
CITY OF KELOWNA

MEMORANDUM

Date: February 24, 2005
File No.: OCP04-0023

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. OCP04-0023

OWNER: Bellasera Land Corp.

AT: 1795 Country Club Drive

APPLICANT: New Town Planning

PURPOSE: TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND USE DESIGNATION FROM THE LOW DENSITY MULTIPLE DWELLING TO THE COMMERCIAL DESIGNATION TO ALLOW THE USE OF THE DEVELOPMENT AS AN APARTMENT HOTEL.

EXISTING ZONE: CD6 – COMPREHENSIVE RESIDENTIAL GOLF RESORT

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP04-0023 to amend Map 19.1 of the *Kelowna 2020* Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot C, Section 15, Township 23, ODYD, Plan KAP76105 located on Country Club Drive, Kelowna, B.C., from the Low Density Multiple Unit Residential designation to the commercial designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated February 25, 2005, be considered by Council;

THAT the Official Community Plan Bylaw Amendment be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP 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 OCP amending bylaw be considered subsequent to the requirements of the Inspection Services Department being completed to their satisfaction;

2.0 SUMMARY

The property owners previously obtained approval to construct 58 units of stacked row housing within the Quail Ridge Development. Rather than operate as a residential development, they would now like the development to operate as an apartment hotel. The future land use designation of the subject property must first be amended to allow a commercial use on the

subject property as the current designation is for low density multiple housing. If the OCP amendment is approved, the applicant will be required to register a zoning covenant with the C-9-Tourist Commercial Zone regulations on title. Variances are also required in order to allow the project to conform to the regulations for apartment hotels within the C9 zone.

3.0 ADVISORY PLANNING COMMISSION

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of February 1, 2005 and the following recommendation was passed:

THAT the Advisory Planning Commission not support Official Community Plan Application No. OCP04-0023, Official Community Plan Application No. OCP04-0023, for 1795 Country Club Drive/Lot C, Plan 76105, Sec. 15, Twp, 23, ODYD, by New Town Planning Services (Keith Funk), to amend the Official Community Plan (OCP) future land used designation from the low density multiple housing designation to the commercial designation to allow the use of the subject property as an apartment hotel.

As a result of the Advisory Planning Commission not supporting the OCP amendment, there is no recommendation for Development Variance Permit Application No. DVP04-0153.

4.0 BACKGROUND

4.1 The Proposal

The future land use designation of the subject property is low density multiple dwelling housing. At the time of application for the development permit for the form and character of the development, the owner was required to register a zoning covenant listing the rules for the RM3 – Low Density Multiple Housing zone on the title of the project consistent with the provisions of the CD6 zone. Subsequently, the developers decided that they would like the option of allowing short term rental of the units. The development would subsequently be used as an apartment hotel. The applicant must therefore amend the OCP future land use designation from the low density multiple dwelling designation to a commercial designation. The regulations for the C9- Tourist Commercial zone must then be replace the existing zoning covenant registered on the title of the property.

The Zoning Bylaw specifies that an apartment hotel is defined as “apartment housing having a principal common entrance, cooking facilities, and furnishings within each dwelling” (Section 2.3.3). A development variance permit is therefore is required to allow the development to operate as an apartment hotel with no principal common entrance. In addition, as the front and rear yard setbacks are not consistent with those required in the C9 zone, variances to the setbacks are required.

Each unit contains a living room, kitchen/eating area, and a half bathroom on the main floor. A second level contains two bedrooms, two full bathrooms, and a utility room. In addition, decks and patios, which overlook the golf course, offer private amenity space for each unit. Storage lockers for each unit are provided within an on-site accessory building. The developer will also provide amenity space between each building including decorative water features and lookouts, a four way gas fireplace, a putting green, a sculpture with overhead trellis, a pool and hot tub, and a bell tower with an exercise room.

Open air parking is provided at the front of the development with some spaces shaded by trellis structures. As the parking requirement for an apartment hotel is greater than that for row housing, the development is deficient in parking. A variance to allow 87 parking spaces where 116 parking spaces is therefore required. The row housing parking requirement for 2 bedroom units is 1.5 parking space per unit. A total of 87 parking spaces were therefore previously required (58 units x 1.5= 87 parking spaces). The parking space requirement for apartment housing is 1 parking

space per sleeping unit. A sleeping unit is defined as “a habitable room not equipped with self-contained cooking facilities, providing accommodation for guests” (Zoning Bylaw No. 8000, Section 2.3.3). As each bedroom is therefore considered a sleeping unit, the parking space requirement for the 58 two bedroom units, operating as an apartment hotel, is therefore 116 (116 bedrooms x 1 = 116 parking spaces).

The application meets the requirements of the proposed RM3- Low Density Multiple Housing Zone as follows:

CRITERIA	PROPOSAL	C9 ZONE REQUIREMENTS
Site Area (m ²)	16754.64m ²	1800 m ²
Site Width (m)	335m+	30.0m
Site Depth (m)	35m+	35.0m
Site Coverage (%)	13% 21% including buildings, driveways, and parking	n/a
F.A.R.	0.44	1.5
Height	12.8m 3.5 storeys	22.0m 6.0 storeys
Site Setbacks (m)		
- Front (east)	3.3m ^❶	6.0m
- Rear (west)	8.0m ^❷	15.0m
- Side (north)	6.0m	3.0m
- Side (south)	13.0m	3.0m
Private open space	1450+m ²	n/a
Separation between principal buildings	8.5m	3.0m
Parking Stalls (#)	87 parking stalls ^❸	116 stalls (1 per sleeping unit)
Bicycle Parking	17 Outdoor racks 83 Indoor storage	116 (1 per sleeping unit Class I, 1 per sleeping unit Class II)
- Side (south)	75.0m+	1.5m
Apartment Hotel	No principal common entrance ^❹	Principal common entrance

❶ A variance is required to allow a front yard setback of 3.3 m where 6.0 m is required.

❷ A variance is required to allow a rear yard setback of 8.0 m where 15.0 m is required.

❸ A variance is required to allow 87 parking spaces where 116 parking spaces are required.

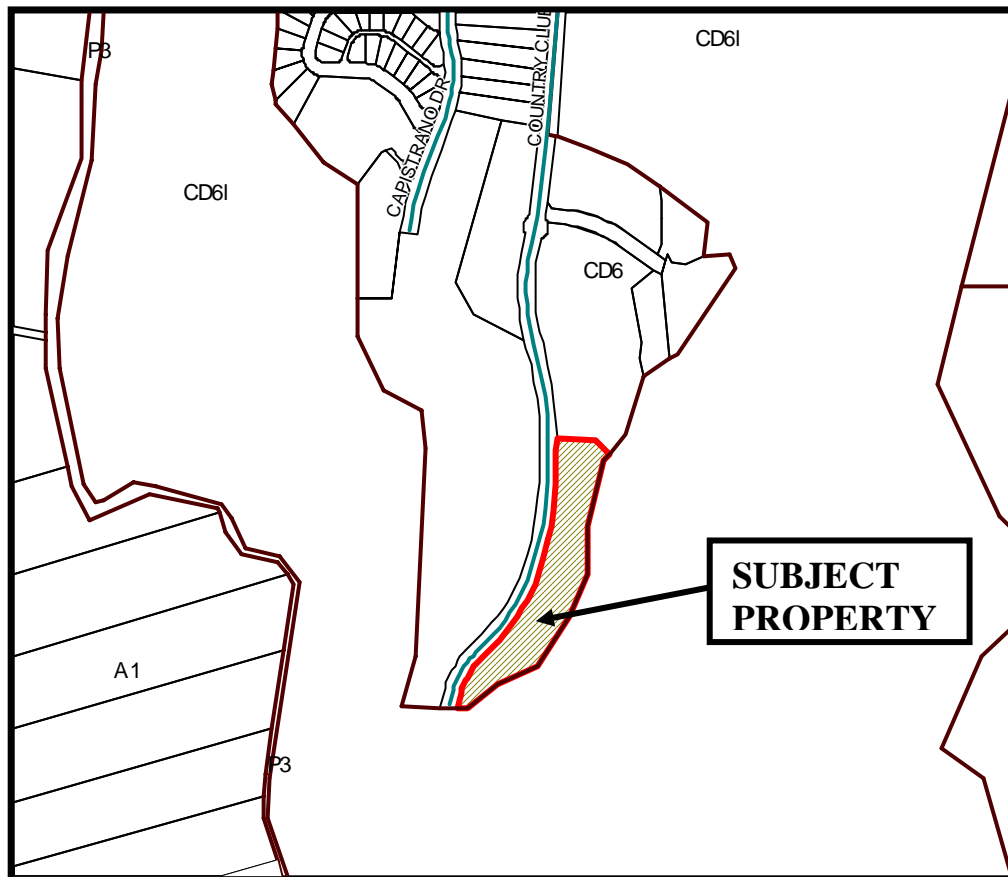
❹ A variance is required to allow no principal common entrance to be provided to an apartment hotel where required by the Zoning Bylaw.

4.2 Site Context

The subject property is located on Country Club Drive within the Quail Ridge Development. Adjacent zones and uses are:

North - CD6 – Single Detached Housing
 East - CD6 – Golf Course
 South - CD6 – Vacant
 West - CD6 – Vacant

Site Location Map



4.3 Existing Development Potential

The site is located in the CD6- Comprehensive Golf Resort Zone. The purpose of this zone is to provide for the development of a residential golf resort which includes one or more land use designations as an integrated development unit based on an Area Structure Plan. Density is based on an averaging of all lands within the development. The subject property is designated in the Area Structure Plan for Multi-Family development with a zoning covenant registered on title. Currently a zoning covenant listing the regulations for the RM3- Low Density Multiple Dwelling Housing Zone is registered on title.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The Official Community Plan identifies this property as being within the Comprehensive Residential Golf Resort and the Quail Ridge CDP has been adopted as an appendix to the OCP. The future land use designation of the subject property is low density multiple housing.

4.4.2 Hillside Policies

The City of Kelowna's Official Community Plan (OCP) objectives and policies outline a clear course of direction for hillside development. The intent to minimize the

effects of development on the natural environment of hillside areas, defined as lands in their natural state that have a slope angle of 10% and greater for a minimum height of 6 metres while preserving areas with slopes of 30% and greater. Effects to be minimized may include cuts and fills, tree cutting, regrading and the visual impact in general of urban development of hillsides. Development should be directed to appropriate areas with slopes averaging less than 30%. Where it can be demonstrated that the proposed development will be sensitively integrated with the natural environment and will present no hazards to persons or property, development may be permitted on land with a natural slope that averages greater than 30%.

4.4.3 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “to develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas” (Objective 1.1).

4.4.4 Quail Ridge Community Concept Development Plan

The Quail Ridge Community Concept Development Plan (CDP) specifies the location as multi-family. The proposed project is generally consistent with the Quail Ridge Community Concept Development Plan. The proposed development follows the general form and character for the village mixed use and multiple-family buildings as outlined in the CDP. The proposed changes to the land use designation and zoning covenant will not result in any physical changes to the development. Furthermore, residential use is permitted under the apartment hotel use.

5.0 TECHNICAL COMMENTS

5.1 Fire Department, Fortis, GEID, Interior Health, RCMP, School District No. 23, Shaw Cable, Telus, Terasen
No concerns.

5.2 Inspection Services
There are non-compliance issues with Building No. 6, 7 and 8 of 1795 Country Club Dr. The Developer must cooperate in dealing with the outstanding violations. Also, Home Protection Act requirements have not been met. These buildings have been posted with stop work orders. Prior to adoption of the OCP amendment and issuance of a development variance permit, compliance with the requirements of Inspection Services is required.

5.3 Works & Utility Division
The proposed changes do not compromise Works and Utilities as long as the applicant can demonstrate that the proposed change from multi-family use to short term rental accommodation does not increase loading on the existing infrastructure that was designed and constructed to accommodate the original Quail Ridge Development

5.4 Parks Department
Boulevard maintenance including watering (manual or automated irrigation), shrubs, round cover, sod, and seeded areas will be the responsibility of owner/occupant.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The subject property is designated as Multiple Unit Residential - Low density in the OCP and in the Quail Ridge Area Structure Plan (ASP). While the proposed commercial use is not consistent with the current future land used designation of the subject property, Staff acknowledges the potential to expand the commercial use on the subject property. The impact of the apartment hotel on the adjacent properties should be limited given the location of the subject property within the Quail Ridge Development. To the north, an apartment hotel has been approved. The golf course surrounds the property on the south and east sides. Also, a steep ridge is located to the west of the property.

Staff also notes that the applicant is not seeking any design changes to the proposed development. The development will therefore continue to have the form and character of a low density multiple housing development only the occupancy would change. Given that the residential appearance of the development will remain the same, there should be little or no impact to nearby uses (existing or future). It is recommended that the OCP amendment be supported.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

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Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plans
- Landscaping Plan
- Elevations