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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** February 26<sup>th</sup>, 2003

**File No.:** Z02-1059

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

APPLICATION NO. Z02-1059/DP02-0118/DVP02-0119

AT: 3866-3884 Truswell Rd.

OWNER: Mission Shores  
Developments

APPLICANT: David Tyrell Architect

PURPOSE: TO REZONE THE SUBJECT PROPERTIES FROM THE EXISTING RU1 – LARGE LOT HOUSING ZONE TO THE C9 – TOURIST COMMERCIAL ZONE;

TO REZONE THAT PORTION OF OKANAGAN LAKE FRONTING THE PROPOSED LOTS FROM W1 – RECREATIONAL WATER USE TO W2- INTENSIVE WATER USE;

EXISTING ZONE: RU1 – LARGE LOT HOUSING  
W1 – RECREATIONAL WATER USE

PROPOSED ZONE: C9 – TOURIST COMMERCIAL  
W2 – INTENSIVE WATER USE

REPORT PREPARED BY: RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z02-1059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots A,B,C,D,E; Sec.1; Twp.25; ODYD; Plan KAP67760, located on Truswell Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the C9 Tourist Commercial zone 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 in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be withheld pending the approval of a technical subdivision dedicating a portion of the foreshore to the City

of Kelowna and the subsequent registration of this foreshore dedication at the Land Titles Office in Kamloops.

## 2.0 SUMMARY

The applicants are proposing to rezone the subject properties to construct a 54-unit townhouse development for apartment-hotel use. The applicants are also proposing to construct a lakefront boardwalk to be placed with the 15m setback from Okanagan Lake (between 10m and 5m from the lake). The applicant is also requesting variances for projections into required front and side yards as well as a variance for an Okanagan Lake Sight Line infringement.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicants are proposing to construct a 54-unit townhouse development for apartment-hotel use. The subject properties are currently zoned RU1 – Large Lot Housing. The applicants are proposing to rezone the subject properties to a C9 – Tourist Commercial zone. The proposed development is three storeys in height and the units will be spread over five buildings. A parking area and a series of 1 storey walkout units will be located at grade. Above, a mezzanine area (pool/hottub) and amenity building will be located on the second storey in the centre of the development and will be surrounded by two storey units. The entrances to all units will be via the parking area (separate stairwells).

The colour scheme for the development will be as follows: the walls will be finished in natural cedar; stone will be used to anchor the bases and entrances of each building, and high profile composite shingle ('moss rose' tone) will be applied as roofing. Each building will also have an accent colour of stain that will be applied to windows, trim boards, doors, and gates. The applicant is seeking to create a traditional lakeside type village with an arts and crafts style.

A porte-cochere accented with landscaping establishes an easily identifiable entrance to the development. The parking area located beyond will be secured with an electronic gate system. The proposed porte-cochere and an open access stairway will project into the required front yard setback and are therefore the subject of a Development Variance Permit. Through the Development Variance Permit the applicants are also requesting a variance for the projection of open access stairways (2) into the required northern and southern side yard setbacks. The proposed development infringes upon the required sight line of the single detached house to the south and is therefore also included as a variance. From the plans submitted by the applicant it appears as though the northern side of the development conforms to the required sight lines; however this must be confirmed at the building permit stage.

The applicants are also proposing to construct a lakefront boardwalk to be placed within the 15m setback from Okanagan Lake. The final location of this boardwalk will be determined by the configuration of public dedication along the foreshore. In addition, the applicants wish to enlarge the existing dock facilities to allow for 32 moorage spaces. Each boat slip will be serviced by an electro-mechanical lift.

The application meets the requirements of the C9 – Tourist Commercial zone as follows:

CRITERIA	PROPOSAL	C9 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	13,050m <sup>2</sup>	1800m <sup>2</sup>
Lot Width (m)	90m	30.0m
Lot Depth (m)	136m	35.0m
Area of Buildings at Grade	8,828.7 m <sup>2</sup>	N/A
Area of Pavement, Accessory Buildings, etc...	5,224 m <sup>2</sup>	N/A
Total Site Coverage (%)	67.6%	N/A
Total Floor Area (m <sup>2</sup> )	18,027m <sup>2</sup>	19,575 m <sup>2</sup> (max)
Net Floor Area (m <sup>2</sup> )	12,802m <sup>2</sup>	N/A
Total Floor Area Ratio (FAR)	0.96	1.5 (max)
Parking Spaces	97 (1.8 per unit)	27 (0.5 per unit)
Bicycle Parking Class 1 (0.5 Per Unit)	27	27
Bicycle Parking Class 2 (0.1 Per Unit)	6	6
Storeys (#)	3	6
Setbacks (m)		
- Front	6m <sup>①</sup>	6m
- Rear	15m	15m (required setback from lake)
- Side (n)	3m <sup>②</sup>	3m
- Side (s)	3m <sup>②</sup>	3m
Okanagan Lake Sightlines	65° (South Side) <sup>③</sup>	60° (Either Side)

- ① Note: Applicant is requesting variances for two projections into the front yard setback. An open access stair will extend 3m into the setback and a porte-cochere will extend 6m into the required setback.
- ② Note: Applicant is requesting a variance for the projection of an open access stair extending up to 1.8m into the required side yard (n) setbacks.
- ③ Note: Applicant is requesting a variance for a relaxation of Okanagan Lake Sightlines for the southern side of the development.

### 3.2 Site Context

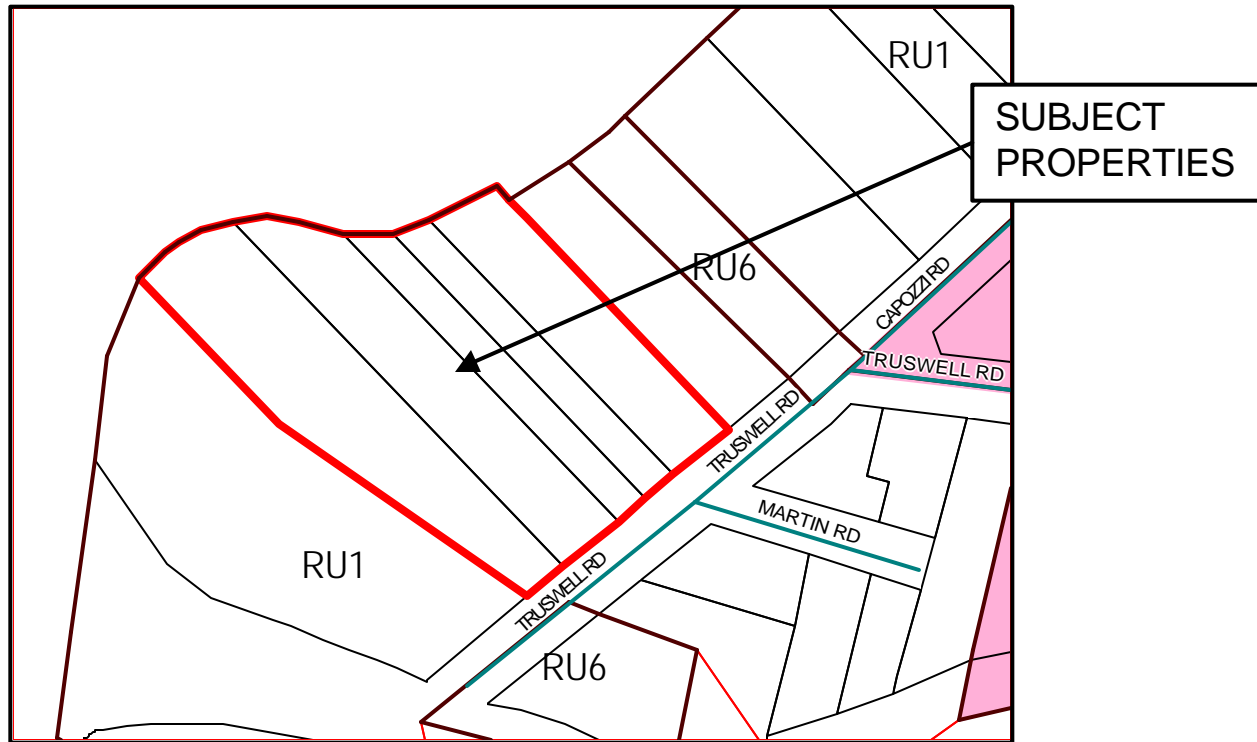
The subject properties are located adjacent to Truswell Roads intersection with Capozzi Road in the South Pandosy/KLO Sector.

Adjacent zones and uses are:

North - RU1 – Large Lot Housing – Single Family Dwelling  
 East - RU1 – Large Lot Housing – Single Family Dwellings  
 South - RU1 – Large Lot Housing – Single Family Dwelling  
 West - W1 – Recreational Water Use – Okanagan Lake

### 3.3 Site Location Map

Subject Properties: 3866-3884 Truswell Road



### 3.4 Existing Development Potential

The property is zoned RU1 – Large Lot Housing. The purpose of this zone is to provide for single detached housing as a principal use, and compatible secondary uses, such as bed and breakfast homes, minor care centres and group homes, as well as home based businesses. At the present time there are three single-family dwellings located on the subject properties.

### 3.5 Current Development Policy

#### 3.5.1 Kelowna Official Community Plan

The subject properties are designated 'Tourist Commercial' in the Kelowna Official Community Plan future land-use designation. The OCP also makes provision for the "consideration of commercial development for tourism related uses in the Capozzi/Truswell Road area as outlined in the South Pandosy/KLO Sector Plan (9-3.24).

Furthermore the OCP encourages commercial use of the waterfront where the Inner City Shore Zone Plan provides for such use. At other

waterfront locations, commercial uses other than visitor accommodation will be discouraged unless the proposed use would significantly enhance public enjoyment of or access to the lakefront (9-3.21).

### 3.5.2 South Pandosy/KLO Sector Plan

Tourist Commercial Objectives (10.4):

- a) In accordance to the Official Community Plan, recognize an area near Lakeshore Road and Cook Road as a tourist commercial node/destination.
- b) Promote the expansion of tourist services and accommodation.
- c) Integrate the tourist commercial uses with Okanagan Lake by encouraging access, views or immediate linkages to the waterfront.
- d) Protect the integrity of nearby parks, open space, lake access (includes boat launch) and streams.

Tourist Commercial Policies (10.5):

- a) Commercial Development on either side of Truswell Road should maximize a lake orientation. Views from rooms, roof top gardens, or restaurants should be protected through siting and design of the buildings and parking area.

## 4.0 TECHNICAL COMMENTS

### 4.1 BC Gas

Two existing services to 3884 and 3878 will require cut-off.

### 4.2 Fire Department

Fire Department access and hydrants as per the BCBC and City of Kelowna Subdivision Bylaw. Access design should accommodate our largest ladder truck. Engineered fire flows should be confirmed. Access design may require further review.

### 4.3 Land Agent

Require the dedication of 10m Shore Zone route of access required in Official Community Plan.

### 4.4 Ministry of Land, Water and Air Protection

Floodplain Management:

The Floodplain Management Provisions include a minimum setback and elevation requirements to protect future development from damages due to flooding or erosion from Okanagan Lake.

In view of the foregoing we recommend that the minimum horizontal setback for any future buildings use for habitation, business or the storage of goods damageable by floodwaters adjacent to Okanagan Lake, be not less than 15 metres from the natural boundary and that the underside of the floor system be not less than 343.66 metres Geodetic Survey of Canada datum. These recommendations are in keeping with the City of Kelowna Draft Floodplain Bylaw.

Furthermore, as a condition of any future subdivision of the property, the Ministry of Water, Land and Air Protection recommends that the proponent be required to incorporate the minimum floodplain management requirements into a covenant to be registered under Section 219 of the Land Title Act. The covenant should also save harmless both the City of Kelowna and the Province from future claims for damages due to flooding and erosion.

We advise that if any changes to the location of 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.

#### Ecosystem Section Comments:

The standards for sediment and erosion control outlined in the jointly published BC Environment/Fisheries and Oceans Canada “Land Development Guidelines for the Protection of Aquatic Habitat” must be adhered to. All work must be undertaken and completed in such a manner as to prevent the release of silt, sediment or sediment-laden water, raw concrete or concrete leachate, or any other deleterious substances into any ditch, watercourse, ravine or storm sewer system.

#### 4.5 Public Health Inspector

Subject to sanitary sewer and community water.

#### 4.6 Shaw Cable

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

#### 4.7 Telus

Developer will be required to provide underground conduit to Telus specifications as designed by Telus.

4.8 Inspection Services Department

- a) The units below slab will be non-combustible. Are the upper units to be wood frame?
- b) If the portion below the slab is considered a separate building then fire access becomes an issue with the 5 buildings above the slab.
- c) The openings through the slab breach the fire separation.
- d) This is viewed as one building and as such should be non-combustible and sprinklered.
- e) This project needs to be designed under the equivalency section of the code.
- f) CP Program does not extend to Kelowna anymore and therefore does not apply to this building.
- g) A fire protection engineer will be required for this project.

Note: The Inspections Services Department is collaborating with the applicant's architect to resolve building code issues prior to Council consideration of the Development Permit.

4.9 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this rezoning and development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit, but are outlined in this report for information only.

1. Domestic Water and Fire Protection

- (a) The existing 100mm-diameter water main and fire hydrants within Truswell Road fronting on the proposed development may not be sufficient to support this development. It will be necessary for the developer to engage a consulting civil engineer to determine if existing water mains can provide the fire flow requirements of the proposed development. It appears necessary to upgrade the water main on Truswell Road and Capozzi Road as well as extending the watermain on Capozzi Road to connect with the existing water main on Cook Road. The cost of this water main for bonding purposes will be \$93,000.00.
- (b) Disconnect the three existing small diameter water services and install a new single water service of sufficient size to supply the domestic and internal fire protection requirements of the proposed development. The new water service may be installed by the developer's contractor during water main construction on Truswell Rd. The disconnection of existing services will be by City forces at the developer's expense.
- (c) A water meter is mandatory for this development and must be installed inside a heated building on the water service inlet as

required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

- (d) The developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

2. Sanitary Sewer

- (a) The existing sanitary sewer system in Truswell Rd. is sufficient to support the proposed development.
- (b) The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and preferred location of the new service. Removal and capping of existing unused sanitary services must be by City crews and will be at the applicant's cost.

3. Storm Drainage

- (a) There are no existing Storm Drainage Systems on Truswell Road in the vicinity of this development. It will be necessary for this development to install catch basins, drywells, etc. as required to complete the road frontage upgrading. The cost of this is included in the road upgrading items.
- (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. The storm water management plan must also include provision of lot grading plan, minimum basement elevations (MBE), 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, if that is a suitable alternative.

4. Road Improvements

- (a) Truswell Road must be upgraded to a full urban standard fronting this development, including curb, gutter and monolithic sidewalk, drainage works, manholes / drywells / catch basin, pavement widening, ornamental street lights as required and re-location or adjustment of existing utility appurtenances if required to



accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is \$64,700.00

- (b) The City will forgo the need for a Traffic Impact Study if the applicant agrees to a traffic solution that would see the construction of a temporary traffic signal at the Truswell/Lakeshore intersection. The applicant will be held responsible for the cost of this temporary solution. Further details regarding this temporary transportation solution will be finalized prior to the Public Hearing.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Lot consolidation.
- (b) Grant statutory rights-of-way if required for utility services.
- (c) Dedicate a 10m wide public access area along the lake frontage of this lot measured from the lake high water mark.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to the 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. Street Lighting

Ornamental street lighting including underground ducts must be installed on Truswell Rd. fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

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

Not applicable.

10. Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, and in conformance with the City of Kelowna Subdivision Development & Servicing Bylaw No. 7900, the owner is eligible to apply for latecomer protection for the following: There is a \$1,000.00 administration fee payable to the City for processing and registration of a Latecomer Agreement.

- (a) Watermain upgrades on Truswell Rd and Capozzi Road.
- (b) Storm Drainage facilities on Truswell Road

11. Geotechnical Report

As a requirement of this application and/or prior to issue of a building permit, 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.

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. Bonding and Levy Summary

(a) Bonding

Truswell -Road frontage improvements	\$ 64,700.00
Lakeshore Signals	(Cost yet to be determined)
Truswell, Capozzi -Watermain	\$ 93,000.00

Total Bonding Amount:

(Yet to be determined.)

**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 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 4<sup>th</sup> reading of the zone amending bylaw or issuance of a building permit.

(b)     Levies                None

14.     Development Permit and Site Related Issues

- (a)     The development will be required to contain and dispose of site generated storm water on the site by installing a suitable ground recharge system on the site. Drainage water cannot be discharged directly into the lake by a piped system. An overland soak-away system is permitted.
- (b)     An erosion and sediment control plan is to be submitted prior to construction and adhered to during the construction of this development.
- (c)     The site plan should illustrate the ability of an SU-9 standard size vehicle to manoeuvre onto and off the site without requiring a reverse movement onto public roadways
- (d)     A bike rack must be provided in accordance with current bylaws and policies.
- (e)     Perimeter access must comply with the BC Building Code.

15.     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

The Planning and Development Services Department has no significant concerns regarding the proposed rezoning. The proposal is consistent with Kelowna's Official Community Plan and the South Padosy/KLO Sector Plan. The applicant has held an information meeting for the neighbours and has attempted to work with neighbourhood to resolve form and character issues. Furthermore, many of the comments made by City staff throughout the inquiry process have been incorporated into this application. The applicant has also agreed to locate the proposed boardwalk entirely within the 10m to 15m portion of the required lake setback or alternatively between the 10m setback line and the foreshore. The ultimate location of the boardwalk will depend on the configuration of the public dedication. Further negotiation between the City's Parks and Leisure Services Department and the applicant will determine the appropriate location of the boardwalk. The proposed expansion of the dock facility is not entirely consistent with the City of Kelowna's shared dock guidelines. However, the applicant has designed the expanded dock to minimize its impact and has provided an independent study that indicates minimal impact on littoral drift effects. Furthermore, the applicant has custom designed the proposed boatlifts to reduce the amount of apparatus that will be visible above the water line. Staff is generally supportive of the proposed dock facilities.

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Andrew Bruce  
Current Planning Manager



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

RWS  
Attach.

## FACT SHEET

1. **APPLICATION NO.:** Z02-1059/DP02-0118/DVP02-0119
2. **APPLICATION TYPE:** Rezoning, Development Permit,  
Development Variance Permit
3. **OWNER:** Mission Shores Developments  
 . **ADDRESS** 1606 Findlay Road  
 . **CITY** Kelowna, BC  
 . **POSTAL CODE**
4. **APPLICANT/CONTACT PERSON:** David Tyrell Architect Inc.  
 . **ADDRESS** #206-2760 Gladwin Road  
 . **CITY** Abbotsford, BC  
 . **POSTAL CODE** V2T 4S6  
 . **TELEPHONE/FAX NO.:** 604-853-7375
5. **APPLICATION PROGRESS:**  
 Date of Application: December 19<sup>th</sup>, 2002  
 Date Application Complete: December 19, 2002  
 Servicing Agreement Forwarded to Applicant:  
 Servicing Agreement Concluded:  
 Staff Report to APC: January 28<sup>th</sup>, 2002  
 Staff Report to Council:
6. **LEGAL DESCRIPTION:** Lots A,B,C,D,E; Sec.1; Twp.25; ODYD; F  
KAP67760
7. **SITE LOCATION:** The subject properties are located adjacent to  
Truswell Road intersection with Capozzi Road in  
the South Pandosy/KLO Sector.
8. **CIVIC ADDRESS:** 3866-3884 Truswell Road.
9. **AREA OF SUBJECT PROPERTY:** 13,050m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** 13,050m<sup>2</sup>
11. **EXISTING ZONE CATEGORY:** RU1- Large Lot Housing  
W1 – Recreational Water Use
12. **PROPOSED ZONE:** C9 – Tourist Commercial  
W2 – Intensive Water Use
13. **PURPOSE OF THE APPLICATION:** Rezoning, Development Permit,  
Development Variance Permit
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** Lakeshore/Water Feature DPA

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Landscaping plan
- Colour Board
- Black Line Renderings