lands to use acceptable plastic edge to prevent mulch migrating into grass blvd or sidewalks.
- 5. BLVD maintenance (irrigation, shrubs, ground cover, sod) is the responsibility of owner/occupant.
- 6. All BLVD tree maintenance is responsibility of Parks Division.
- 7. Planting plan to include all u/g utility locations in BLVD.

4.4 Shaw Cable

Owner/Contractor to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

4.5 Telus

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

4.6 West Kootenay Power

comments pending

4.7 Works and Utilities Department

The Works & Utilities Department have 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 subdivision approval, but are outlined in this report for information only.

1. Domestic Water and Fire Protection

- (a) A 250-mm diameter water main is required to be extended on Lequime Road to Gordon Drive to provide domestic water and fire protection for the proposed development. A preliminary design has been completed by the City of Kelowna in anticipation of water main extension to the proposed Mission District Park. If the subject development proceeds prior to the water main being constructed, this development will be responsible for the construction at their cost. The cost of the water main extension for bonding purposes is **\$61,100.00**

If others construct the water main, a latecomer agreement will be registered against the subject property. Latecomer charges must be paid before a building permit is issued.

- (b) A water service of suitable size for the proposed school must be installed at the applicant's cost.
- (c) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

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.

2. Sanitary Sewer

- (a) The City of Kelowna has installed a sanitary sewer main. A latecomer agreement has been registered against the subject land. Latecomer charges must be paid prior to issuance of a building permit.
- (b) A sanitary sewer service of suitable size must be installed for this development at the applicant's cost.

3. Storm Drainage

- (a) The City of Kelowna has installed storm drainage main. A latecomer agreement has been registered against the subject land. Latecomer charges must be paid prior to issuance of a building permit.
- (b) A storm drainage service of suitable size must be installed for this development at the applicant's cost.
- (c) 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), and 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.

4. Road Improvements

- (a) Lequime Road must be constructed to a full urban standard fronting this lot on both sides of the new road, 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 costs for this construction for bonding purposes is **\$126,400.00**

- (b) Gordon Drive upgrading was addressed under a previous zoning application Z98-1014. The servicing agreement for Z98-1014 must be renewed with the 2001 cost estimates indicating a cost escalation of \$52,700.00 for a total bonding amount of **\$226,700.00**. The City of Kelowna requires this amount in the form of a letter of credit from the Z98-1014 developer or the developer may complete the Gordon Drive upgrading at this time.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Dedicate Lequime Road through the subject property.
- (b) Grant statutory rights-of-way within the subject property if required for utility services.
- (c) Create separate legal lots on either side of Lequime Road.

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 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.

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.

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.

9. Development Cost Charge Reduction Consideration

The proposed construction on Gordon Drive is eligible to receive a DCC credit for a portion of the pavement widening. The amount of the DCC credit will be

determined when the design engineer has submitted construction tender costs. DCC credit cannot exceed the actual DCC assessed by the City, nor shall it exceed the actual cost of construction as is substantiated by the actual construction cost.

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) Water main extension on Lequime Road fronting Lot 2 Plan 4912 and Lot A Plan 24496 if the water main is extended by this development.
- (b) Storm Drainage on Gordon Drive.

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, analyse 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.
- (e) Avoid disturbance of protected trees on the site.

12. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

13. Bonding and Levy Summary

- (a) Bonding

Lequime Road water main construction
\$61,000.00

Lequime Road construction.
\$126,400.00

Gordon Drive frontage upgrade (Deficiency amount)
\$52,700.00

Total Bonding
\$240,100.00

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 4th reading of the zone amending bylaw or issuance of a building permit.

(b) Levies

Total Levies N/A

14. Development Permit and Site Related Issues

(a) Development permit issues will be addressed when an application is received.

(b) Access and Manoeuvrability

The site plan should illustrate the ability of an SU-9 vehicle to manoeuvre onto and off-site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

(c) Thompson Creek Dedication

As a requirement of Z98-1014, a creek corridor was dedicated. This is no longer required. Disposition of this Right-of-way and a dedication of a new right-of-way on the south side of the property will be a requirement of the subdivision application.

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.

16. OCP Amendment

We have no concerns or requirements of the OCP amendment application.

5.0 PLANNING COMMENTS

The Planning and Development Services Department does not have concerns with this proposal, other than this proposed land use further erodes the multiple family residential unit numbers envisioned in the Official Community Plan for the Mission area of the City. The proposed use of the site for a school use is viewed as a complementary use to the residential uses that exist in the neighbourhood. Given the close proximity of the site to the Mission Sports fields, and the proposed development there, it makes some sense to site a school in the area.

Although schools are generally considered to be important components in most neighbourhoods it must be recognized that this private school will draw students and more traffic from all areas of the City and region and is not considered as a neighbourhood facility serving local needs. However, the proponents have advised that they are willing to make their school facility available for community uses, which further enhances the connection of the new school and the neighbourhood in which it is located.

There is no Development Permit application associated with this rezoning application as institutional uses are exempt from Development Permits.

Now that the drainage works required as part Mission Sports Field development are well established, it has been determined that the portion of Thompson Creek that is located adjacent to Gordon Drive is no longer required. It is anticipated that the dedication of Lequime Road can be facilitated by a road exchange process for the closed portion of Thompson Creek.

In light of the above, the Planning and Development Services Department supports this application, and recommends for Council's positive consideration.

Andrew Bruce
Current Planning Manager

Approved for inclusion ☐

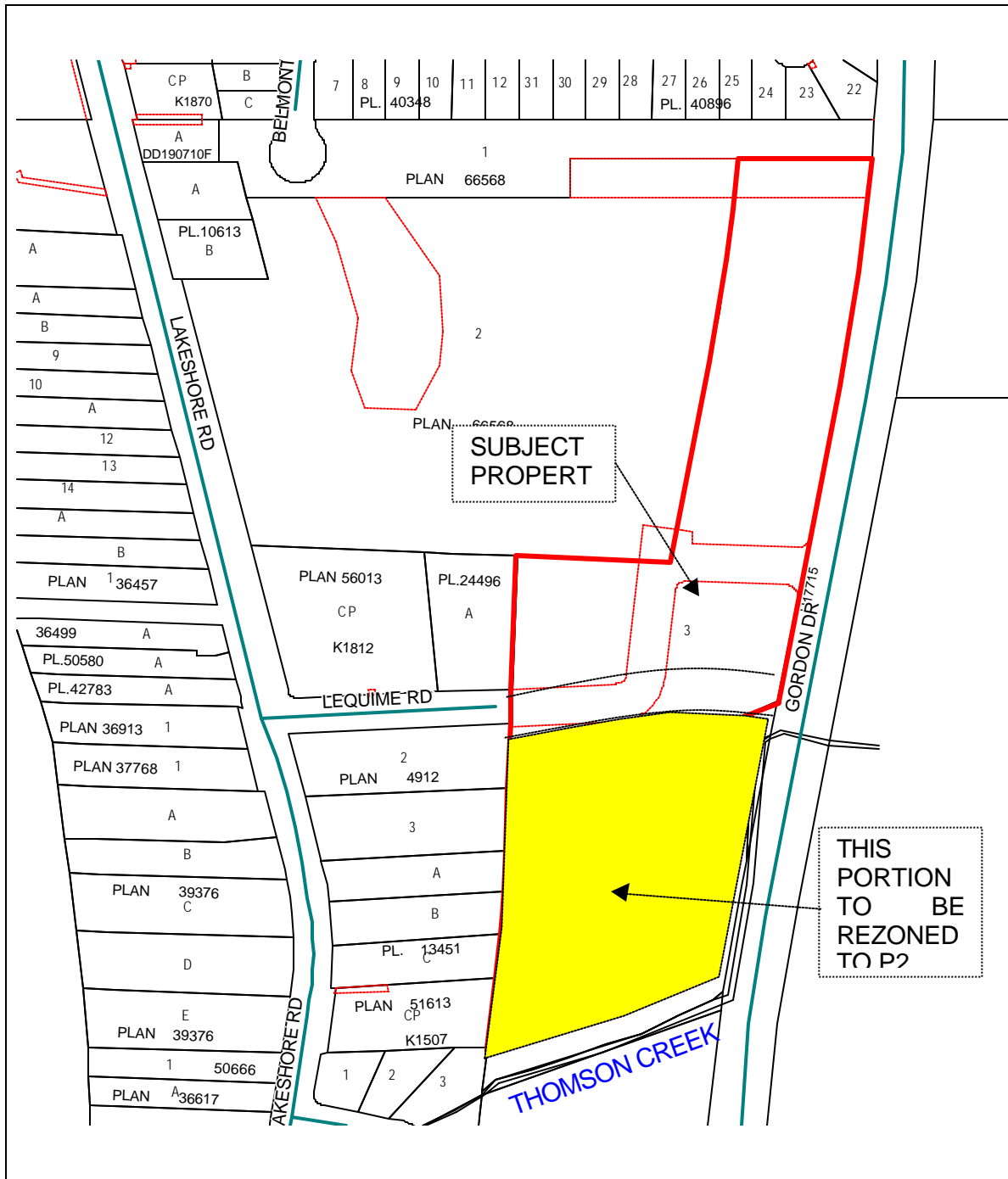
R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

PMc/pmc
Attach.

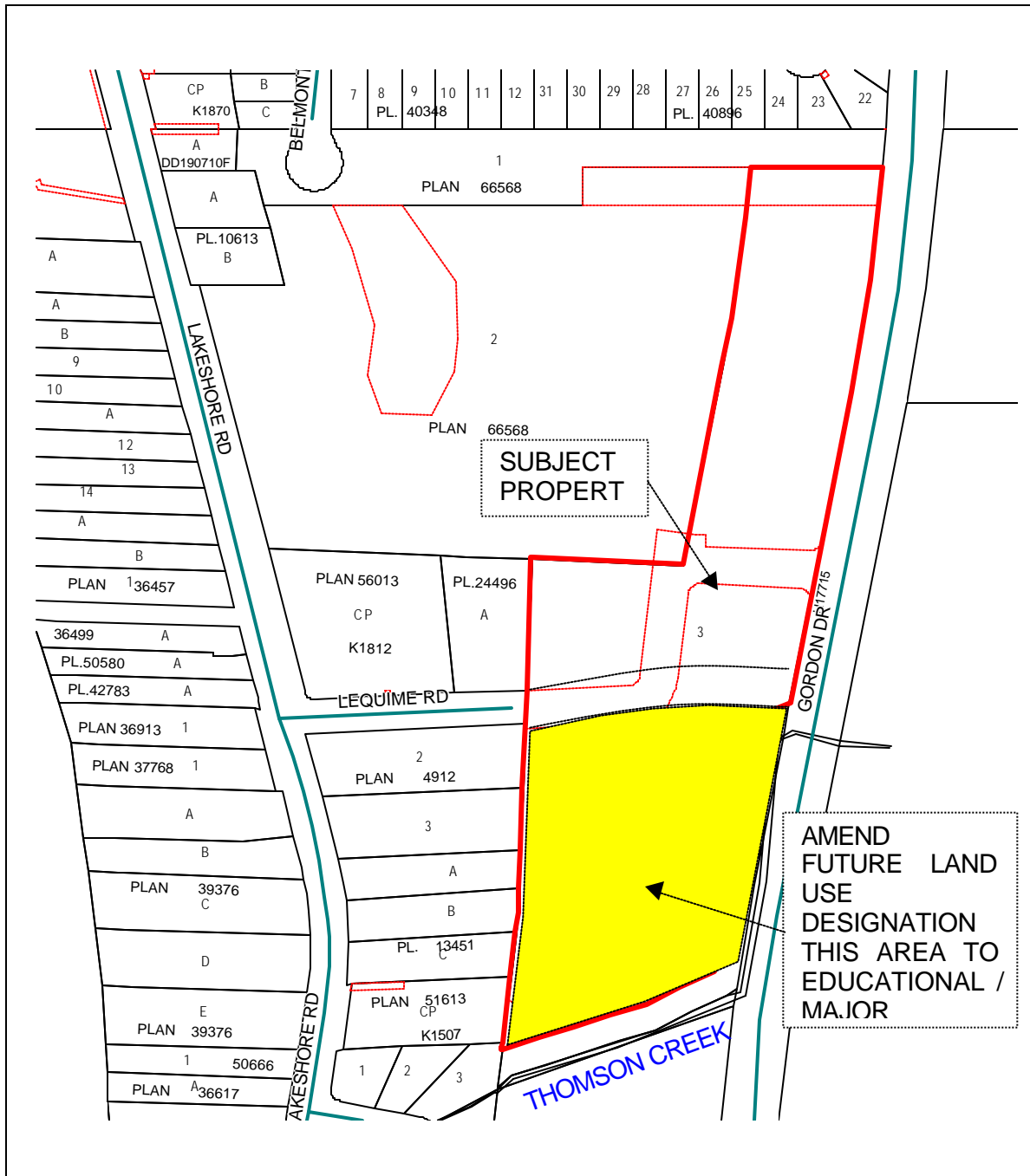
FACT SHEET

- | | |
|---|---|
| 1. APPLICATION NO.: | Z01-1034 / OCP01-006 |
| 2. APPLICATION TYPE: | Rezoning / OCP Amendment |
| 3. OWNER: | Ruby Holdings Ltd. |
| . ADDRESS | 12011 Third Ave. |
| . CITY | Richmond, BC |
| . POSTAL CODE | V7E 3K1 |
| 4. APPLICANT/CONTACT PERSON: | New Town Planning Services Inc. |
| . ADDRESS | Keith Funk |
| . CITY | 1450 Pandosy St. |
| . POSTAL CODE | Kelowna, BC |
| . TELEPHONE/FAX NO.: | V1Y 1P3 |
| 5. APPLICATION PROGRESS: | 860-8185/860-0985 |
| Date of Application: | June 15, 2001 |
| Date Application Complete: | June 19, 2001 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | August 8, 2001 |
| 6. LEGAL DESCRIPTION: | Lot 3, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP66568 |
| 7. SITE LOCATION: | West of Gordon Drive, South of Lequime Road |
| 8. CIVIC ADDRESS: | Off of Gordon Dr. |
| 9. AREA OF SUBJECT PROPERTY: | 43,916 m ² |
| 10. AREA OF PROPOSED REZONING: | 18,372 m ² |
| 11. EXISTING ZONE CATEGORY: | RM5 – Medium Density Multiple Housing |
| 12. PROPOSED ZONE: | P2 – Education and Minor Institutional |

- 13. PURPOSE OF THE APPLICATION:** OCP Amendment To Change The Future Land Use Designation Of A Portion Of The Subject Property From The "Multiple Family Residential – Medium Density" Designation To The "Educational / Major Institutional" Designation, and to To Rezone A Portion Of The Subject Property To Permit The Development Of A Private School
- 14. MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
- 15. DEVELOPMENT PERMIT MAP 13.2** General Multi-Family; notify GIS of deletion
IMPLICATIONS



MAP "A"



MAP "B"

Attachments

Subject Property Map
Site Plan