
CITY OF KELOWNA
MEMORANDUM

Date: October 31, 2001
File No.: (3360-20) **Z01-1044**

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. Z01-1044

OWNER: CITY OF KELOWNA

AT: 639 DEHART ROAD,

APPLICANT: OKANAGAN MISSION
COMMUNITY HALL
ASSOCIATION

PURPOSE: TO REZONE 639 DEHART ROAD TO FACILITATE THE USE OF
THE PROPERTY FOR COMMUNITY USES AND TO PERMIT
THE CONSTRUCTION OF NEW OUTDOOR TENNIS COURTS

EXISTING ZONE: RU1 – LARGE LOT 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 City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Part of Lot 1, DL 358, O.D.Y.D, Plan KAP69898 and part of Lot 2, DL 358, O.D.Y.D, Plan KAP69898, (Formerly part of Lot 2, DL 358, O.D.Y.D., Plan KAP53605, and Lot 2, DL 358, O.D.Y.D., Plan 25195), as shown on Map "A" attached to the report of the Planning and Development Services Department, dated October 31, 2001, located on Lakeshore Road and Dehart Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the P2 – Education and Minor 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 requirements of the Works & Utilities Department being completed to their satisfaction;

2.0 SUMMARY

The applicant is proposing to construct a 1,797 m² metal building over the existing tennis courts located on the Okanagan Mission Community Hall property. The addition of an enclosing structure over the existing outdoor courts will reduce community access to the existing tennis courts. The applicant wishes to construct 3 new outdoor tennis courts on a portion of the adjacent City owned property to provide community accessible tennis courts.

This application to rezone the City owned land (formerly Lot A, DL 358, O.D.Y.D., Plan 25195) and part of the adjacent lot (formerly Lot 2, DL 358, O.D.Y.D., Plan KAP53605) from the existing RU1 – Large Lot Housing zone to the P2 – Education and Minor Institutional zone in order that a portion of the resulting lot can be leased from the City by the Okanagan Mission Community Hall Association. The Association wishes to use the leased portion of the land for the construction of 3 outdoor tennis courts. As the intent to cover the existing community tennis courts will preclude easy public use of those courts, it has been necessary for the applicant to provide additional outdoor tennis courts for community use.

3.0 BACKGROUND

3.1 The Proposal

The applicant proposes the construction of a new 37.8 m x 47.55 m metal building over the existing outdoor tennis courts located adjacent to the Okanagan Mission Community Hall.

As the intent to cover the existing community tennis courts will preclude easy public use of the courts, it has been necessary for the applicant to provide additional outdoor tennis courts for community use.

To facilitate construction of these courts, the applicant has negotiated an agreement to lease a portion of the neighbouring City owned property. However, in order to provide adequate land area for the new outdoor tennis courts, it has also been necessary for the City to purchase land from an adjacent property owner to the south. This has been accomplished by adding a portion of Lot 2, DL 358, O.D.Y.D., Plan KAP53605 (626 Sherwood Rd) to the rear of Lot A, DL 358, O.D.Y.D., Plan 25195 (639 Dehart Rd.).

The properties have now been consolidated into one parcel, now identified as Lot 2, DL 358, O.D.Y.D., Plan KAP69898 as part of the land purchase for the adjacent property owns. It is then anticipated that the City will enter into a 15 year lease with the Okanagan Mission Community Hall association to lease a portion of the larger City owned property for the location of the new tennis courts.

To permit the use of the of the City owned lands for institutional use, it has been necessary to rezone these properties to the P2 – Education and Minor Institutional zone to permit the use of the lands for “Community Recreation Services”.

The proposal (City owned lands) as compared to the P2 zone requirements is as follows:

CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Site Area (m ²)	4,361m ²	660m ²
Site Width (m)	28 m	18m

3.2 Site Context

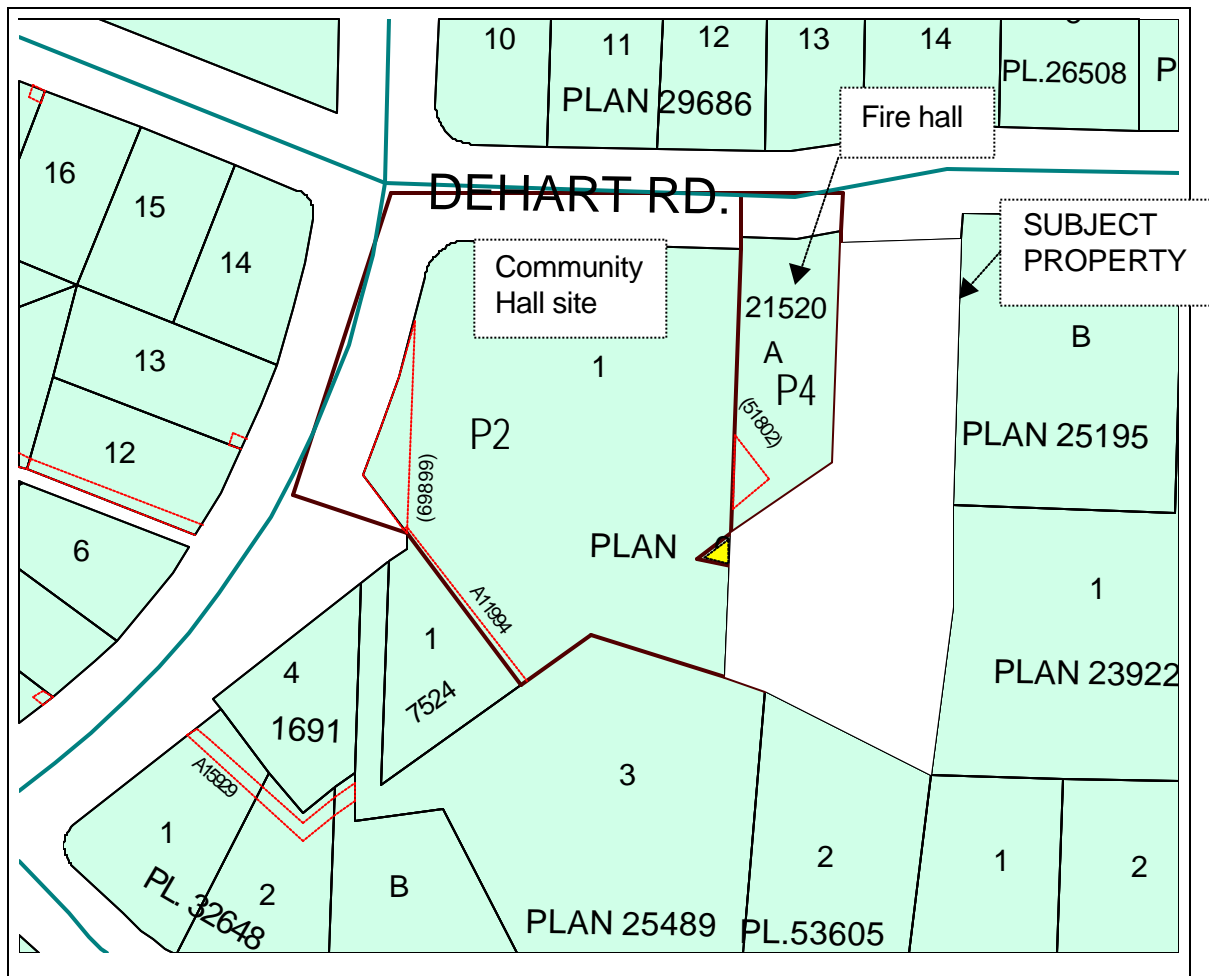
Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing, Dehart Road, single family residential uses
 East - RU1 – Large Lot Housing, single family residential uses
 South - RU1 – Large Lot Housing, single family residential uses
 West - P2 – Education and Minor Institutional, Okanagan Mission Community Hall
 P4 – Utilities, Fire Station #4

3.3 Existing Development Potential

The existing zone of RU1 – Large Lot Housing permits single detached housing as the principal use, and bed and breakfast homes, care centres minor, group homes minor, home based business major and minor, and secondary suites and secondary uses.

SUBJECT PROPERTY MAP



3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The current Official Community Plan designates the future land use of former Lot A, DL 358, O.D.Y.D., Plan 25195 as Education/Major Institutional. However, the OCP designates the future land use of former Lot 2, DL 358, O.D.Y.D., Plan KAP53605 as single/two family residential and associated uses.

3.4.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan (1992) includes the following noted as Strategy 4.4;

“The City will prepare a recreation facilities development plan which will emphasize the development of fewer but larger recreational centres offering a wider range of recreation facilities. The plan will also define the City” role in the provision of recreational facilities emphasizing an appropriate balance between recreation facilities which are of a general benefit and those which meet the needs of specialized recreational activities. Emphasis will be placed on the joint use of existing schools, parks, and recreation facilities to avoid costly duplication in the development of recreational and school facilities. The development of recreation centres will be staged consistent with recreation needs and the ability of the City to pay for such facilities.”

3.4.3 North Mission / Crawford Sector Plan

The North Mission / Crawford Sector Plan identifies the City owned property as “Educational / Major Institutional” future land use. The adjacent property (former Lot 2, DL 358, O.D.Y.D., Plan KAP53605) is identified as “Single / Two Family Residential and associated uses” future land use designation.

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 will be required.

4.2 Inspection Services Department

The neighbour to the south will be looking at a wall the equivalent of the tennis building at Gold's Gym. A 1 hour fire resistant rating is required on the west elevation and the south elevation.

4.3 Parks/Leisure Services Director

2001 10 12 The Parks & Leisure Service Dept is working with the Okanagan Mission Community Hall Association to achieve this project.

4.4 Parks Manager

1. There is no landscape plan. Please provide one.
2. All entry feature signs for the proposed development to be located on private property and not on city Blvd. This includes any landscape treatment.
3. 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.
4. The following applies for all boulevard (BLVD) landscape and park and is standard information required on a landscape plan:
 - A. Planting plan to include a proper 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 are as follows:
 - 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. Shrub beds require plastic edge beside all areas abutting a city sidewalk of city land to prevent migration of mulch.
 - D. Scale of plan and north arrow clearly indicated on plan.
 - E. 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. 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.
6. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
7. All BLVD tree maintenance is responsibility of Parks Division.
8. Planting plan to include all u/g utility locations in BLVD.

4.5 Public Health Inspector

Subject to sanitary sewer being provided.

4.6 School District #23

No impact on SD #23

4.7 Shaw Cable

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

4.8 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application to rezone the subject property to P2 are as follows:

1. Subdivision.

- a) Consolidate the parcels
- b) Dedicate the necessary widening along Dehart Road to provide for one half of the ultimate 26.2-m. right of way, measured from the original right of way centerline.
- c) Provide easements as may be required.

2. Geotechnical Study.

- Overall site suitability for development.
- Slope analysis (i.e. 0-10 %, 10-20 %, 20-30% and over 30 %).
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulphates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

3. Domestic water and fire protection.

The subject lands are within City of Kelowna water distribution area.

4. Sanitary Sewer.

- a) The existing sanitary sewer mains in front of the subject lands are sufficient to support the proposed development.
- b) The property is located within the Specified Sewer Area No.17 and every lot created will be subject to the remaining amortization of the subject bylaw.

5. Storm Drainage.

- (a) The existing storm drainage system in front of the subject lands is sufficient to support the proposed development.
- (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), 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

6. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

7. Road Improvements.

Dehart Road must be upgraded to a full urban standard including curb and gutter, separate 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. (SS-R6 Cross section)

8. Street Lighting.

Ornamental street lighting including underground ducts must be installed on all roads fronting on the proposed development and within the proposed development roads.

9. Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city Engineer.

10 Development Cost Charge Reduction Consideration.

Future construction on Dehart Road associated with this development will be 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.

11. Latecomer.

It is unlikely that latecomer protection will be applicable to this development.

12. 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:

- (c) Area ground water characteristics, including water sources on the site and overland surface drainage courses traversing across or influencing this property.
- (d) Site suitability for development; i.e. hillside, unstable soils, etc.
- (e) 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.
- (f) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

13. 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.

14. Bonding and Levy Summary

(a) Bonding

Total Bonding	<i>To be determined at time of Building Permit.</i>
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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	<i>To be determined at time of Building Permit.</i>
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15. Development Permit and 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.
- (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.

(c) 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.

- (d) Where a vehicular access from a collector street is restricted by a locking gate, there shall be provided off the street carriageway sufficient space to turn an SU-9 standard size vehicle around to permit forward return to the street, if the vehicle is not able to gain access onto the site. Once on the site, an SU-9 and WB-15 vehicle must be able to manoeuvre on site and exit to the street in a forward motion. The need for a turn-around at the entranceway is obviated if the applicant does not install a locking gate. Dehart Road is a collector road and the foregoing would be applicable if a locking gate is to be installed.
- (e) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.

16. Development Variance Permit.

This variance does not compromise Works and Utilities servicing requirements.

17. 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.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The proposed addition of land to the City owned property to the east of the fire hall appears to be reasonable, as the land added to the City owned property will remove what had been a small notch out of the area that had been identified for future community uses in both the Official Community Plan and the North Mission / Crawford Sector Plan. The additional land will provide space for the construction of 3 outdoor tennis courts to provide community accessible tennis courts. The issue of the long term lease arrangements has been addressed through the City Leisure Services Department, which manages the City owned land. It is anticipated that the existing dwelling that is located on the City owned land will remain used a single family dwelling, until such time as the adjacent properties are purchased by the City of Kelowna to create the community use area identified in the in the North Mission / Crawford Sector Plan.

In light of the above, the Planning and Development Services Department supports this proposal, and recommends for positive consideration by Council.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

PMc/pmc
Attach.

FACT SHEET

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|---|--|
| 1. APPLICATION NO.: | Z01-1044 |
| 2. APPLICATION TYPE: | Rezoning |
| 3. OWNER: | City of Kelowna |
| . ADDRESS | 1435 Water St. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 1J4 |
| 4. APPLICANT/CONTACT PERSON: | Okanagan Mission Community Hall |
| . ADDRESS | Association / Dick Leppky |
| . CITY | 4409 Lakeshore Rd |
| . POSTAL CODE | Kelowna, BC |
| . TELEPHONE NO.: | V1W 1W7 |
| 5. APPLICATION PROGRESS: | 717-6206 |
| Date of Application: | August 28, 2001 |
| Date Application Complete: | August 30, 2001 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | October 31, 2001 |
| 6. LEGAL DESCRIPTION: | Part of Lot 1, DL 358, O.D.Y.D., Plan KAP69898 |
| | Lot 2, DL 358, O.D.Y.D., Plan KAP69898 |
| 7. SITE LOCATION: | South East Corner of Lakeshore Rd, and Dehart Road |
| 8. CIVIC ADDRESS: | 626 Sherwood Rd. |
| 9. AREA OF SUBJECT PROPERTY: | 4,361 m ² |
| 10. AREA OF PROPOSED REZONING: | 4,361 m ² |
| 11. EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 12. PROPOSED ZONE: | P2 – Education and Minor Institutional |
| 13. PURPOSE OF THE APPLICATION: | To Rezone 639 Dehart Road To Facilitate The Use Of The Property For Community Uses And To Permit The Construction Of New Outdoor Tennis Courts |
| 14. DEVELOPMENT VARIANCE PERMIT VARIANCES: | N/A |

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| 15. | VARIANCE UNDER DEVELOPMENT
PERMIT: | N/A |
| 16. | DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

Attachments

State of Title
Subject Property Map
Site Plan
Map "A"