
CITY OF KELOWNA
MEMORANDUM

Date: August 8, 2001
File No.: (3360-20) **Z01-1035/OCP01-007/TA01-007**

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. Z01-1035 / OWNER: VINTAGE PROPERTIES
OCP01-007/ INC. FOR MARONA
TA01-007 ESTATES LTD.

AT: GLENMORE RD / SUMMIT DR. / APPLICANT: RED & GOLD
VALLEY RD PROPERTIES

PURPOSE: OCP AMENDMENT TO ADJUST PHASE ONE BOUNDARIES OF
THE CD 3 – CONCEPT DEVELOPMENT THREE ZONE

REZONING APPLICATION TO APPLY CD 3 – CONCEPT
DEVELOPMENT THREE ZONE TO REVISED PHASE ONE
AREA

TEXT AMENDMENT TO THE CD 3 ZONE TO PERMIT
MAXIMUM 6 ½ STOREY BUILDING HEIGHT

EXISTING ZONE: A1 – AGRICULTURAL 1 ZONE
CD 3 – CONCEPT DEVELOPMENT THREE ZONE

PROPOSED ZONE: CD 3 – CONCEPT DEVELOPMENT THREE ZONE

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT City of Kelowna Official Community Plan (1994 – 2013) Bylaw 7600 be amended as described in Appendix 1 attached to the report of the Planning and Development Services Department dated August 8, 2001;

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing section 1.4.(d), height of buildings in the CD3 Concept Development Three zone from maximum of 6 storeys to 6 ½ storeys, as outlined in the report of the Planning & Development Services Department dated August 8, 2001;

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the CD3 Concept Development Three zone, Figure CD3.1 Phase 1 Rezoning Boundary map with revised Figure CD3.1 as described in Appendix 2 attached to the report of the Planning and Development Services Department dated August 8, 2001;

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot 4, Block 7, Sections 29 & 32, Twp. 26, O.D.Y.D., Plan 896, as shown on Map "A" attached to the report of the Planning and Development Services Department, dated August 1, 2001, located on Glenmore Road, Kelowna, B.C., from the A1 – Agricultural 1 zone to the CD3 – Comprehensive Development Three 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 in conjunction with Council's consideration of a Development Permit on the subject property;

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 seeks approval for the first phase of construction of "The Conservatory" project. However, the applicants now propose to include the "Conservatory" amenity feature with the first phase, instead of at phase two. As the proposed first phase site area of 22,291 m² has increased in area by 6,057 m² up to 28,348 m² from the phase one area originally approved under the original OCP Amendment (OCP97-024), Text Amendment (TA99-009) and Rezone application (Z97-1021) which created the CD3 zone on the subject properties, it is necessary for the applicant to apply for an OCP Amendment and Zone amendment in addition to the required Development Permit application.

2.1 Advisory Planning Commission

The above noted applications (OCP01-007, Z01-1035 and DP01-10,038) were reviewed by the Advisory Planning Commission at the meeting of July 10, 2001 and the following recommendation was passed:

THAT the Advisory Planning Commission supports development applications OCP01-007 and Z01-1035 to adjust the boundary of the CD3 – concept Development Three zone for a portion of the subject property to permit the construction of Phase 1 of the proposed Conservatory development by Red and Gold Properties (Warren Neufeld).

3.0 BACKGROUND

3.1 The Proposal

In September 21, 1999 the CD3 zone amending bylaw had a successful Public Hearing, and received 2nd and 3rd readings. On September 25, 2000, the zone amending bylaw was adopted. The CD3 zone as adopted anticipated construction of the Phase one

portion of the project, with the “Conservatory” amenity feature scheduled for Phase two. At that time, it was anticipated that the first phase of construction would create approximately 240 residential dwelling units on a site area of 22,291m².

This current application proposes the development of the “Conservatory” feature as part of the first phase of development. As a result of including the “Conservatory” feature with the first phase of construction, the boundaries of the phase one area will have to be amended to include the area of the “Conservatory” feature as part of phase one. This increase in site area is approximately 6,057m², which creates a revised site area of 28,348 m². As well, the number of residential dwelling units for the first phase has been revised to 236 dwelling units.

The proposal is still generally the same as the building form proposed with the original CD3 zone in that the first phase of development consists of the first residential building with the “Winter Garden” feature. As part of the first building, there is also a commercial component located at the corner of Glenmore Road and Summit Road. One minor departure from the original proposal is the inclusion of a freestanding two storey residential building located in the plaza at the corner. The building is designed to be reminiscent of a 1900’s two storey house that would have been typical for that era of Kelowna. The provision of this building is to provide a visual connection link between the new development and the heritage of the Glenmore Valley and the people who settled there to make their living farming.

The proposed building is generally configured as a six and a half storey building constructed on top of a two storey parking structure which is built into the ground. The building form starts off as a two and a half storey row house form of development along Glenmore Road, utilizing a number of complementary groups of building finishes and roof colours. This façade incorporates residential dwelling units that are designed as townhouse units with ground oriented access to the Glenmore Road frontage, reinforcing the residential use of the proposed building. There are also a number of loft dwelling units constructed within the associated roof space. As the building form approaches Summit Drive, a plaza feature is created, providing access to the commercial spaces located at grade. The plaza also contains a two storey freestanding residential building which is finished with materials in colours and finishes that are complementary to the main building. The multi-family residential building continues along Summit Drive approximately 55 m, where the building turns 90 degrees and heads north, parallel to the portion of the building located adjacent to Glenmore Road. This portion of the building steps up from the two and a half storey building height adjacent to Summit Drive, up to six and a half storeys in height. The proposed building continues northward, parallel to the portion of the building adjacent to Glenmore Road. This portion of the residential building reaches a maximum building height of six and a half storeys which includes a number of residential units within the roof space for that portion of the proposed building. The floor of the “Winter Garden” has been depressed along the east side to provide for access from a number of small residential units located on the same level as the main parking level (P1).

The centre portion of the first phase multi-family residential building is enclosed with a glass roof structure which forms the “Winter Garden” feature of the proposed development. The residential apartment units that are located within the centre of the building, look out into the “Winter Garden” and have balconies which open to the “Winter Garden” area.

The site plan indicates three vehicle access points, one from each of the adjacent roads. The access from Glenmore Road is configured as a right turn in only which provides

access to a drop-off area adjacent to the “Conservatory” feature area. The driveway continues on to connect with the driveway from Valley Road. The access from Valley Road is constructed at this time as a temporary access, and has a substantial amount of landscaping proposed adjacent to the entry to provide a sense of a gateway to the project site. The driveway provides a two-way access to the under building parking structure. The access from Summit Drive provides access to the southern portion of the under building parking structure, as well as access to a drop-off loop adjacent to the commercial and community use area.

The under building parking structure is designed with two levels of parking. The lowest level (P2), has internal access from the upper parking level, and provides for 155 parking stalls. The second level of parking (P1) has access off of Summit Drive and a secondary access from Valley Road. This level of parking provides space for 159 parking stalls, of which 30 stalls are located outside of the security gate to provide parking for visitors and the adjacent commercial area. This level also provides for a number of storage areas including bicycle storage, and space for building mechanical services and equipment, as well as a number of smaller residential units facing the “Winter Garden” area. In addition to the commercial and community areas located adjacent to Summit Drive, there is also an internal swimming pool and fitness area located on this level near the “Conservatory” area.

The first level above the parking area forms the main level of the residential building and the floor level of the “Conservatory”. This level also has parking for 42 vehicles located adjacent to the “Conservatory”. This level contains the sales centre, which is accessed through the “Conservatory”.

The second level above the parking level contains the second level of residential units and also contains a mezzanine level for the conservatory and a mezzanine level within the sales centre. There is also an overhead bridge that connects the two mezzanine levels together through the “Conservatory”. At this level the portion of the residential building facing Glenmore Road is terminated at the roof structure, with the lowest part of the glass roof over the “Winter Garden” commencing. However, there are a number of loft style dwelling units within this roof space.

The third level above the parking level is where the residential building starts to step back from both Glenmore Rd and Summit Drive facades. Generally, the building height increases up to a maximum of six and a half storeys, while the ends of the building step back from the adjacent road frontages. The walls of the “Conservatory” portion of the building development progresses up to the six storey level, even though the highest floor level is a mezzanine at the second level. The walls of the “Conservatory” area are designed to be finished with a mixture of translucent and opaque glazing materials.

The building exteriors are designed to be finished with a blend of brown toned wall finishes consisting of textured block materials and smooth limestone tiles. There are also areas of the walls that are finished with beige coloured stucco finishes. The proposed roofing materials for the two storey portion facing Glenmore Road is proposed to be a blend of asphalt roof shingles containing flecks in colours ranging from “aspen white”, to “forest green”, “antique slate”, and “shakewood”. There are also portions of the roof that are designed to be finished with medium brown coloured pre-finished metal roof panels.

The landscape plan shows an intensive level of planting along the Glenmore Road frontage with a concentration of planting adjacent to the “Winter Garden” entrance. The planting along Summit Drive is designed at a comparable level to the plantings along

Glenmore Road. The plaza feature located at the corner of Glenmore and Summit Drive is designed with additional plantings and hard landscape features of a more pedestrian level. The northern property line is proposed to have a dense planting of trees to provide a buffer to the existing “Chartwell” community. The top of the exposed parking structure located adjacent to the Summit Drive access driveway is designed to have a putting green and bocce courts. The remainder of the area is designed to be finished with exposed river rock and concrete pavers with ground cover and shrub plantings to separate the putting green from the exposed river rock area.

The use of the roof space for residential units was contemplated at the time the original CD3 zone was adopted, as noted on Figure CDPA.5 – Building Heights which forms part of Schedule 18 in the City of Kelowna Official Community Plan. However, when the CD3 zone was written the maximum permitted building height was inadvertently limited to six storeys. This is the reason for including a text amendment to correct this oversight as part of this rezoning application.

The proposal as compared to the CD3 zone requirements is as follows:

CRITERIA	PROPOSAL	CD3 ZONE REQUIREMENTS
Site Area (m ²)	28,348m ²	22,291m ²
Site Coverage (%)	Buildings, parking, and driveways 28% (exc. “Conservatory” & “Winter garden”)	Buildings 40% Buildings, parking, and driveways 60%
Total Floor Area (m ²)	57,907 m ² (gross) 38,296 m ² (net)	42,522 m ² (at FAR = 1.5)
F.A.R.	1.35	FAR = 1.5
Storeys (#)	6½ storeys max (24m)	6½ storeys (33m)
Setbacks (m)		
- Front (Summit Drive)	7.5m for residential 4.5m for commercial 6.0 m for residential use above commercial uses	7.5m for residential 3.0m for commercial 6.0 m for residential use above commercial uses 4.5 m to entrance canopies
- Rear	95m	0.0m
- West Side (Glenmore Rd.)	8.0 m for residential 10.0m for commercial	7.5m for residential 3.0m for commercial 6.0 m for residential use above commercial uses 4.5 m to entrance canopies
- East Side (Valley Rd.)	74m	0.0 m
Parking Stalls (#)	356 stalls provided	351 stalls required
Loading Stalls (#)	3 stalls provided	1 stall per 1,900 m ²
Bicycle Parking	111 provided	110 required
Private Open Space	5,083 m ²	4,810 m ²

NOTE;

Above noted site area and density figures calculated on revised site area of 28,348 m².
Parking calculations based on revised total of 236 residential units.

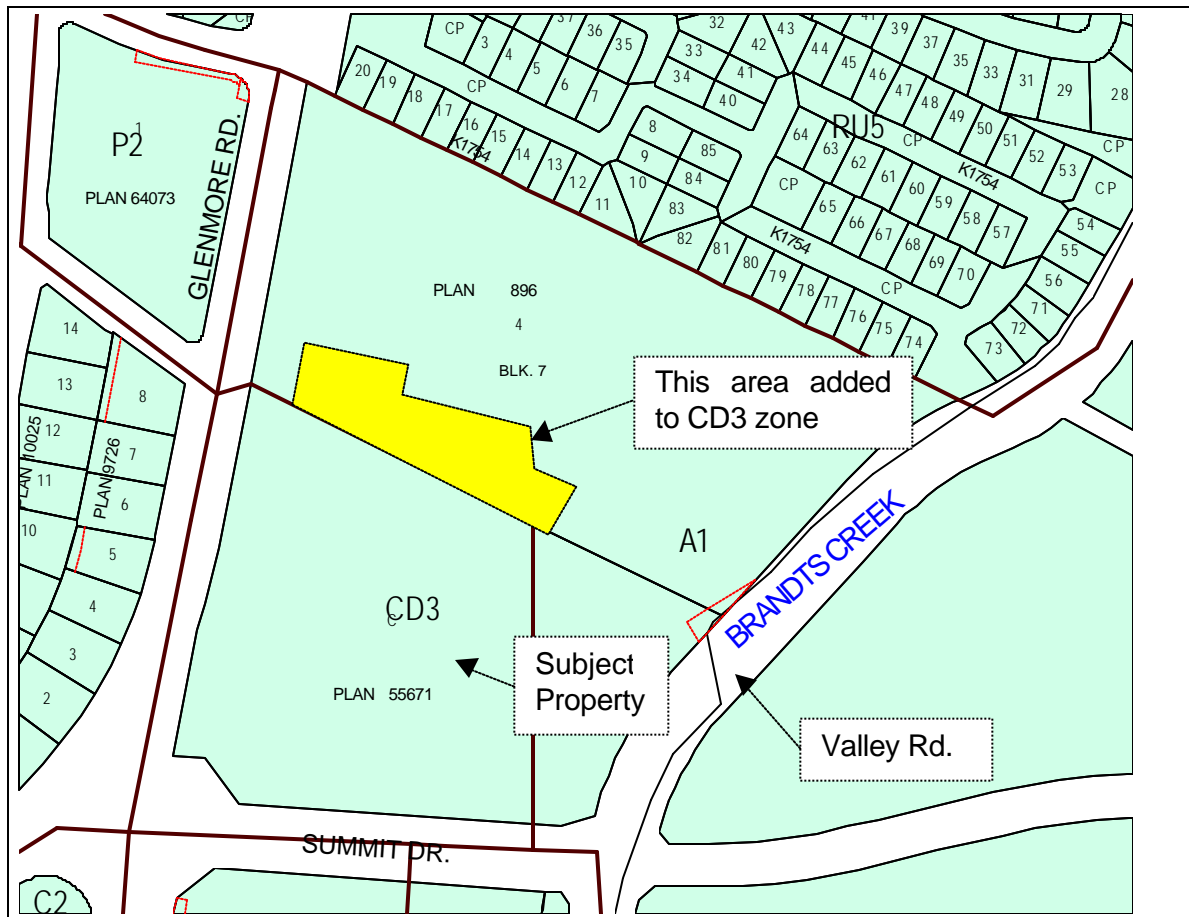
3.2 Site Context

The subject properties are located at the northeast corner of Glenmore Road and Summit Drive. Phase one of the proposed development is limited to an area immediately adjacent to these roads. The overall site, for the entire proposed development also encompasses lands bounded by Valley Road on the east and the Chartwell residential development to the north. The site slopes down from the northwest corner towards the southeast corner at the intersection on Summit Drive and Valley Road.

Adjacent zones and uses are, to the:

- North - RU5 – Bare Land Strata Housing / Chartwell development
- East - A1 – Agricultural 1 / Valley Road, agricultural uses
- South - P3 – Parks and Open Space / Summit Drive, Kelowna Golf and Country Club
- West - RU1 – Large Lot Housing / Glenmore Road
P2 – Education and Minor Institutional , church

Subject Property Map



3.3 Existing Development Potential

The existing zone of A1 - Agricultural 1 allows for agriculture, animal clinics – major (in existence prior to July 1, 1998), aquaculture, greenhouses and plant nurseries, mobile homes, single detached housing, and utility services – minor impact as permitted principal uses. The zone also permits agricultural dwellings – additional, agri-tourism accommodation, animal clinics – major and minor, bed and breakfast homes, care centres major and minor, group homes- minor, home based businesses – minor, major, rural, kennels and stables, and wineries and cideries as permitted secondary uses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the future land use of the subject properties as Comprehensive Development Project. Section 15.1 of the OCP further states that the Comprehensive Development Project designation for the subject properties permits the following land uses;

- Multiple Family Residential – Low density
- Multiple Family Residential – Medium density
- Health Care Facility
- Local Commercial (approximately 10,000 sq. ft.)

Section 3.21 of the OCP is specific to the “Conservatory” project. The policy statements support the “Conservatory” project through;

- “Emphasis on higher densities that presently occurring and allowing form differing densities and scope of development to provide market choice”,
- “Emphasising land use planning which serves to reduce automobile use”,
- “Collaborating with other levels of government and community-based agencies to identify the community needs and develop programs to meet those needs (eg. Community policing and specified needs housing)”.

Section 3.22 of the OCP is also specific to the “Conservatory” project and identifies the following policies specific to the “Conservatory” project;

- “The principal land use in the Conservatory neighbourhood will be residential. A variety of housing types including but not limited to apartments, townhouses, congregate housing, group homes and care centres will be provided”,
- “Primary features of the Conservatory development will include the “Conservatory” and the “Winter Garden”, enclosed spaces which will provide landscaped public plazas for recreational use, restaurants, entertainment and retail convenience uses”,
- “The overall density of the conservatory neighbourhood will not exceed a floor area ratio of 1.5. Upon completion, there may be up to 1,282 dwelling units and sleeping units and 929 m² of commercial space provided within the neighbourhood”.

Section 13.9 of the OCP relates to the Conservatory Development Permit Area, and states;

- The proposed Conservatory development occupies a unique gateway site at the entrance to the Glenmore Valley,
- The relatively high residential density permitted on the site and the need to carefully integrate residential uses with commercial uses, public amenities and open spaces creates a need for detailed control of development applications.

3.4.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan generally supports strategies for new development that are consistent with the Conservatory development proposal:

- To develop a more compact urban form by increasing densities through infill and re-development in urban areas and to provide higher densities within future urban areas;
- To provide closer integration of land uses within the City.

The Strategic Plan also states that the City of Kelowna should concentrate higher density new development around Town Centres. The location of the Conservatory proposal is not within a Town Centre.

3.4.3 Glenmore / Clifton / Dilworth Sector Plan (1997)

The Glenmore/Clifton/Dilworth Sector Plan indicates the future land use designation for the subject properties as Comprehensive Development Zone. More specifically, section 8.3 reviews development options for areas within the Sector that represent significant development lands (Figure E). The Development option listed for the subject properties defines the same land use mix as identified in the OCP and therefore the proposed development is in general accord with the prescribed land uses of the Sector Plan. The proposed development is also consistent with the specific development criteria as follows:

- Building height exceeding two storeys will be a minimum of 15 m south of the Chartwell development
- Building abutting Glenmore Road, Valley Road, and Summit Road (Drive) should be of a pedestrian scale and should incorporate street address entranceway onto the fronting street.
- Vehicular access should be from Valley Road and Summit Road (Drive)
- A limited scale health care component may be considered on this site.
- Neighbourhood Village will be considered at the corner of Glenmore Road, and Summit Drive. Commercial component will be limited to 929 m² and should include a residential component equal in scale. A community meeting place is encouraged.
- A linear trail will be established along Brandt's Creek for pedestrian access
- The comprehensive residential development should provide a community open space or park area at the centre of the site (Note: the proposed development contemplates that the "Winter Garden" and "Conservatory" features will be accessible to the public but will not necessarily be available for unlimited access).

The main aspect of the proposed development that is contrary to the Glenmore/Clifton/Dilworth Sector Plan is that the building heights will exceed four storeys and pre-development view corridors may be effected. The development beyond Phase One is required to demonstrate that it can be accommodated without impact on the City's 20 year Servicing Plan and Financial Strategy.

Please note that the amendments to the OCP particular to the "Conservatory" are more current than the sector plan, and take precedence where there are inconsistencies with the sector plan.

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 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law.

Engineered fire flows required and should determine hydrant requirements.

Hydrant required within 45m of fire department connection.

Preliminary drawings are not clear on egress from level two of parkade.

4.2 Irrigation District (GEID)

The District's Engineer has now reviewed the above noted applications and a copy of his comments are attached for consideration.

In regards to the boundary adjustment, the District has received the formal request from Marona Estates Ltd, for application for inclusion to the District for the South West corner of Lot C Plan 55671. This application has been approved by the board of Trustees and submitted to Municipal Advise and Approvals for processing.

The District has also received the required \$3,800.00 for inspection fees for the pipeline installation along Glenmore Road. The CEC's for the commercial portion of the development is calculated at \$4.50 per sq. m. based on the structure being sprinklered. If the final plans indicate non-sprinklered, this figure must be adjusted to \$6.50 per sq. m. All fees are based on current rates and are subject to change.

Provided all the conditions as mentioned in the engineer's letter of July 20, 2001 are met, the Board of Trustees have no objection to this development.

Copy of Mould Engineering letter;

The above-noted applications have been reviewed for water supply considerations and our comments are as follows

1. The OCP and Rezoning applications are to create a CD3 Zone, Comprehensive Development 3, which is zone specific to this development. The zone will permit multi-family residential uses as well as a wide variety of commercial, institutional and recreational facilities. The first phase of the project will create 184 residential units and approximately 1615 square metres of commercial space.

2. The development is situated on two legal properties. One of the lots (Lot 4, Blk. 7, Plan 896) is within the boundaries of the District. The other lot (Lot C, Plan 55671) is only partially within the District as shown on the accompanying plan. The District boundary will have to be amended to include the entire lot as a condition of water servicing. Boundary amendments require a Provincial Order in-Council to amend the Improvements District's Letters Patent. The landowner and District have to jointly submit a request to the Ministry of Municipal Affairs for the amendment.
3. The Developer's Consultant, Earth Tech Inc., estimated the fire flow and domestic water supply requirements to be 167 lps and 69 lps respectively. A larger diameter pipeline on Glenmore Road from Glenmeadows Road to Summit Drive is required to supply the calculated flows. Design drawings for the pipeline installation have been completed and submitted to the City for approval.
4. The cost of the pipeline, including the four fire hydrants specified by the Fire Department and the water services to supply the development is estimated to be \$63,800 (not including inspection fees). District policy states that the District under the Capital Expenditure Charge (CEC) Account will fund works on existing roads that will benefit other landowners. The estimated cost of works that are to be funded by the District is \$57,500 and the works that are the responsibility of the Developer are estimated to cost \$6,300.
5. It is understood that the Developer has requested permission to install the pipeline on Glenmore Road. District policy allows a Developer to install water supply works providing that the installation is done in accordance with City of Kelowna Subdivision Servicing Bylaw No.7900. Works that are installed by a Developer, or Developer's Contractor, must be inspected by the District's staff or representative to ensure that the Standards are being maintained. An inspection fee of \$3,800 must be paid prior to commencement of construction. A pre-construction meeting with representatives of the Owner, Contractor, and District is mandatory before any works are installed.
6. The District will reimburse the Developer in the amount of \$57,500 for the pipeline once the District has accepted the works. The reimbursement will take the form of a credit against CEC amounts that are payable to the District by the Developer.
7. The amount of CEC's payable, based on the plans supplied with the DP referral, calculates as follows:

1. Residential: 184 dwelling units @ \$2,100 =	\$386,400
2. Commercial (Level p 1): 1 st 250 m ²	\$2,100
Remaining 975 m ² @ \$4.50	\$4,388
Subtotal	<u>\$6,488</u>
3. Commercial (sales office): 1 st 250 m ²	\$2,100
Remaining 140 m ² @ \$4.50	\$630
Subtotal	<u>\$2,730</u>
CEC Total	\$395,618
Less Glenmore Road Pipeline	<u>\$57,500</u>
CEC Balance Owing	<u>\$338,118</u>

The CEC amount is a preliminary estimate only and will be verified when the construction drawings are submitted for a building permit. CEC's fees are payable prior to issuing the building permit.

8. On-site fire hydrants are required to provide an adequate water supply for fire protection. Details of the water system to supply the hydrants have not yet been submitted to the City for approval.
9. A water meter(s) is required to measure the amount of water used on the site. Water usage is the basis for monthly water charges. The flow meter must be located in an above ground structure located where the water service enters the property. The Developer's Consultant must provide the District with design drawings showing the meter installation. The drawings must be approved before construction and the installation must be inspected and approved before water will be supplied to the Development. An inspection fee of 6% of the estimated cost of the metering facility is required before construction. The fee will be calculated when the drawings are approved.

In summary, the following are the District's requirements in order to provide water service to Phase 1 of the proposed development.

1. The District boundaries must be amended to include that portion of Lot C, Plan 55671. which is currently outside the boundary.
2. A pipeline must be installed on Glenmore Road from Glenmeadows Road to Summit Drive to provide an adequate supply of water. The estimated cost is \$63,800.
3. The Capital Expenditure Charges payable on the 1st phase are estimated to be \$395,618. The amount is subject to revision when drawings are submitted for a building permit.
4. The Developer has requested that their Contractor install the pipeline on Glenmore Road. An inspection fee of \$3,800 must be paid prior to construction and a pre-construction meeting is mandatory. The estimated cost of the pipeline will be applied to the Capital Expenditure Charges, which will reduce the amount payable to \$338,118.
5. An above ground metering facility is required where the service enters the property. Drawings of the facility must be submitted for approval and inspection of construction is required

Providing that the foregoing conditions are met the Trustees can approve servicing of the Development.

PLEASE NOTE:

The above noted figures are based upon the unit allocation provided with the original application. The revised unit yield will have to be submitted to GEID updated charges.

4.3 Inspection Services Department

I have no comment on the zoning or OCP amendment.

This project is massive and will be very hard to apply the B. C. Building Code to this building. The building will require an equivalency report to determine how the fire and

life safety issues will be addressed. The consultant should forward any information ASAP. The issue of water for fire fighting should be addressed at an early stage to ensure the project can go as presented.

4.4 Parks Manager

1. Concrete tree vault and grate detail to be provided for review by Parks Division. All trees planted in sidewalk and not in grass Blvd will require a vault and grate; and, all trees in grass Blvd to use root shield barriers for acceptance by Division for Blvd maintenance.
2. All entry feature signs for the proposed development to be located on private property.
3. Acer rubrum (Red Maple) usually grows under stress in the Kelowna area. Past experience in using this tree species along Pandosy and at Kettle Valley have proven less than acceptable grow.
4. Grades from golf cart area to Summit and Valley Rd intersection should not exceed a 4:1 ratio to avoid potential role into traffic. Is this a permanent or temporary location. Potential problem with cart traffic and pedestrians at the corner.
5. The following standards apply for site and BLVD landscape:
 - A. 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.
 - B. Plant material specifications are as follows for:
 - 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. BLVD maintenance is responsibility of owner/occupant.
 - D. All BLVD tree maintenance is responsibility of Parks Division.
 - E. Site planting plan (parking and BLVD) to include A plant materials list:
 - i) Latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - v) indicate existing trees
6. Planting plan to include all u/g utility locations in BLVD.
7. BLVD landscape to be approved by Parks Division as condition of approval of plan.
 - A. Shrub beds require plastic edge beside all areas abutting a city sidewalk of city land to prevent migration of mulch.
 - B. Scale of plan and north arrow clearly indicated on plan.
 - C. 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.
8. 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.

9. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
10. All BLVD tree maintenance is responsibility of Parks Division.
11. Any proposed substitutions of plant material in BLVD to be reviewed by Parks Division for acceptance.

4.5 Shaw Cable

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

4.6 Telus

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

4.7 West Kootenay Power

WKP will provide underground electrical service.

4.8 Works and Utilities Department

The applications are for an amendment to the CD3 zone to expand the zoning boundary of the first phase of development. The previous file was Z97-1021. As offsite requirements were addressed in the previous applications there are no further requirements for the proposed zoning boundary expansion except as follows:

1) Water

- a) The property is to be serviced by GEID and a boundary amendment is in process.
- b) Refer to Fire Department comments regarding fire suppression needs.

2) Sanitary Sewer

- a) Service connection(s) must not cross other lots – each lot is to have independent servicing. The lot boundary may be adjusted to suit the ultimate servicing needs. If a lot boundary revision is required this should be done in conjunction with this new rezoning application. Confirmation of subdivision registration will be required prior to Issuance of a Building Permit.

3) Drainage

- a) Prior to issuance of a Building Permit, provide Site Servicing, Grading Plan and a Storm Water Management Plan. Erosion and Sedimentation Controls are to be provided during and after construction. A plan is to be provided showing the controls used (may be included on one of the other drawings).
- b) For service connection(s) refer to the “Sanitary Sewer” section as the same conditions apply.

4) Roads

- a) The Transportation Section has not authorized a permanent access to Valley Road. However, for the original 1st phase, a “temporary” access was accepted on Valley Road with the understanding that it would be reviewed when further development occurred. With the new proposal (expansion), it may not be possible to relocate the access in the future. The applicant needs to confirm the intent of this access and obtain approval from the Transportation Section. The addition of the “Conservatory” portion at the first phase will not impact the current traffic requirements.

5) Environmental DP – Brandt’s Creek:

The City’s Environmental Manager advised that for the work within Brandt’s Creek (driveway access to Valley Road), the Ministry of Water, Land and Air Protection (previously Environment) have authorized the Works per letter dated July 23, 2001 reference R303963.

An Environmental Development Permit is also required for the work in the creek but authorization for construction may be provided within the overall Development Permit (DP01-10,038) with the following conditions:

- Adherence to MWLAP requirements;
- Hydro seeding of exposed or filled areas at completion of culvert installation; and,
- Erosion and sediment controls for culvert installation.

5.0 Planning and Development Services Department Comments

The Planning and Development Services Department does not have concerns with this application. The form and character of the proposed development generally conforms with the development guidelines established with the CD3 zone. The proposal to include the “Conservatory” feature with the first phase of construction seems reasonable, and is not anticipated to have a major impact on site servicing beyond that already identified as part of the original phase one development proposal.

The amendment to the site plan to construct a freestanding residential building in the plaza located at the corner of Glenmore Road and Summit Drive is viewed as having a positive impact on the development proposal, as the inclusion of the freestanding building at the corner will serve to increase the visual interest at the corner while reducing the apparent height of the residential building beyond.

The proposed form and character of the development generally conforms with the character sketches that form part of the guidelines of the Conservatory Development Permit Area. The character sketches include such elements as well landscaped pedestrian plaza features and entry points, as well heritage themed design features and finishes for the building form and character. The landscape plans provided also provide for dense planting along the north property line adjacent to the existing “Chartwell” development as part of the first phase of development.

The original proposal submitted to the APC proposed the construction of 184 residential units with phase 1. Since the marketing of the proposed units has commenced, it has become apparent that there is a higher demand for smaller dwelling units, so it has been necessary to revisit the unit allocation for the phase one application, with a view to increase the number of units to 236 units and provide a larger number of smaller units than originally proposed.

As a result of this review, the unit yield has increased to total of 236 units, which is still less than the 240 units originally contemplated as phase one of the CD3 zone. The Planning Department position is that the increase in the number of units from that presented to the APC is not an issue as the total number of residential units has not increased beyond the maximum number of units (240) identified in the CD3 zone. As well, the changes in the building program only affect the floor plans, and do not change the exterior building elevations. The additional residential units are proposed to be created within the roof space of the 2 storey portion facing Glenmore Road, the roof space of the 6 storey portion, and also by lowering a portion of the floor of the "Winter Garden" to facilitate the development of residential units facing the interior "Winter Garden" area. It is not anticipated that the exterior of the building will change from what was originally presented to APC.

However, this change in building layout, while not changing the exterior of the building, has brought to light, an inconsistency in the CD3 zone as was adopted by Council. The OCP was amended to incorporate a number for drawings which provide illustrative examples for design concepts that must be addressed through the application process. Figure CDPA. 5 – Building Heights includes a note; "In the first phase, in addition to number of floors shown on plan, pitched roof spaces can be utilized for units". Unfortunately, this statement was not taken into account when the CD3 zone was written, and the maximum building height was noted in section 1.4.(d) as "the lessor of six storeys or 33.0 metres". It was never the intent preclude the use of the roof space above the 6th storey. As Zoning Bylaw 8000 has a definition for "Storey – Half" which includes the use of a storey within a roof space, it is necessary to amend the maximum height to 6½ storeys. The Planning Department feels that this is an appropriate opportunity to correct this oversight.

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.:** OCP01-007 / Z01-1035 / TA01-007
2. **APPLICATION TYPE:** OCP Amendment,
Rezoning
Text Amendment
3. **OWNER:** Marona Estates Ltd. Inc 72036
· **ADDRESS** 106 – 1460 Pandosy St.
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 1P3
4. **APPLICANT/CONTACT PERSON:** Red & Gold Properties /
Warren Neufeld
· **ADDRESS** 106 – 1460 Pandosy St.
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 1P3
· **TELEPHONE/FAX NO.:** 861-5088/717-1559
5. **APPLICATION PROGRESS:**
Date of Application: June 21, 2001
Date Application Complete: June 21, 2001
Servicing Agreement Forwarded to Applicant: N/A
Servicing Agreement Concluded: N/A
Staff Report to Council: August 8, 2001
6. **LEGAL DESCRIPTION:** Lot C, Sec. 29, Twp. 26, O.D.Y.D.,
Plan KAP55671
Lot 4, Block 7, Sec. 29, Twp. 26,
O.D.Y.D., Plan 896
7. **SITE LOCATION:** North Side of Summit Dr., Between
Glenmore Rd, and Valley Rd.
8. **CIVIC ADDRESS:** 720 / 780 Valley Rd.
9. **AREA OF SUBJECT PROPERTY:** 69,111m²
10. **AREA OF PROPOSED REZONING:** 28,348m²
11. **EXISTING ZONE CATEGORY:** A1 – Agricultural One
CD3 – Concept Development Three
Zone
12. **PROPOSED ZONE:** CD3 – Concept Development Three
Zone

- | | |
|--|--|
| 13. PURPOSE OF THE APPLICATION: | OCP Amendment To Adjust Phase One Boundaries Of The CD 3 – Concept Development Three Zone

Rezoning Application To Apply CD 3 – Concept Development Three Zone To Revised Phase One Area

Text Amendment to the CD 3 Zone to Permit Maximum 6 ½ Storey Building Height |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | N/A |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | Conservatory Development Permit Area; notify GIS of addition |

Appendix 1

Amendments to the Official Community Plan (1994 – 2013) Bylaw 7600
Schedule 18

The following amendments shall be made to the City of Kelowna Official Community Plan Bylaw 7600

Replace figures with new drawings dated August 7, 2001:

Figure CDPA.1.1 – Phase 1 Rezoning Boundary
Figure CDPA.7.1 – Phasing Plan
Figure CDPA.1.2 – Interim Land Use

Appendix 2

Amendments to the CD 3 – Comprehensive Development Three Zone

Replace Figure CD3.1 Phase 1 Rezoning Boundary with revised drawing dated August 7, 2001

Attachments

Subject Property Map
20 pages of site elevations / diagrams
5 pages revised figures for OCP and Zoning Bylaw