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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** April 14, 2004  
**File No.:** (3360-20) **OCP04-0001/Z04-0004**  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Subject:**

APPLICATION NO. OCP04-0001/ Z04-0004      OWNER: CANADA LANDS CO. CLC LTD.

AT: 1187 SUNSET DRIVE      APPLICANT: CANADA LANDS COMPANY / DALE KNOWLAN

PURPOSE: TO SEEK AN OFFICIAL COMMUNITY PLAN AMENDMENT TO AMEND THE FUTURE LAND USE DESIGNATION OF A PORTION OF THE SUBJECT PROPERTY FROM "COMMERCIAL" TO "MULTIPLE UNIT RESIDENTIAL - HIGH DENSITY"

TO REZONE A PORTION OF THE SUBJECT PROPERTY FROM THE C4-TOWN CENTRE COMMERCIAL ZONE TO THE RM6 - HIGHRISE APARTMENT HOUSING ZONE IN ORDER TO FACILITATE A LOT LINE ADJUSTMENT .

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

PROPOSED ZONE: RM6 – HIGH RISE APARTMENT HOUSING

REPORT PREPARED BY: PAUL McVEY

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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### 1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP04-0001 to amend Map 19.1 of the *Kelowna 2020* Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of part of Lot A, DL 139, O.D.Y.D., Plan KAP73017, located on Sunset Drive, Kelowna, B.C., from the existing "Commercial" designation to the proposed "Multiple Unit Residential – high density" designation, as shown on Map "A" attached to the report of Planning & Corporate Services Department, dated April 14, 2004, be considered by Council;

THAT Rezoning Application No. Z04-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot A, DL 139, O.D.Y.D., Plan KAP73017, located on Sunset Drive, Kelowna, B.C., from the existing C4 – Town Centre

Commercial zone to the proposed RM6 – High Rise Apartment Housing zone as shown on Map "B" attached to the report of Planning & Corporate Services Department, dated April 14, 2004, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP04-0004 and 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 and Development Variance 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 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

In 2001, the north boundary of the subject property was moved to the current position as part of the previous Sheraton Hotel proposal.

This current application proposes to relocate both the north property line and the zone boundary of the subject property back to the location that existing prior to the previous development proposal.

As there was an Official Community Plan amendment associated with the previous lot line adjustment, there has been a new OCP amendment made in conjunction with the rezoning application to move the boundary between the "Commercial" future land use designation and the "Multiple Unit Residential – High Density" future land use designation.

### 2.1 Advisory Planning Commission

The above noted application (OCP04-0001/Z04-0004) was reviewed by the Advisory Planning Commission at the meeting of February 3, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Official Community Plan Application No. OCP04-0001 and Rezoning Application No. Z04-0004, (W of) Ellis Street, 1092 & 1130 Ellis Street, 1187 Sunset Drive, Lot 7, Plan 68693, and part of Lot A, Plan 73017, Sec. 25, Twp. 26, ODYD by Canada Lands Company Ltd. (Dale Knowlan) to amend the Official Community Plan Future Land Use designation from Commercial to Multiple Unit Residential - High Density and to rezone from the C4-Town Centre Commercial zone to the RM6-Highrise Apartment Housing zone in order to facilitate a lot line adjustment.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The subject property is located within the Downtown North Area Structure Plan boundaries (Canada Lands). An Area Structure Plan was commenced in 1996 and adopted by Council in December 2000. In 2001, there had been an application made for a rezoning (Z01-1047) and OCP amendment (OCP01-012) to increase the size of the subject property by reconfiguring the property boundary to the north. As the property line was also the zone line between a commercial zone and a high density residential zone, it was necessary to make application for both a rezoning and OCP amendment. However, the associated hotel development proposal was never constructed.

This current application seeks an OCP amendment to change the future land use designation of a portion of the subject property from “Commercial” to “Multiple Unit Residential – High Density”, and to rezone a portion of the subject property from C4 – Town Centre Commercial to RM6 – High Rise Apartment Housing zone in order that the north property line can be moved towards the south, back to the previous location.

The owners have selected a developer to construct a multiple unit residential building on the property located to the north of the subject property. Council will have an opportunity to review the associated Development Permit application prior to final adoption of the zone amending bylaw.

The proposal as compared to the C4 zone requirements is as follows:

<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>C4 ZONE REQUIREMENTS</b>
Site Area (m <sup>2</sup> )	1.15ha	460 m <sup>2</sup> or 1,300 m <sup>2</sup> where no lane exists
Site Width (m)	71 m	13 m or 40 m where no lane exists
Site Depth (m)	126 m	30 m

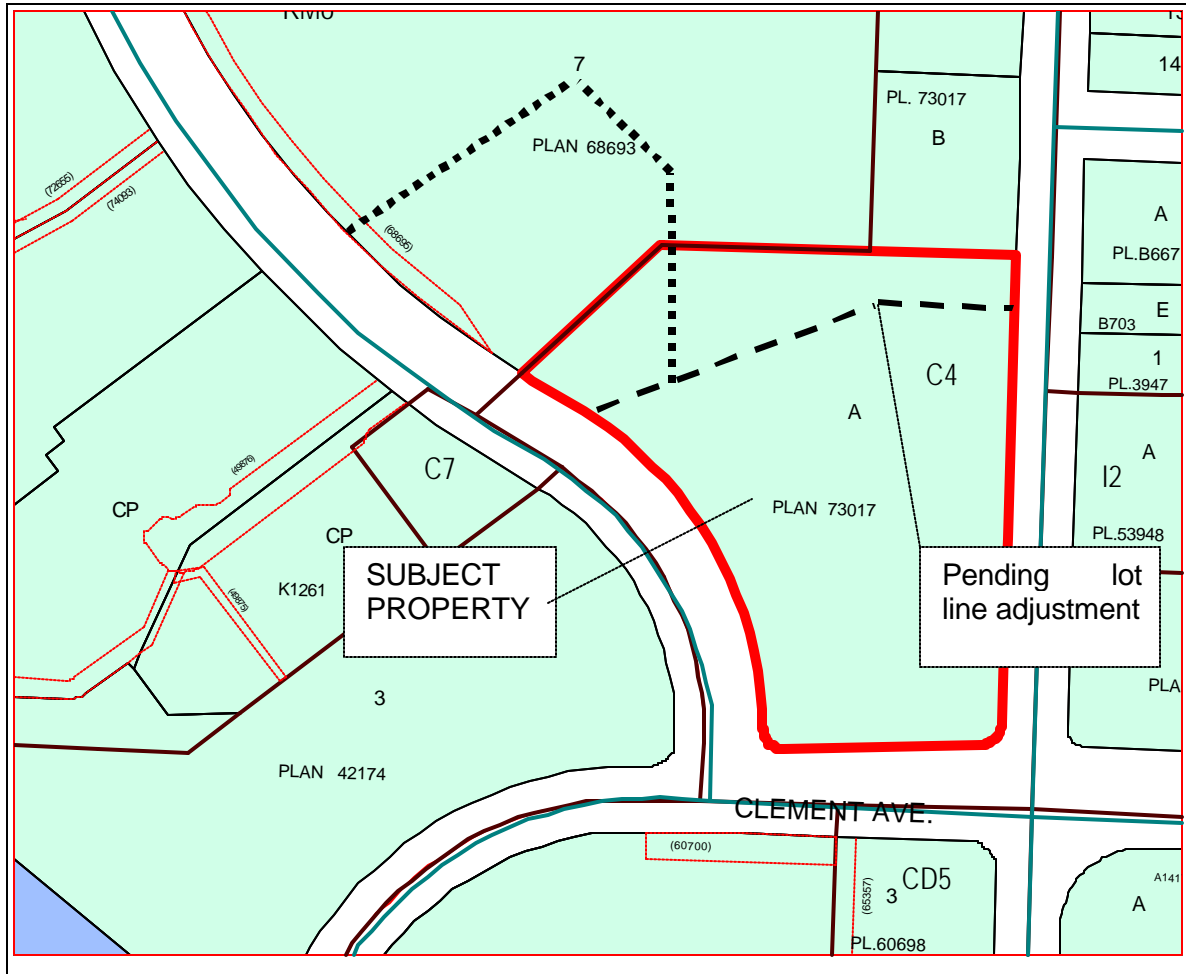
#### 3.2 Site Context

The subject property is located on the east side of Sunset Drive, north of the intersection of Sunset Dr. with Clement Ave. The property is generally level with the adjacent properties. The property had been “preloaded” in anticipation of the proposed hotel development. However, construction of that hotel development did not start.

Adjacent zones and uses are, to the:

- North - RM6 – High Rise Apartment Housing / vacant
- East - C4 – Town Centre Commercial / vacant
- South - C4 – Town Centre Commercial / vacant
- West - C7 – Central Business Commercial / Sunset Dr. - Dolphins complex  
P3 – Parks and Open Space / Sunset Dr. – Waterfront Park fountain

## SUBJECT PROPERTY MAP



### 3.3 Existing Development Potential

The existing zoning of C4 – Town Centre Commercial allows for; amusement arcades – major, animal clinics, apartment hotels, business support services, care centres – intermediate and major, commercial schools, congregate housing, custom indoor manufacturing, eating and drinking establishments – major and minor, emergency and protective services, financial services, funeral services, gas bars, government services, group homes – major, health services, hotels, motels, non-accessory parking, offices, participant recreation services – indoor, personal service establishments, private clubs, public libraries, recycled materials drop-off centres, religious assemblies, retail stores – convenience and general, spectator entertainment establishments, temporary shelter services, used goods stores, utility services – minor impact, and beer/wine stores as principal permitted uses, and amusement arcades – minor, apartment housing, card centre – minor, and home based businesses – minor as permitted secondary uses.

### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the subject property as a “Commercial” future land use. An application to change the future land use designation to “Multiple Family Residential – high density” for a portion of the subject property has been made as part to this rezoning application.

#### 3.4.2 City of Kelowna Strategic Plan (1992)

The project is consistent with the Urban Form objectives of the Strategic Plan which encourages a “more compact urban form by increasing densities through infill and redevelopment within existing urban areas...”.

#### 3.4.3 North End Neighbourhood Structure Plan

North End Neighbourhood Structure Plan identifies the subject property as part of a “mixed use district”.

#### 3.4.4 Downtown North Area Structure Plan

The Downtown North Area Structure Plan identifies the subject property as for “Commercial”.

### 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 Aquila Networks Canada

On behalf of the city of Kelowna, will provide u/g electrical service.

#### 4.2 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law.

#### 4.3 Parks Manager

BLVD maintenance (irrigation, shrubs, ground cover, sod including grass mowing, and the sidewalk) is the responsibility of owner/occupant.

An existing irrigation system has been installed in the BLVD by Stantec Consulting. As each of the lots on the Canada Lands develops, ensure the property owner/occupant assumes responsibility and ties into the irrigation system. See Charlie Higgins, P.Eng, Branch Manager at Stantec Consulting for detail drawings and as-builts (250)860-3225.

BLVD tree maintenance is the responsibility of Parks Division. However, the adjacent owner is responsible to replace any trees that are damaged during the construction process.

#### 4.4 Telus

Will provide u/g facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

#### 4.5 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this 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 water main on Sunset Drive fronting this development is 250mm diameter in size.
- (b) The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development, and establish if the existing 200mm service can be utilized or if a larger service is required. Decommissioning of any unused water services and the installation of all new services will be at the applicant's cost.
- (c) A water meter is mandatory for this development and must be installed inside the 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.  
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) A 530mm-diameter sanitary sewer main fronts this development and is sufficient to support this proposed development.
- (b) The developer must engage a consulting mechanical engineer to determine the requirements of this development, and establish if the existing 200mm service can be utilized, or if a larger service is required. Unused services must be decommissioned at the applicant's cost, and if a larger service is required it will be installed at the applicant's cost.

##### 3. Storm Drainage

- (a) A 1050mm-diameter AC storm sewer main fronting this property is sufficient to support the proposed development.

- (b) It must be understood that the storm drainage systems in this vicinity are relatively shallow as the level of Okanagan Lake influences drainage. The drainage systems are inundated in water at times of high lake levels.
- (c) The developer's consulting civil engineer will be required to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual and the engineer will determine if the existing 250mm service can be utilized, or if a larger service is required. Unused services must be decommissioned at the applicant's cost, and if a larger service is required it will be installed at the applicant's cost.

4. Road Improvements

- (a) It is anticipated that the new concrete driveway access to Sunset Drive will be utilised for this development. Modifications to the access, if required, will be at the applicant's cost and a servicing agreement will be required.
- (b) Sunset Drive has been recently paved with a final lift of asphalt. Care must be taken to avoid asphalt scaring as well as curb, sidewalk and landscaping damage. Replacement of damaged works and restoration will be at the developer's expense. The extent of the restoration works will be determined by the City Engineer once construction is completed

5. Road Dedication and Subdivision Requirements

- (a) Grant statutory rights of way if required for utility services.
- (b) Register a statutory right-of-way over the fire truck access lane.

6. Electric Power and Telecommunication 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. 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.

8. Geotechnical Report

As a requirement of this application and building permit approval 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.

- (b) Site suitability for development; i.e. unstable soils, foundation requirements 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, analyse 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.

A comprehensive geotechnical report was provided at the time of subdivision creating lot 7 and extensive soil remediation was carried out. Additional geotechnical survey may be necessary for building foundations, etc.

9. 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.

10. Development Permit and Site Related Issues

- (a) Perimeter access must comply with the BC Building Code.
- (b) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.
- (c) We have no objection to the variance to allow the additional 4 floors to the total allowable building height.

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 AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this application. The proposed change in zone from C4 – Town Centre Commercial to RM6 – High Rise Apartment Housing is not anticipated to have a major impact on the use of the property. This application to rezone, and the associated subdivision for lot line



adjustment will relocate the zone boundary between the C4 – Town Centre Commercial and the RM6 – High Rise Apartment Housing back to their previous location.

Council will have an opportunity to consider the outstanding issues relating to the form and character of the future development of the site in the future when the associated Development Permit and Development Variance Permit application will be considered prior to the final adoption of the zone amending bylaw.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning and Corporate Services

PMc/pmc  
Attach.

**FACT SHEET**

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| <b>1. APPLICATION NO.:</b>   | OCP01-012<br>Z01-1047   |
| <b>2. APPLICATION TYPE:</b>  | OCP Amendment / Rezoning  |
| <b>3. OWNER:</b><br>· ADDRESS<br>· CITY<br>· POSTAL CODE   | Canada Lands Co. CLC Ltd.<br>#1500 – 200 King St. W.<br>Toronto On<br>M5H 3T4                                   |
| <b>4. APPLICANT/CONTACT PERSON:</b><br>· ADDRESS<br>· CITY<br>· POSTAL CODE<br>· TELEPHONE/FAX NO.:  | Canada Lands Company /<br>Dale Knowlan<br>#102 – 260 Harvey Ave.<br>Kelowna, BC<br>V1Y 7S3<br>712-4217/712-4218 |
| <b>5. APPLICATION PROGRESS:</b><br>Date of Application:<br>Date Application Complete:<br>Servicing Agreement Forwarded to Applicant:<br>Servicing Agreement Concluded:<br>Staff Report to Council: | January 15, 2004<br>January 16, 2004<br>@<br>@<br>April 14, 2004  |
| <b>6. LEGAL DESCRIPTION:</b>   | Lot A, DL 139, O.D.Y.D., Plan<br>KAP73017   |
| <b>7. SITE LOCATION:</b>   | East side of Sunset Drive, north of<br>Clement Ave.   |
| <b>8. CIVIC ADDRESS:</b>   | 1187 Sunset Dr.   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  | 1.54 ha   |
| <b>10. AREA OF PROPOSED REZONING:</b>  | 0.30 ha   |
| <b>11. EXISTING ZONE CATEGORY:</b>   | C4 – Town Centre Commercial   |
| <b>12. PROPOSED ZONE:</b>  | RM6 – High Rise Apartment Housing   |

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| <b>13. PURPOSE OF THE APPLICATION:</b>   | <p>To Seek An Official Community Plan Amendment To Amend The Future Land Use Designation Of A Portion Of The Subject Property From "Commercial" To "Multiple Unit Residential - High Density"</p> <p>To Rezone A Portion Of The Subject Property From The C4-Town Centre Commercial Zone To The RM6 - Highrise Apartment Housing Zone In Order To Facilitate A Lot Line Adjustment .</p> |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:<br/>NOTE: IF LANDS ARE WITHIN 800 m OF A<br/>CONTROLLED ACCESS HIGHWAY</b> | N/A  |
| <b>15. DEVELOPMENT PERMIT MAP 6.2<br/>IMPLICATIONS</b>   | N/A  |

Attachments

Subject Property Map  
Maps A, B (2 pages)  
2 pages of site plan and area concept plan