
CITY OF KELOWNA
MEMORANDUM

December 12, 2001:
File No.: (3360-20) **Z01-1054**

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. Z01-1054

OWNER: CPAC (LAKESHORE
GARDENS) INC.

AT: 654 COOK ROAD

APPLICANT: WATER STREET
ARCHITECTURE /
DOUG LANE

PURPOSE: TO REZONE A PORTION OF THE SUBJECT PROPERTY TO
THE RM5 – MEDIUM DENSITY MULTIPLE HOUSING ZONE TO
PERMIT THE DEVELOPMENT OF A 151 UNIT CONGREGATE
HOUSING AND 36 UNIT SENIORS CARE FACILITY

EXISTING ZONE: C9 – TOURIST COMMERCIAL

PROPOSED ZONE: C9 – TOURIST COMMERCIAL
RM 5 – MEDIUM DENSITY, MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z01-1054 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, DL 134, O.D.Y.D., Plan 34182, located on Cook Road, Kelowna, B.C. from the C9 – Tourist Commercial zone to the RM5 – Medium Density Multiple Housing zone as shown on Map "A" attached to the report of Planning and Development Services Department, dated December 12, 2001 be considered by Council;

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 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 issuance of Preliminary Layout Review Letter by the Approving Officer;

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

AND THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

2.0 SUMMARY

The applicant wishes to rezone a portion of the subject property from the existing C9 – tourist Commercial zone to the RM5 – Medium Density Multiple Housing zone to permit the construction of a 151 unit congregate housing and 36 unit care centre for seniors. On the remaining portion of the subject property, the applicant proposes the construction of a 100 unit apartment hotel, a use which is permitted principal use in the existing C9 zone. It is anticipated that the lot will be subdivided along the zone boundary into two lots.

2.1 Advisory Planning Commission

That the Advisory Planning Commission supports Rezoning Application No. Z01-1054 by Water Street Architecture Inc. (Doug Lane), Lot A, Plan 34182, Sec. 7, TWP. 26, O.D.Y.D., 654 Cook Road to rezone a portion of the subject property from the C9 – Tourist Commercial zone to the RM5 – Medium Density Multiple Housing zone, to allow for the development of a 151 unit congregate housing and seniors care facility.

3.0 BACKGROUND

3.1 The Proposal

The subject property was under an application in 1998 to create a Comprehensive Development Zone (CD11) to facilitate the development of a 274 bed (231 unit), seniors housing and care development. The development proposed at that time was envisioned to consist of a “P” shaped, 5 storey building constructed over a below grade parking garage. The building was designed to consist of 80 congregate housing units and 59 independent living units and 92 care units. The centre part of the “P” configuration was proposed to be heavily landscaped to create a landscaped courtyard feature.

That application proceeded to a successful public hearing on January 12, 1999, after which the zone amending bylaw received 2nd and 3rd readings. The bylaw stayed at 3rd reading until the applicant instructed City staff to close the file. The appropriate means to close the file was to defeat the bylaw at 3rd reading, as outlined in section 894 of the Local Government act.

This current application proposes the development of the subject property for a 100 unit apartment hotel, a 151 unit (169 bedroom) congregate housing facility, and a 36 unit seniors care facility constructed as 4 storey buildings over two single storey, under-building parking structures. The parking structure under the hotel building is designed to stop at the proposed property line, while the parking structure under the multiple family portion is located 4.5 m from the proposed property line, directly beneath the multiple family residential building. It is anticipated that the zone boundary and new property line would separate the two buildings and associated uses. The floor of the parking structure is designed to be constructed at grade level, with the perimeter landscaping proposed to

be bermed up against the parking structure when viewed from Cook Road or Lakeshore road.

The Official Community Plan identifies the subject property as a “Mixed Residential / Commercial” site. The original application proposed the creation of a Concept Development zone (CD 11) to permit the use of the subject property for both commercial and residential uses. This current application proposes to subdivide the property into two lots, and proposes to rezone the easterly lot (proposed site of the congregate housing building) to the RM5 – Medium Density, Multiple Housing zone, a zone that permits Congregate Housing as a principal permitted use and Group Home – Major as a permitted secondary use. The proposed apartment hotel building is designed to be located on the proposed westerly lot, a portion of the subject property which will retain the existing C9 – Tourist Commercial zone. In this manner, the proposed development can be developed under conventional zoning, while incorporating the mixed uses (commercial and residential) identified in the Official Community Plan.

The form and character of this current proposed development incorporates a substantial number residential design elements, such as exposed timber detailing in exposed gable roof ends, the use of cultured stone masonry elements to the base of the first floor walls and column bases, and exposed balconies which are design to be finished with a blend of metal railings and half height walls. The walls of the proposed building are designed to be finished with a “light tan” coloured horizontal siding to the base of the wall area, and “dark green” horizontal siding to the areas of the walls that surround the windows and project out from the base plane of the wall areas. The exposed portions of the sloped roof are designed to be finished with asphalt roof shingles which incorporate a blend of coloured chips that complement the wall colours.

The site plan indicates that each of the proposed lots will have separate driveway accesses off of Cook road which terminate in a cul de sac. There is surface parking for 10 vehicles adjacent to the entrance to the apartment hotel, while there is surface parking for 12 vehicles adjacent to the main entrance to the congregate housing portion of the development. There is also provision of an additional 8 surface parking stalls located near the eastern property line of the subject property. Located off of the surface parking area adjacent to the apartment hotel is the access to the parking garage located below the apartment hotel and congregate housing buildings. There are “port cochere” style entry points to each of the buildings coming off of their associated cul-de-sacs. The south west corner of the apartment hotel building is designed to provide space for a restaurant and kitchen facility located at the same level as the parking garage. There is also an additional driveway located near the eastern property line which provides access to an under-building parking garage located beneath the care centre component of the congregate housing building. There is a portion of the parking structure that is not located beneath buildings, the roof of which is designed to provide for additional landscaped outdoor amenity space. A substantial portion of the existing mature trees are to be remain in place adjacent to the creek and the eastern property line. As well, there is an outdoor patio area located adjacent to the dining area of the congregated housing building which has the potential to take advantage of the creek setting.

It is anticipated that the subject property will be subdivided into two separate lots along the zoning boundary. In this manner, each of the proposed uses will be on separate lots, each with the appropriate zone to permit those uses.

The Hotel proposal as compared to the C9 zone requirements is as follows:

CRITERIA	PROPOSAL	C9 ZONE REQUIREMENTS
Site Area (m ²) (proposed C9 lot)	8,378 m ²	1,800 m ² min.
Site Width (m)	70 m	30 m min.
Site Coverage (%)	25%	
Total Floor Area (m ²)	5,723.7 m ²	
F.A.R.	0.683	Max. FAR = 0.5 Max. FAR = 1.5 for Hotels and Apartment Hotels
Storeys (#)	4 storeys	22.0 m or 6 storeys for Hotels and Apartment Hotels
Setbacks (m)		
- Front	6.0 m	6.0 m min.
- Rear	15.0 m (to creek)	4.5 m min. 15 m min. for hotels
- West Side (flanking)	4.5 m	3.0 m min. 4.5 m min. for flanking streets
- East Side (to future lot line)	4.5 m	3.0 m min. 4.5 m min. for flanking streets
Parking Stalls (#)	82 stalls under bldg 10 stalls on surface 92 stalls for comm.	Apartment hotels – 0.5 stalls per room Eating and Drinking Establishments, 1 stall per 4 seats
Loading Stalls (#)	1 stall provided	1 stall per 2,800 m ² GFA

Parking calculations; 100 rm Apt. Hotel @ .5 stalls per room = 50 stalls
200 seat restaurant @ 1 stall per 4 seats = 50 stalls
total required **100 stalls**
92 stalls provided on site – shortfall to be provided on residential site (10 stall surplus)

The Multi-Family proposal as compared to the RM5 zone requirements is as follows:

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Site Area (m ²) (proposed RM5 lot)	9,508 m ²	1,400 m ² min.
Site Width (m)	100.5 m (future lot)	30 m min.
Site Coverage (%)	29%	40 % buildings, 60% building, driveways, and parking lots
Total Floor Area (m ²)	8,989.7 m ²	
F.A.R.	0.942	Max. FAR = 1.1
Storeys (#)	4 storeys	16.5 m or 4 storeys
Setbacks (m)		
- Front	18.2 m	6.0 m min.
- Rear	15.0 m (to creek)	9.0 m min.
- West Side (to future lot line)	4.5 m	4.5 m min. for portions not over 2 ½ storeys 7.5 m min. for portions over 2 ½ storeys 7.5 m min. for flanking streets
- East Side	22.0 m	4.5 m min. for portions not over 2 ½ storeys 7.5 m min. for portions over 2 ½ storeys 7.5 m min. for flanking streets
Parking Stalls (#)	74 stalls under bldg 22 stalls on surface 96 stalls provided on residential portion	Care centre – 1 per 10 persons in care plus 1 stall per 2 employees Congregate Housing – 1 per principal dwelling, 1 per 3 bed spaces, and 1 stall per resident staff member
Loading Stalls (#)		

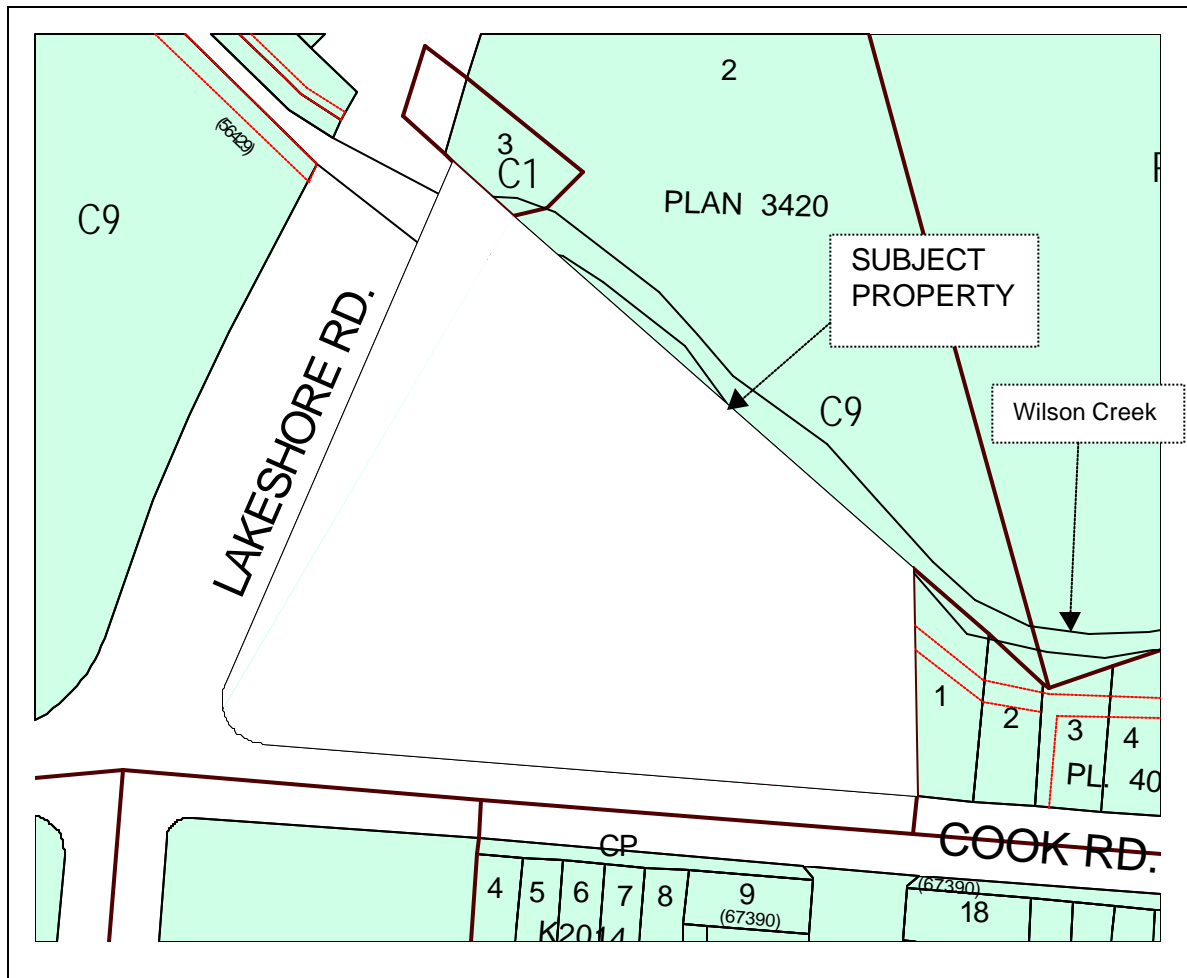
Parking Calculations Residential component;

Floor	1	2	3	4	
Studio units	9	10	10	10	39
1 Bed Room units	17	19	29	29	94
2 Bed Room units	4	4	5	5	18
	30	33	44	44	Total
Congregate housing					151 units
					169 beds
Care Beds 18 per floor x 2					36
Total number of beds					<u>205 Beds</u>

Parking Calculations; 205 beds at 1 stall per 3 beds = 69 stalls
 Staff Parking 20 stalls
 Total Parking req'd **89 stalls** (96 stalls provided)

Parking Summary for Both Lots Combined	Hotel component	100 stalls
	Multi-Family component	<u>89 stalls</u>
	Total Parking Required	189 stalls required
	Total Parking Provided	189 stalls provided

SUBJECT PROPERTY MAP



3.2 Site Context

Adjacent zones and uses are, to the:

- North - C1 – Local Commercial / Hiawatha Campground Store
C9 – Tourist Commercial / Hiawatha Campground
- East - RU2 – Medium Lot Housing / single family housing
- South - P4 – Utilities / Cook Road, Radio Station, single family housing (Sommerville Corner)
CD4 – Concept Development 4 zone
- West - C9 – Tourist Commercial / Lakeshore Rd, Manteo Beach resort

3.3 Existing Development Potential

The existing C9 – Tourist Commercial zone allows for amusement arcades – major, amusement establishments – outdoor, apartment hotels, drive-in food services, hotels, motels, participant recreation services – indoor, and tourist campgrounds as principal permitted uses, as well as secondary uses of amusement arcades – minor, care centres major and minor, eating and drinking establishments major and minor, offices, personal service establishments, retail stores – convenience, and wine/beer stores.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the subject property as “Mixed Residential Commercial” future land use. This designation supports development for the sale of goods and services located on the lower storeys or fronting main roads and townhouses, garden apartments and apartments, above or adjacent to commercial uses.

3.4.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the Urban Form objectives of the Kelowna Strategic Plan which seeks to “develop a more compact urban form by increasing densities through infill and re-development within existing urban areas...”

3.4.3 South Pandosy / KLO Sector Plan

The South Pandosy / KLO Sector Plan designates the subject property as “Mixed Commercial Residential” future land use.

The South Pandosy / KLO Sector Plan also includes the following policy statements;

1. Strongly encourage all development to contain both commercial and residential components within the Mixed Commercial Residential designation,
2. Generally encourage commercial uses to locate near major roadways and on the lower floors with residential uses located further from major roadways and on upper floors,

Ensure that the commercial and residential components of the entire contiguous area designated as Mixed Commercial and Residential are comprehensively planned to relate positively to each other and the surrounding areas.

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 and should determine hydrant requirements.

Confirm that residents within the congregate care sections are ambulatory and require a minimum level of assistance. If not, this structure becomes a B-2 care home and the applicable sections of the BC Building Code will apply.

4.2 Inspection Services Department

This is a complicated building to design. A code analysis is required. These comments are very preliminary in nature.

1. The Building Code does not permit a building to be constructed over a property line.
2. Apartment Hotel occupancy is difficult to enforce; if possible, a covenant should be registered over the property. Are the suites to be stratified?
3. The care component of the building shall be of non-combustible construction.

4.3 Ministry of Water, Land, and Air Protection

Water Management Comments:

This proposal falls within Section 82 of the Lands Title Act. Pursuant to this section, please find attached a letter outlining the requirements of the Designated Official.

We advise that if any changes to the location or nature of any watercourse (stream, lake, river, or creek) is contemplated, then an Approval or Notification under section 9 of the Water Act is required. For further information, please contact the Water Management Program of the Fish, Wildlife and Habitat Program in Penticton at 490-8200. Please be aware that work in a watercourse is normally limited to a period of time called a “work window”. These windows have been established to minimize the impact of development activities on the fisheries resource. The windows vary from stream to stream, may be brief (often one month), and are typically in the summer period. Applications for authority to do work in a watercourse should be submitted well in advance of the applicable work window to ensure that adequate time is available for adjudication.

Pollution Prevention Comments:

Owner should provide appropriate setback/no disturbance zone adjacent to Wilson Creek. We have no records of Wilson Creek supporting a fishery, but the creek corridor provides important wildlife habitat.

Instream habitat support a population of painted turtles, which are considered Vulnerable (blue listed) by the federal Committee on the Status of endangered wildlife in Canada (COSEWIC). Vulnerable species are of special concern because of characteristics that make them particularly sensitive to human activities or natural events. Blue listed taxa are at risk, but are not Extirpated, Endangered, or Threatened.

The corridor also provides habitat for a wide variety of more common non-game fish, amphibians, birds and wildlife, such as weasel, muskrat, beaver.

We support the proposed development and make the following recommendations;

The standards for sediment and erosion control outlined in the jointly published Environment and Lands/Fisheries on Oceans Canada "Land Development Guidelines for the Protection of Aquatic habitat" must be adhered to.

The riparian area of the creek could be enhanced to attract wildlife, for the viewing pleasure of future residents of the proposed complex. The restoration of riparian vegetation could be a valuable amenity of the development.

Please be aware that any instream works requires Approval from this Ministry.

Copy of Attached Letter from Ministry of Water, Land and Air Protection

As the proposed subdivision is located in an area subject to a risk of flooding and erosion from Wilson Creek, there is a need to place building restriction of future construction in order to minimize potential flood damage.

As the duly authorized designate of the Minister of Environment, Lands and Parks, consent is hereby given, pursuant to section 82 of the Land Titles Act, for the approval of the above mentioned plan of subdivision, subject to the subdivider entering into a restrictive covenant registrable under section 219, which run with the land and shall effect the following conditions of each lot created including any remainder of the property:

"1. Hereafter, no building, mobile home or unit, modular home or structure shall be constructed, reconstructed, moved, extended, or located within fifteen point zero (15.0) metres of the natural boundary of Wilson Creek,

2. Hereafter, no building, shall be constructed, reconstructed, moved, or extended, with any area for habitation, business, or storage of goods damageable by flood waters, situated at an elevation such that the underside of the floor system thereof is less than 343.66 metres Guideline Survey of Canada datum or one point five (1.5) metres above the natural boundary of Wilson Creek, whichever is the higher elevation.

In the case of a mobile home or unit, modular home or structure, the ground level or top of concrete or asphalt pad on which it is located shall be no lower than the above described elevation.

3. The required elevation may be achieved by structural elevation of the said habitable, business or storage area or by adequately compacted landfill on which any building is to be constructed or mobile home or unit located, or by combination of both structural elevation and landfill. No area below the required elevation shall be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater. Where landfill is used to raise the natural ground elevation, the toe of the landfill slope shall be no closer to the natural boundary than the setback requirement given in condition (1) above. The face of the landfill slope shall be adequately protected against erosion from flood flows (wave action, ice or other debris).

4. The owner acknowledges that the Province of British Columbia does not represent to the owner or any other person that any building constructed or mobile home located in accordance with conditions (1) and (2) herein will not be damaged by flooding or erosion, and the owners covenant and agrees not to claim damages from the Province or the City of Kelowna or hold the Province or the City of Kelowna responsible for damages caused by flooding or erosion to the land or to any building, improvement or other structure built, constructed or placed upon the said lands and to any contents thereof”.

5. The lot owner, on behalf of himself and his heirs, executors, administrators, successors and assigns, acknowledges that the Province and City of Kelowna do not represent to the lot owner, nor to any other person that any building, modular home, mobile home or unit, improvement, chattel, or other structure, including the contents of any of them, built, constructed, or placed on the Lots will not be damaged by flooding or erosion and the Grantor, on behalf of himself and his heirs, executors, administrators, successors and assigns, with full knowledge of the potential to flood erosion danger and in consideration of the approvals given by the Province and the City of Kelowna hereby;

a) agrees to indemnify and to save harmless the Province and the City of Kelowna and their employees, servants or agents from all loss, damage, costs, actions, suits, debts, accounts, claims and demands which the Province and the City of Kelowna or any of their employees, servants or agents, may suffer or incur or be put to arising out of or in connections with any breach of any covenant or agreement or the part of the lot owner or his heirs, executors, administrators, successors and assigns contained in this agreement or arising out of or in connection with any personal injury, death or loss or damage to the lots, or to any building, modular home, mobile home or unit, improvement, chattel or other structure, including the contents of any of them, built, constructed or placed on the lots (including existing non-conforming buildings),

b) does remise, release and forever discharge the Province and City of Kelowna and their employees, servants or agents from all manner of actions, cause of actions, suits, accounts, covenants, contracts, claims and demands which the Grantor or any of his assigns may have against the Province or City of Kelowna and their employees, servants, or agents from and by reason of any personal injury, death or loss or damage to the lot, or to any building, modular home, mobile home or unit, improvement, chattel or other structure, including the contents of any of them, built, constructed or placed on the lot caused by flooding, erosion or some such similar cause.

6. Subject to the provisions of Section 219 of the Land Title Act, the Grantor's covenants contained in this Agreement shall burden and run with the lot and shall ensure to the benefit and be binding upon the Grantor, heirs, executors, administrators, successors, and assigns and the First and Second Grantees and their assigns.

7. a) The owner or any heirs, executors, administrators and assigns, as the case may be, shall give written notice of this agreements to any person to whom he proposes to dispose of the lot, which notice shall be received by that person prior to such disposition.

b) For the purpose of this paragraph the word “dispose” shall have the meaning given to it under section 29 of the Interpretation Act, [R.S.B.C. 1996]c. 238”.

These covenant conditions are to be registered with priority over any financial charges registered against the property.

4.4 Parks Manager

1. OCP indicates a trail along Wilson Creek between Lakeshore and Gordon. The trail would be a crushed surface and between 1.5 & 2m wide. No hard surface is allowed in the 15m creek riparian set back.
2. A landscape plan will be required at development/building permit review to indicate the landscape treatment proposed for the development and any riparian zone requirements. This will include trail location.
3. All entry feature signs for the proposed development to be located on private property and not on city Blvd. This includes any landscape treatment.

Landscape Plan Requirements:

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 plant materials list:
 - i) Latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - v) indicate existing trees
 - vi) indicate existing trees to be removed
 - B. Minimum plant material specifications for blvds. 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 or city land to prevent migration of mulch.
 - D. Scale of plan and north arrow clearly indicated on plan.
 - E. Planting plan to include all u/g utility locations in BLVD.
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. **BLVD tree maintenance** is responsibility of Parks Division.
8. Planting plan to include all u/g utility locations in BLVD.
9. All trees planted in sidewalk and not in grass Blvd will require a vault and grate and/or root shield barriers. All trees in grass Blvd to use root shield barriers beside concrete infrastructure.
10. 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.
11. Planting plan to include all u/g utility locations in BLVD.

4.5 Public Health Inspector

Require sanitary sewer and water. Restaurant and or pools require health approval.

4.6 Shaw Cable

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

4.7 Telus

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

4.8 Utilicorp Networks Canada (West Kootenay Power)

comments pending

4.9 Works and Utilities Department

The following Works & Services are required for this proposal:

.1) General

- a) Requirements of the rezoning application no. Z01-1054 must be satisfied before subdivision approval.
- b) Where there is a possibility of a high water table or surcharging of storm drains during major storm events; non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- c) Provide the Consulting Engineer with a copy of the PLR, which details the Subdivision requirements.
- d) A 15-meter wide "leave strip" is required adjacent to Wilson Creek through this property. This leave strip should be registered as a Road right-of-way.
- e) A landscape plan must be submitted depicting proposed vegetation treatment within this 15m "leave strip". Upon review and acceptance by City staff, a bonding amount will be determined.

.2 Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of**

problems with soil slippage or soil instability related to this proposed subdivision.

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands in accordance with the Subdivision, Development and Servicing Bylaw, Schedule 4 Sanitary Item 2.18.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.
- viii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- ix) Recommendations for items that should be included in a Restrictive Covenant.
- x) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- xi) Any items required in other sections of this document.
- xii) Recommendations for erosion and sedimentation controls for water and wind.
- xiii) Recommendations for roof drains and perimeter drains.

- xiv) Recommendations for construction of detention or infiltration ponds if applicable.

.3 Water

- a) The property is located within the Kelowna service area. The lot is presently serviced with a 100mm-diameter water service, which may be utilised for the new development if it is of sufficient size. If a larger sanitary service is needed it can be provided at the applicant's cost.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.
- c) Arrange for individual lot connections before submission of the subdivision plan, including payment of connection fees (provide copy of receipt).
- d) Remove or relocate any existing service connections encroaching on the proposed lots.

.4 Sanitary Sewer

- a) The existing lot is serviced with a 100 mm-diameter sanitary sewer service, which may be utilised for the new development if it is of sufficient size. If a larger sanitary service is needed it can be provided at the applicant's cost.

.5 Drainage

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
 - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii) A detailed Stormwater Management Plan for this subdivision; and,

- iii) An Erosion and Sediment Control Plan.
- c) Register the Lot Grading Plan as a restrictive covenant on the property.
- d) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- e) Arrange for individual lot connections before submission of the subdivision plan, including payment of connection fees (provide copy of receipt).
- f) Where ditches are provided they must be adequately lined and protected for the design flows.

.6) Roads

- a) Lakeshore Road must be upgraded to a full urban standard including curb and gutter, separate sidewalk, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. (SS-R11). The cost of this for bonding purposes is **\$64,600.00**.
- b) Cook Road has been upgraded to an urban standard some time ago, but it is necessary to install a monolithic sidewalk the full length of this parcel. The cost of this construction for bonding purposes is **\$20,700.00**.
- c) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- d) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
- e) Dedicate and Construct all walkways in accordance to City standard drawing SS-R28. Note: the dedication width for walkways is 2.4 m. Fence heights are to be as follows:
 - Rear yard - 1.8 m above average grade level.
 - Side Yard - 1.2 m above average grade level to rear of existing home or 15 m from front property line on new lots, thereafter 1.8 m to rear property line.(All grade changes to occur at posts with top of fabric remain parallel to previous section).
- i) Grade the fronting road boulevards in accordance with the standard drawing and provide a minimum of 50 mm of topsoil. Major cut/fill slopes must start at the property lines.
- j) Landscaped boulevards, complete with underground irrigation, is required on Lakeshore and Cook Road.

- k) Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15% and greater), show driveways on the lot grading plan with grades or profiles. Where lots are serviced by onsite sewage disposal systems, show limits of cut and fill lines.
- l) Re-locate existing poles and utilities, where necessary.
- m) Private access roads must be constructed and paved to the City standard SS-R2.

.7) Power and Telecommunication Services and Street Lights

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
- b) Overhead wiring is permitted for this subdivision although underground installation is recommended.
- c) Streetlights must be installed on all roads. Design drawings must be submitted with photometric calculations.
- d) Before making application for approval of your subdivision plan, please make arrangements with West Kootenay Power for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.
- e) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- f) Remove aerial trespass(es)

.8) Design and Construction

- a) 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. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.9) Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

.10) Other Engineering Comments

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as B.C. Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.
- c) The property is located in Sewer/Water Specified Area No 13 and therefore, all parcels to be created will be subject to annual debt repayment for these services. You are advised to notify all lot purchasers of this charge. Should you require further information in this regard or wish to "pay out" the Specified Area charge, please contact the Revenue Manager, Lynn Walter.
- d) The most westerly access onto Cook Road may be restricted to right in / right out only at some future date.

.11) Charges and Fees

- a) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (being determined after design).
 - ii) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).

- iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- iv) Engineering and Inspection Fee: 3% of construction value (plus GST).
- b) A hydrant levy charge of \$250.00 per lot (not required if developer installs a fire protection system – mains and hydrants).
- c) The following Latecomer charges are applicable to this property:

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this development proposal. The original development proposal sought approval for construction by means of a Concept Development Zone (CD 11) which permitted the use of the site for both residential uses (Congregate Housing and Group Home – Major) and commercial uses, while maintaining a single legal lot.

This current proposal includes both commercial and residential uses, as supported by the future land use designation of the “Mixed residential and commercial” identified in the Official Community Plan. However, instead of creating a unique Concept Development zone to permit the combination of uses for this site, the applicant has proposed subdividing the subject property into two lots, keeping the existing C9 – Tourist Commercial zone (commercial uses) on the westerly lot, and applying to rezone the easterly lot to the RM5 – Medium Density Multiple Housing zone (residential uses). In this manner, the western lot is proposed to be developed with an apartment hotel and restaurant, a commercial use permitted in the C9 zone, while the eastern lot is proposed to be developed with a multiple family apartment building to provide for “congregate housing”, a permitted principal use, and group home – major, a permitted secondary use. This way, the subject property can be developed in a manner that is consistent with the original Concept Development zone application, while utilizing conventional zoning. The development of the subject property is very similar in form and character to the original proposal, as the building proposal has been developed by the same architect.

In light of the above, the Planning and Development Services Department support this application and recommend 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

1. **APPLICATION NO.:** Z01-1054
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** CPAC (Lakeview Gardens) Inc.
· **ADDRESS** #800 – 885 W. Georgia St.
· **CITY** Vancouver, BC
· **POSTAL CODE** V6C 3H1
4. **APPLICANT/CONTACT PERSON:** Water Street Architecture /
· **ADDRESS** Doug Lane
· **CITY** 1485 Water Street
· **POSTAL CODE** Kelowna, BC
· **TELEPHONE/FAX NO.:** V1Y 1J6
762-2235/762-4584
5. **APPLICATION PROGRESS:**
Date of Application: October 5, 2001
Date Application Complete: October 9, 2001
Servicing Agreement Forwarded to Applicant: December 10, 2001
Servicing Agreement Concluded:
Staff Report to Council: December 12, 2001
6. **LEGAL DESCRIPTION:** Lot A, DL 134, O.D.Y.D., Plan 34182
7. **SITE LOCATION:** Northeast corner of Lakeshore Rd
and Cook Rd.
8. **CIVIC ADDRESS:** 654 Cook Road
9. **AREA OF SUBJECT PROPERTY:** 17,890 m²
10. **AREA OF PROPOSED REZONING:** C9 – 0.838 ha
RM5 – 0.951 ha
11. **EXISTING ZONE CATEGORY:** C9 – Tourist Commercial
12. **PROPOSED ZONE:** C9 – Tourist Commercial zone
RM5 – Medium Density Multiple
Housing zone
13. **PURPOSE OF THE APPLICATION:** To Rezone A Portion Of The Subject
Property To The RM5 – Medium
Density Multiple Housing Zone To
Permit The Development Of A 151
Unit Congregate Housing And 36 Unit
Seniors Care Facility,
N/A
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:**
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY

- | | |
|---|-----|
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |
|---|-----|

Attachments

Subject Property Map

8 pages of site elevations / diagrams