
CITY OF KELOWNA
MEMORANDUM

Date: September 4, 2002
File No.: (3360-20) **Z02-1018/OCP02-010**

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. Z02-1018
OCP02-010

OWNER: LUTHERAN CHURCH
CANADA, ALBERTA B.C.
DISTRICT
(INC. NO. 3041A)

AT: 4091 LAKESHORE ROAD

APPLICANT: MQLN ARCHITECTS /
BRIAN QUIRING

PURPOSE: TO AMEND THE OFFICIAL COMMUNITY PLAN TO ADJUST THE BOUNDARY BETWEEN THE MULTIPLE UNIT RESIDENTIAL – LOW DENSITY AND MEDIUM DENSITY FUTURE LAND USE DESIGNATIONS AND TO ADD EDUCATIONAL/MAJOR INSTITUTIONAL FUTURE LAND USE DESIGNATION TO THE SUBJECT PROPERTY,

TO REZONE THE SUBJECT PROPERTY TO ADD THE P2 – EDUCATION AND MAJOR INSTITUTIONAL ZONE TO THE SITE AND TO ADJUST THE BOUNDARIES OF THE RM3 – LOW DENSITY MULTIPLE HOUSING ZONE AND THE RM5 – MEDIUM DENSITY MULTIPLE HOUSING ZONE IN ORDER TO PERMIT THE DEVELOPMENT OF THE SITE WITH A SCHOOL AND CHURCH FACILITY, AND LOW AND MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT

EXISTING ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING
RM5 – MEDIUM DENSITY MULTIPLE HOUSING

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING
RM5 – MEDIUM DENSITY MULTIPLE HOUSING
P2 – EDUCATION AND MINOR INSTITUTIONAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Map 19.1 – *General Future Land Use* of Schedule “A” of the Kelowna Official Community Plan (1994 – 2013) Bylaw No. 7600 be amended by changing the Future Land Use designation of; Lot 2, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP66568, located on Lakeshore Road, Kelowna, B.C., from Multiple Unit Residential – low density and Multiple Unit Residential – medium density future land use designation to Education/Major Institutional, Multiple Unit Residential – low density, and Multiple Unit Residential – medium density future land use designations as shown on Map “A”;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP66568, located on Lakeshore Road, Kelowna, B.C. from the RM3 – Low Density Multiple Housing and RM5 – Medium Density Multiple Housing zones to the RM3 – Low Density Multiple Housing, RM5 – Medium Density Multiple Housing, and P2 – Education and Minor Institutional zones as shown on Map “B” attached to the report of the Planning and Development Services Department, dated September 4, 2002;

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 requirements of the Works & Utilities Department 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;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has registered plan of subdivision for lot line adjustment, and discharged existing road reserve.

2.0 SUMMARY

The applicant wishes to rezone the subject property from the existing zones of RM3 – Low Density Multiple Housing zone and RM5 – Medium Density Multiple Housing zone, to the RM3 – Low Density Multiple Housing, RM5 – Medium Density Multiple Housing, and P2 – Education and Minor Institutional zone. The purpose of the change in zoning is to allow the development of the subject property with low and medium density multiple housing residential uses, church development, and school and sports field institutional uses. As the proposed layout differs from the development pattern noted in the Official Community Plan, there has also been an application made for an Official Community Plan amendment concurrently with the application to rezone.

2.1 Advisory Planning Commission

The above noted application (Z02-1018) was reviewed by the Advisory Planning Commission at the meeting of May 21, 2002 and the following recommendation was passed:

That the Advisory Planning Commission supports Rezoning Application No. Z02-1018, 4091 Lakeshore Road, Lot 2, Plan 66568, Sec 6, Twp. 26, ODYD, MQLN

Architects (Brian Quiring), to rezone from the RM3-Low Density Multiple Housing zone and the RM5-Medium Density Multiple Housing zone to the P2-Education and Minor Institutional zone and the RM3-Low Density Multiple Housing zone and the RM5-Medium Density Multiple Housing in order to allow for multi-family housing as well as church and school facilities for the Lutheran Church.

3.0 BACKGROUND

3.1 The Proposal

The former Fairview Golf Course property has been the subject of several development proposals over the years. The proposal in 1998 (Z98-1014) proposed to rezone the subject property from the P3 – Parks and Open space zone to add Low and Medium Density Multiple Housing zones to the golf course property. The associated Development Permit application (DP99-10,095) proposed the development of low density and medium density multiple unit housing forms. That application proposed a number of 4 unit buildings in 4 building clusters or nodes, with the remainder of the site proposed for several apartment buildings. A major component of that proposal was to provide a park area across the north end of the site to provide a pedestrian connection from Gordon Drive through to Lakeshore Road to connect the Mission Sports Fields to the lake. As part of that proposal, there were no-build covenants registered to protect the area around the pond, and the southern tip of the site to protect a stand of trees. A road reserve to protect a future alignment for the extension of Lequime Road was also registered as part of that application. There was also a dedication for Thomson Creek.

In April 2000, the property was subdivided into 3 lots, which created the park site, as well as two development lots. The larger of the two remaining lots was then made the subject of a new Development Permit application (DP00-10,038) which proposed the development of 31 residential units in the form of 2 to 4 unit, linked-dwellings as part of the first phase of a revised development plan, which anticipated the development of up to 85 units. This Development Permit received Council consideration on October 2, 2000, and was authorized for issuance. However, that Development Permit was never issued, and subsequently lapsed.

In October 2001, a 2.04 Ha portion located at the southern end of Lot 3, Plan KAP66568 was subdivided off to create a development site for the Okanagan Academy school facility. At the same time, the right of way for the revised Lequime Road was dedicated to facilitate the required drainage works associated with the Mission Sports Field project. Application Z01-1034 rezoned the new Lot B, Plan KAP70075 to the P2 – Education and Minor Institutional zone to permit the development of the site for education purposes. The Okanagan Academy owns that property, and the property is currently being developed with a new school facility.

Lot 2 Plan KAP66568 eventually became the subject of a court ordered sale, which is how the Lutheran Church recently came to purchase the subject property. This current application is for a Rezoning and an OCP amendment, which seeks to add the P2 – Education and Minor Institutional zone to a portion of the property while adjusting the boundaries of the existing RM3 and RM5 zones, and to amend the OCP future land use map to incorporate the Educational/Major Institutional future land use designation with the current Multiple Unit Residential, low density and medium density future land use designations for the subject property.

At this time, the applicant has not made application for a Development Permit for the multiple housing zoned component. There will have to be a Development Permit

application made prior to Council's adoption of the zone amending bylaw. This current application proposes development of a total of 172 multiple family residential units, and 21,813 m² of site area for institutional uses for church and education for the Lutheran Church. The main access to the subject property is designed to be located in the southern 1/3 of the frontage onto Lakeshore Road, with a secondary driveway located near the south east corner of the site. At this time, there is an application for a technical subdivision application to create a panhandle to provide for a secondary access to the site.

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

CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Site Area (m ²)	21,813M ²	660M ²

The proposal as compared to the RM3 zone requirements is as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	13,715M ²	900M ²

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

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Site Area (m ²)	13,072M ²	1,400M ²

3.2 Site Context

The subject property was one of the lots which used to form the Fairview Par 3 Golf Course. The property is vacant and generally level. However, the site requires fill to raise the grade approximately 1.2 m to 2 m.

Adjacent zones and uses are, to the:

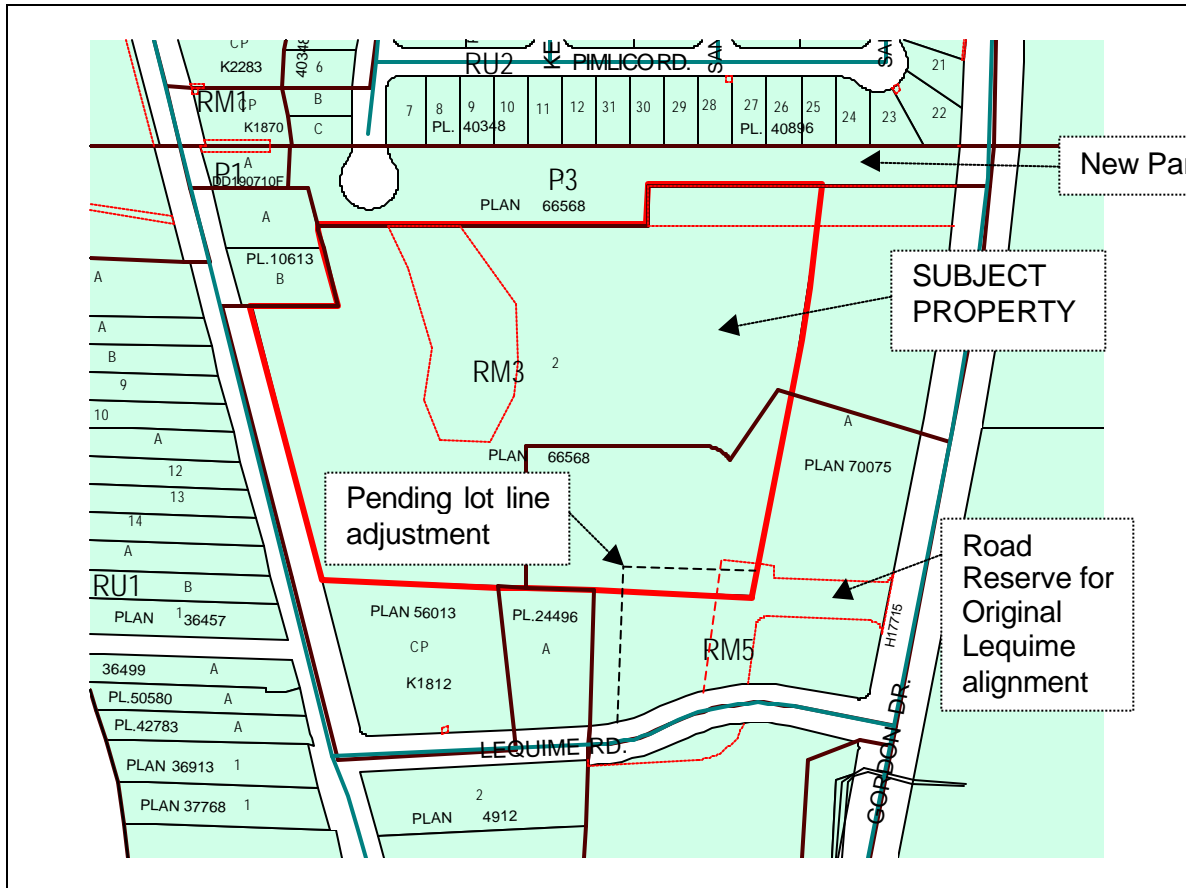
- North - P3 – Parks and Open Space / City park lands, under construction
- East - RM3 – Low Density Multiple Housing, RM5 – Medium Density Multiple Housing / Vacant
- South - RM3 – Low Density Multiple Housing, RU1 – Large Lot Housing / multi - family residential uses, group home
- West - RU1 – Large Lot Housing / Lakeshore Road - existing single family residential uses

3.3 Existing Development Potential

The existing zone of RM3 – Low Density Multiple Housing permits; apartment housing, row housing, semi-detached housing, and stacked row housing as principal permitted uses, and care centres – minor, intermediate, & major, and home based businesses – minor are permitted as secondary uses.

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

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 the subject property as a combination of multi-family residential – Low Density (and associated uses) and Multi-Family Residential – Medium Density (and associated uses). The associated uses include “child care, school, church and park”. As the proposed development includes a major church and school facility, an OCP application has been made to add “Education and Major Institutional” future land use to the site.

3.4.2 City of Kelowna Strategic Plan (1992)

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

3.4.3 North Mission/Crawford Sector Plan

The North Mission/Crawford Sector generally supports the proposed land uses. Most of the site specific development criteria listed on Illustrative Concept #5 in the Sector Plan has been addressed through the conceptual development plans. Inconsistencies with the Sector Plan have been addressed as part of the previously adopted zone and OCP amending bylaws.

4.0 TECHNICAL COMMENTS

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

4.1 B.C. Gas

Gas is available from Lakeshore Road only. An application is required. Service off Gordon Drive will require a main extension.

4.2 Canada Post

This application will require the installation of centralized mail delivery equipment.

4.3 Environmental Manager

Please ensure that the 7.5 meter setback from the wetland edge for "riparian management " is reflected in the re-zoning application. This area would be the DP area for this property and we will look at the proposal when surveyed drawings for the Subdivision come in. This area would be non-disturbance requiring a landscape plan with no impervious surfaces.

4.4 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. Contact FPO for hydrant placements.

4.5 Ministry of Water, Land, and Air Protection

The following comments are provided by Water Management and Environmental Protection in response to your letter of April 25, 2002. Please be advised the Ecosystem Section of the Environmental Stewardship Division will be providing their comments under separate letter. Mike Ladd of Ecosystem will be contacted directly regarding these comments.

In accordance with the Draft Floodplain Bylaw for the City of Kelowna, this property is recognized as being low and the following would apply;

We have reviewed this application and recommend that any proposed building or structures on the property in question be not less than 7.5 m (seven point five) metres from the natural boundary of any water course, and that the underside of the floor system, of any area used for habitation or storage of goods damageable by floodwater, be not less than elevation 343.67 metres, above the natural boundary water course.

Further, no area below the required elevation should be used for the installation of furnaces or other fixed equipment susceptible to damage by floodwater.

We advise that if any changes to the location or the nature of any watercourse (stream, swamp, 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 or 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.

Environmental Protection Comments

Storm water management for the property should strive for a zero discharge to storm drains, and must allow infiltration of rain and snow melt water to the maximum extent possible in order to attenuate storm flows and enable contaminant capture and renovation in soils of the property. The proponent should review the methods described in Urban Runoff Quality Control Guidelines for British Columbia – BC Municipal Waste Branch 1992.

4.6 Parks Manager

1. 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:

2. The following applies for all boulevard (BLVD) landscape on city ROW and is standard information required on a landscape plan:
 - A. Planting plan to include a plant materials list:

i) Latin name	iv) plant symbol key
ii) common name	v) indicate existing trees
iii) size at planting	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.
3. 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.
4. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
5. BLVD tree maintenance is responsibility of Parks Division.

6. Planting plan to include all u/g utility locations in BLVD.
7. 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.
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. Planting plan to include all u/g utility locations in BLVD.

4.7 Public Health Inspector

Approved subject to provision of sanitary sewer and water.

4.8 Shaw Cable

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

4.9 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus policy. Telus will require an easement for the placement of a remote switch within this proposal.

4.10 Utilicorp Networks Canada

UNC will provide underground electrical service.

4.11 Works and Utilities Department

The Works & utilities Department has the following comments and requirements associated with this application to amend the existing zoning application from RM-3 & RM-5 to RM-3, RM-5 & P2. The road and utility upgrading requirements outlined in this report are provided for information purposes.

1. Domestic Water and Fire Protection

- (a) Domestic water and fire protection for this development can be provided from a watermain on Lakeshore Road and or, alternatively through a proposed statutory-right-of- way from Lequime Rd. The watermain on Lequime Road has recently been constructed and paid for by the City Parks Department. Latecomer protection is in the process of being executed for this watermain. The subject parcel will be required to pay Latecomer charges before receiving a water service connection from Lequime Road.
- (b) Domestic water and fire protection for the site will be reviewed and approved by Engineering when a site servicing design is submitted. Service changes shall be at the developer's cost.
- (c) The subject lot is included into Water Specified Area Number 1.

2. Sanitary Sewer

- (a) Sanitary sewer services for this development will be provided from a sanitary sewer main from Lakeshore Road and or, alternatively through a proposed statutory-right-of-way from Lequime Rd. The Sanitary main on Lequime Road has recently been constructed and paid for by the City Parks Department. Latecomer protection is in the process of being executed for this sanitary sewer main. The subject parcel will be required to pay Latecomer charges before receiving a sanitary service from Lequime road.
- (b) Sanitary sewer service for the site will be reviewed and approved by Engineering when a site servicing design is submitted. Service changes shall be at the developer's cost.
- (c) The subject lot must be included into Sanitary Sewer Specified Area Number 1. A map amendment will be required.

3. Storm Drainage

- (a) A storm drainage system on Lequime Road has been completed by the City Drainage / Solid Waste Division. Latecomer protection should be registered against the fronting Lots.
- (b) Storm drainage systems and overflow service(s) for the site will be reviewed and approved by Engineering when a site servicing design is submitted.

4. Road Improvements

- (a) Lakeshore Road must be upgraded to a full urban standard along the full frontage of this proposed development (144 lin. meters), including curb and gutter, separate sidewalk, storm drainage system including catch basins, manholes / dry-wells and pavement widening. Also required is a landscaped boulevard complete with underground irrigation system, ornamental street lighting required and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost for this construction as previously estimated for budget purposes is \$175,000.00. There is an existing letter of credit to cover this construction.
- (b) On-site roads will be designated as private roads. The road, traffic movement and access designs will be reviewed and approved by Engineering when the drawings are submitted.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Grant Statutory Rights Of Way if required for utility services.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this development as well as the local distribution wiring must be installed in an underground duct system, and the buildings must be connected by underground services. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Street Lighting

Ornamental street lighting including underground ducts must be installed on all roads fronting on the proposed development. The cost of this requirement is included in the roads upgrading item. The private roads must also be provided with modified standard streetlights within the development.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

9. Development Cost Charge Reduction Consideration

If development cost charges are applicable to this public development.

10. Latecomer Protection

Latecomer protection has been applied to this lot for watermain, sanitary sewer main and storm drainage systems constructed on Lequime Road. Latecomer charges must be paid by this developer prior to connecting to these systems on Lequime Road.

11. Geotechnical Report

A comprehensive Geotechnical report has been provided for this site. The developer must comply with the building restrictions and requirements stipulated in this report.

12. Survey Monuments and Iron Pins

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

13. Development Permit and Site Related Issues

- (a) The developer must comply with previously established requirements for pond setbacks, protected tree preservation, Geotechnical restrictions and so forth.
- (b) Site development issues will be reviewed and comments related to site development will be addressed when a detailed site development design or building permit application is received.

14. Administration Charge

An administration charge is applicable to this development in the amount of 3% (+ GST) of the total off-site servicing costs. The administration charge will be assessed and must be paid prior to release of existing security deposits.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department recognizes that the addition of further institutional uses to the former Fairview Golf Course site is generally supported by the OCP. Staff also recognizes that the current proposal re-introduces higher density forms of housing that were originally intended for the site. The former Fairview Golf Course site has long been designated for multiple family residential uses in both the Official Community Plan and the North Mission/Crawford Sector Plan. The development property does have a number of challenges involved, not the least of which is the requirement for 1.2 m to 2.0 m of fill required to bring the grade of the lot above the ground water level.

There have been several applications for development of the site involving multiple family residential housing uses. However, it seems that each subsequent proposed application would lower the multi-family residential unit yield of the site. Although the introduction of further institutional uses will essentially displace potential multiple dwelling housing, staff are encouraged by the current concept for the multiple dwelling housing.

This application has been made for rezoning and the associated OCP amendment to alter the alignment of the multiple family residential zones and to add the P2 – Education and Minor Institutional zone to the subject property. It will be necessary for the proponent to make application for a Development Permit to address the form and character of the multiple housing component of the proposed development before Council approves the zone amending bylaw. There will be an opportunity for further review of the development proposal during the Development Permit application process.

In light of the above, the Planning and Development Services 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.:** Z02-1018
OCP02-010
2. **APPLICATION TYPE:** Rezoning/Official Community Plan Amendment
3. **OWNER:** Lutheran Church Canada, Alberta
B.C. District (Inc. No. 3041A)
· **ADDRESS** 7100 Ada Blvd.
· **CITY** Edmonton, AB
· **POSTAL CODE** T5B 4E4
4. **APPLICANT/CONTACT PERSON:** MQLN Architects / Brian Quiring
· **ADDRESS** #102 – 3301 24th Ave.
· **CITY** Vernon, BC
· **POSTAL CODE** V1T 9S8
· **TELEPHONE/FAX NO.:** (250)542-1199/(250)542-5236
5. **APPLICATION PROGRESS:**
Date of Application: April 18th, 2002
Date Application Complete: April , 2002
Servicing Agreement Forwarded to Applicant: July 16, 2002
Servicing Agreement Concluded: N/A
Staff Report to Council: September 4, 2002
6. **LEGAL DESCRIPTION:** Lot 2, Sec. 6, Twp. 26, O.D.Y.D., Plan KAP66568
7. **SITE LOCATION:** East Side of Lakeshore Road, North of Lequime Road.
8. **CIVIC ADDRESS:** 4091 Lakeshore Road
9. **AREA OF SUBJECT PROPERTY:** 4.86 Ha
10. **AREA OF PROPOSED REZONING:** 4.86 Ha
11. **EXISTING ZONE CATEGORY:** RM3 – Low Density Multiple Housing
RM5 – Medium Density Multiple Housing
12. **PROPOSED ZONE:** RM3 – Low Density Multiple Housing
RM5 – Medium Density Multiple Housing
P2 – Education and Minor Institutional

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| 13. PURPOSE OF THE APPLICATION: | To Amend The Official Community Plan To Adjust The Boundary Between The Multiple Unit Residential – Low Density And Medium Density Future Land Use Designations And To Add Educational/Major Institutional Future Land Use Designation To The Subject Property, and To Rezone The Subject Property To Add The P2 – Education And Major Institutional Zone To The Site And To Adjust The Boundaries Of The RM3 – Low Density Multiple Housing Zone And The RM5 – Medium Density Multiple Housing Zone To Permit The Development Of The Site With A School And Church Facility, And Low And Medium Density Multiple Family Residential Development |
| 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 7.1
IMPLICATIONS | N/A |

Attachments

Subject Property Map
Map A
Map B
Proposed Subdivision Plan
Site plan