
CITY OF KELOWNA

MEMORANDUM

Date: February 13, 2002
File No.: (3360-20) **Z01-1064**

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. Z01-1064

OWNER: THE GOOD SAMARITAN
SOCIETY

AT: 1540 KLO ROAD

APPLICANT: FWS COMMUNITY
PARTNERS INC.

PURPOSE: TO REZONE A PORTION OF THE SUBJECT PROPERTY TO
APPLY RM4 – TRANSITIONAL LOW DENSITY HOUSING ZONE
TO ENTIRE PROPERTY

EXISTING ZONE: A1 – AGRICULTURAL 1

PROPOSED ZONE: RM4 – TRANSITIONAL LOW DENSITY HOUSING

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 A, DL131, O.D.Y.D., Plan KAP70104, located on KLO Road, Kelowna, B.C., from the A1 – Agricultural 1 zone to the RM4 – Transitional Low Density Housing 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 in conjunction with Council's consideration of a Development Permit on the subject property.

2.0 SUMMARY

The subject property currently has a 3 storey, 105 unit, multiple family residential building under construction on it as authorized by Development Permit DP00-10,001, which was issued on September 13th, 2001. This current rezoning application seeks to rezone a portion of the subject property that was added to the original development site to facilitate the relocation of the single family dwelling that was originally located in the centre of the subject property. This rezoning will apply the RM4 – Transitional Low

Density Housing zone to the entire property. There will be an associated Development Permit application for Council consideration prior to final adoption of the zone amending bylaw which seeks permission to use the relocated building as a group home for patients with various forms of dementia.

3.0 BACKGROUND

3.1 The Proposal

The subject property has been the subject of a number of development proposals over the years.

The first application to develop the site was made in November 1995, and involved both 1540 KLO Rd. and 1570 KLO Rd., and anticipated development of a congregate housing project. This application was closed in September 1996.

In December 1996 a new application was made, this time involving only 1540 KLO Rd. That application anticipated the inclusion of the existing “Manor House” as a common facility for the residents of the proposed building. That application proceeded through due process and the zone amending bylaw was adopted on Aug 25, 1998, and the associated Development Permit was issued on June 22, 1999.

On January 18, 2000, a new Development Permit application (DP00-10,001) was made for a 104 unit, assisted living (congregate housing) facility. That proposal anticipated the removal of the “Manor House” from the property, and the siting of the new multi-family residential congregate housing building constructed over the previously existing orchard area adjacent to the road and the former location of the “Manor House”. DP00-10,001 was reviewed by Council on April 17, 2000, and finally issued on September 13, 2001 after the authorization for issuance had been extended several times to keep the application active.

This current application seeks to rezone a portion of the subject property that was added to the lot by means of a lot line adjustment with the adjacent property to the north. This area was added to the subject property when it became apparent to the applicant that it was not going to be economically feasible to move the “Manor House” off of the site owing to the height of the building and the proximity of major electrical transmission lines. Rather than demolish the building to make way to start construction of the recently approved congregate housing facility, the “Manor House” building was moved within the property on to the newly acquired land. As part of the lot line adjustment, the existing irrigation ditch operated by the Mission Creek Water User’s Community was relocated to allow for the new lot line configuration.

In order to facilitate this building move in a timely manner, it was determined that it would be necessary to rezone this area of the lot to the appropriate RM4 – Transitional Low Density Housing zone, and to have a Development Permit application made to deal with such site related issues as vehicle access and landscaping. The subdivision application for the lot line adjustment was processed on the basis that there would be applications forthcoming for both Rezoning and Development Permit for the affected portion of the property. At this time the applicant proposes the renovation of the “Manor House” into a group home for the care of patients with various forms of dementia. As the larger building on site is being developed as a congregate housing development and anticipated to include a number of care units, the inclusion of the “Manor House” as an

additional care component to the main building development on site appears to be a reasonable complementary use.

The proposal as compared to the RM4 zone requirements is as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Site Area (m ²)	9,521m ²	900m ²
Site Width (m)	79.53m	
Site Coverage (%)	60%	50% buildings max. 60% buildings & pavement max.
Total Floor Area (m ²)	6704.8 m ² (net)	
F.A.R.	FAR = 0.70	FAR 0.65 + max 0.2 bonus for U/G parking Max BLDG FAR 0.75 permitted (7,140.75 m ² max.)
Storeys (#)	3 storeys	3 storeys max.
Setbacks (m)		
- Front	10.5 m to prin. bld	6.0m min.
- Rear	14 m to prin. bld 7.5 m to accessory bld	9.0m min. 1.5 m to accessory building
- West Side	4.5 m to prin. bld	4.5m over 2 storeys 2.3m 2 storeys
- East Side	8.5 m to accessory bld	4.5m over 2 storeys 2.3m 2 storeys

Parking calculations;

Type of unit	No. of units	Parking Required
One bedroom Congregate Hsg	34 units	@ 1/3 = 11.33
Two bedroom	34 units	@ 1.50 = 51
Care units	37 beds	@ 1/3 = 12
SubTotal	105 units	
Dementia Care (Manor House)	10 beds	@ 1/3 = 3.3
Staff	6 Staff	1/staff = 6
	77 stalls underbuilding 22 surface stalls 99 stalls provided	84 stalls required

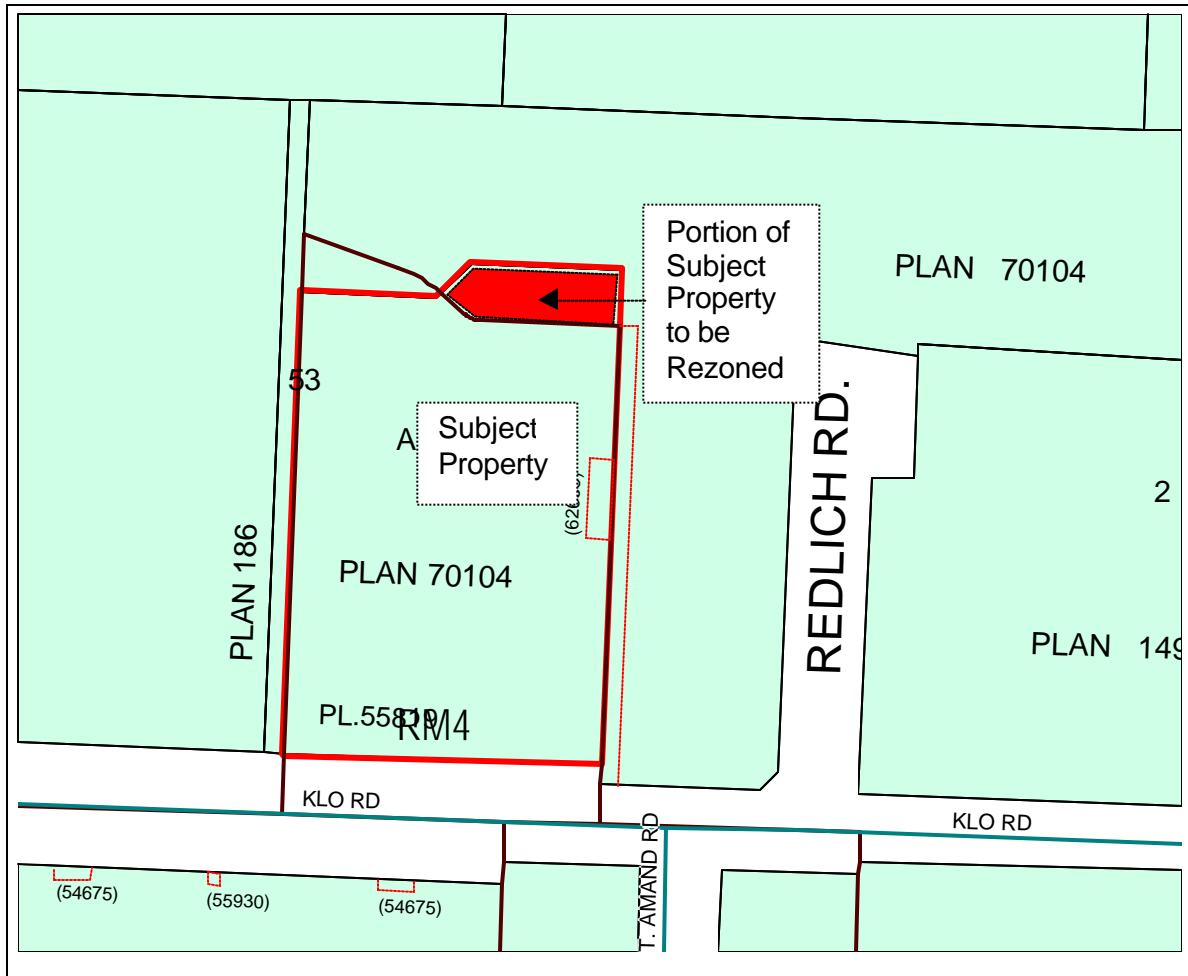
3.2 Site Context

The subject property is located on the north side of KLO Road west of Redlich Road, is generally level, and is developed with a single family dwelling ("Southfork" Manor House), and agricultural uses.

Adjacent zones and uses are, to the:

- North - A1 – Agricultural 1, vacant
- East - A1 – Agricultural 1, vacant
- South - P2 – Education and Minor Institutional / Immaculata High School
RU1 – Large Lot Housing, SFD uses / St. Amand Rd.
- West - A1 – Agricultural 1, CORD playing fields

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 proposal is consistent with the “Multiple Family Residential (Low Density)” designation of the Official Community Plan.

3.4.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the urban form objectives of the Kelowna Strategic Plan which encourages “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 proposal is consistent with the “Multiple Family Residential (Low Density)” designation of the South Pandosy/KLO 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 B.C. Gas

BC Gas does not have any concerns with this legal amendment to Lot A, KAP 70104.

4.2 Fire Department

This department has no objection to this application.

4.3 Inspection Services Department

This house will require upgrading based on the change of occupancy. The registered professional shall submit plans of required changes.

4.4 Parks Manager

1. All entry feature signs for the proposed development to be located on private property. This includes any landscape treatment around the entry feature.
2. 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 to prevent damage to curbs and sidewalks.
3. 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. Planting plan to include all u/g utility locations in BLVD.
- 4. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
- 5. Planting plan to include all u/g utility locations in BLVD.
- 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

4.5 Utilicorp Networks Canada

pending

4.6 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this development application.

- 1. Domestic Water and Fire Protection
 - (a) All domestic water and fire protection requirements were outlined in the original rezoning report under file Z96-1049.
 - (b) Domestic water for the proposed building addition must be an extension of the existing metered water within the main building.
- 2. Sanitary Sewer
 - (a) All sanitary sewer requirements were outlined in the original rezoning report under file Z96-1049.
 - (b) Sanitary sewer service for the proposed building addition must be an extension of the existing building sewer within the main building.
- 3. Storm Drainage

- (a) Storm drainage requirements were addressed in the original rezoning report under file Z96-1049.

4. Road Improvements

- (a) KLO Rd upgrading was addressed in the original rezoning report under file Z96-1049.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) The lot line adjustment appears to have been registered. Engineering does not have any additional comments.

6. Electric Power and Telecommunication Services

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

Must be connected by underground services. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Geotechnical Report

If the added area was not included in the original site geotechnical survey then additional geotechnical information must be provided for the subject site. As a requirement of this application and/or prior to issue of subdivision preliminary layout review (PLR) by the Approving Officer, the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

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

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

8. 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.

9. Bonding and Levy Summary

Bonding and levies were addressed in the original rezoning report under file Z96-1049.

10. Development Permit and Site Related Issues

Engineering has no requirement of the development permit application.

11. 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 COMMENTS

The Planning and Development Services Department does not have concerns with this proposal. The developers have successfully negotiated a land exchange to change the configuration of the rear lot line of the subject property in order to provide a suitable location for the “Manor House” that had previously been located in the centre of the lot. The applicant had attempted to have the “Manor House” moved off of the property, but found that the cost of the move was not economically feasible owing to the height of the building and the proximity of major electrical transmission lines along KLO Road.

As a means to retain the building on site, the north property line was amended to add a portion of the neighbouring lot to provide a suitable area to site the relocated “Manor House” building. The building was moved to the new location, on the understanding that the applicant would make applications to rezone this portion of the lot, and for a Development Permit to address the site planning issues created by adding this building into the overall site development. It is anticipated that the former single family dwelling will be renovated for use as a “group home” for people with various forms of dementia, which will operate in conjunction with the congregate housing use of the adjacent development. This is a use that is complementary with the use of the principal building, which is Congregate Housing and Apartment Housing.

The addition of the “Manor House” to the proposed site development does not impact the proposed Floor Area Ratio (density) of the development proposal. The RM4 zone has a base density of 0.65, and the provision of underbuilding parking permits a density

bonus of a maximum of 0.20 multiplied by the ratio of the of such parking spaces to the total required parking. In this case, 62% of the required parking is provided under the main building, which provides for a 0.124 bonus to the base density. The zone provides for a maximum density of 0.75.

The addition of the “Manor House” to the site development has reduced the amount of surface parking possible from the original 37 stalls proposed down to 22. As a result of the inclusion of the “Manor House” for a group home use, the amount of required parking has increased by 4 stalls to permit the additional of the 10 bedrooms for care use. However, during the building permit application process, there were 34 one bedroom units that no longer contain kitchens. Because of this change in use, these 34 units now become Congregate housing units which require parking to be provided at 1 stall per 3 beds. As a result of this change in use, the revised required parking becomes 84 parking stalls. As well, the level of available parking is not anticipated to be a problem as it is anticipated that there will be a shuttle bus service available for building residents.

In light of the above, the Planning and Development Service Department supports this application, 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

1. **APPLICATION NO.:** Z01-1064
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** The Good Samaritans Society (A Lutheran Social Service Organization)
Inc. No. XS40709
#200 – 9405 50th St.
Edmonton, AB
T6B 2T4
 - . **ADDRESS**
 - . **CITY**
 - . **POSTAL CODE**
4. **APPLICANT/CONTACT PERSON:** FWS Community Partners Inc. /
Del Juba
 - . **ADDRESS** 1540 KLO Road
 - . **CITY** Kelowna, BC
 - . **POSTAL CODE** V1W 3P6
 - . **TELEPHONE/FAX NO.:** 717-3918/717-3948
5. **APPLICATION PROGRESS:**
 - Date of Application: December 4, 2001
 - Date Application Complete: December 5, 2001
 - Servicing Agreement Forwarded to Applicant: N/A
 - Servicing Agreement Concluded: N/A
 - Staff Report to Council: February 13, 2002
6. **LEGAL DESCRIPTION:** Lot A, DL131, O.D.Y.D.,
Plan KAP70104
7. **SITE LOCATION:** North side of KLO Road, west of
Redlich Road
8. **CIVIC ADDRESS:** 1540 KLO Road
9. **AREA OF SUBJECT PROPERTY:** 9521 M²
10. **AREA OF PROPOSED REZONING:** 589 M²
11. **EXISTING ZONE CATEGORY:** A1 – Agricultural 1
12. **PROPOSED ZONE:** RM4 – Transitional Low Density
Housing
13. **PURPOSE OF THE APPLICATION:** To Rezone A Portion Of The Subject
Property To Apply RM4 – Transitional
Low Density Housing Zone To Entire
Property
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A
**NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY**
15. **DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS** General Multi-Family; notify GIS of
addition

Attachments

Subject Property Map
3 pages of site elevations / diagrams