
CITY OF KELOWNA
MEMORANDUM

DATE: February 27, 2007
FILE NO.: Z06-0048

TO: City Manager

FROM: Planning & Development Services Department

APPLICATION NO. Z06-0048 **OWNER:** MKS RESOURCES INC.

AT: 529 MARTIN RD & 3869, **APPLICANT:** MKS RESOURCES INC.
3879, 3889-3899 TRUSWELL RD (Kamal Shoranick)

PURPOSE: TO REZONE THE SUBJECT PROPERTIES TO THE C9 –
TOURIST COMMERCIAL ZONE TO PERMIT THE
DEVELOPMENT OF AN APARTMENT HOTEL

EXISTING ZONE: RU1 – LARGE LOT HOUSING
RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: C9 – TOURIST COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Rezoning Application No. Z06-0048 to amend the City of Kelowna-Zoning Bylaw No. 8000 by changing the zoning classification of: Strata Lots 1&2, Sec. 1, Twp. 25, O.D.Y.D., Plan K58, Lot 2, Sec. 1, Twp 25, O.D.Y.D., Plan 15587, Lot 1, Sec. 1, Twp. 256, O.D.Y.D., Plan 12199, & Lot 1, Sec. 1, Twp. 25, O.D.Y.D., Plan 13261, located on Truswell Road and Martin 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 and Development Variance 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 considered subsequent to the registration of a plan of subdivision for required creek dedications and road closures.

2.0 SUMMARY

The applicant proposes to rezone the subject property to the C9 – Tourist Commercial zone to permit the development of the properties with a 51 unit, 6 storey apartment hotel development. The proposed use is consistent with the “Commercial” future land use designation of the City of Kelowna Official Community Plan.

2.1 Advisory Planning Commission

The above noted application (Z06-0048) was reviewed by the Advisory Planning Commission at the meeting of September 26, 2006, and again at the meeting of October 10, 2006 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z06-0048, for 529 Martin Road; 3869, 3879, 3889-3899 Truswell Road, Lot 1, Plan 12199; Lot 2, Plan 15587; Strata Lots 1 & 2, Plan K58; & Lot 1, Plan 13261; Twp 25, Sec. 1, by MKS Resources (Kamal Shoranick), to rezone the subject properties from the RU1 – Large Lot Housing and the RU6-Two Dwelling Housing zone to the C9 – tourist commercial zone to permit the development of an apartment hotel;

3.0 BACKGROUND

The subject property is located within the South Pandosy/KLO Sector plan area. The applicant is proposing to rezone the subject properties to the C9 – Tourist Commercial zone. This proposed land use has been supported in the 1997 South Pandosy/KLO Sector plan, and included in the current Official Community Plan.

3.1 The Proposal

The proposed site plan indicates an under-building parking structure for 82 vehicles constructed on grade. The north-west corner of the structure contains a lobby area which has an office area and a sign-in desk for the hotel functions. There is a circular driveway and drop off area adjacent to the lobby. The access driveway to the parking structure is located on the Martin Road frontage. The southwest corner of the parking structure has an area of approximately 120 m² designated for commercial uses permitted in the C9 zone.

The first storey above the parking structure proposes 12 apartment hotel units, as well as an amenity area. There is also a swimming pool and outdoor open deck area around the swimming pool area. The second and third level above the parking structure each have 13 apartment hotel units. The fourth level has 13 units, each with a loft area located on the level above.

The entrance to the lobby area which is located at the north west corner of the ground floor, is identified with a “porte cochere” element and a paved curved driveway.

The applicant has been working with City of Kelowna staff to identify road areas fronting both Truswell Road and Martin Road that can be closed, while establishing a suitable area of land adjacent to Mission Creek to protect for the future extension of the Mission Creek Greenway to the mouth of Mission Creek. As well, the applicant and their consultants have been working on the proposed design of the building and refining the landscape plan to develop a suitable plan for public access to Mission Creek to facilitate

access but to avoid any inappropriate activity in the area. Council will have an opportunity to review the form and character of the proposed development when the associated Development Permit and Development Variance Permit applications are considered prior to adoption of the zone amending bylaw.

The proposal as compared to the C9 zone requirements is as follows:

CRITERIA	PROPOSAL	C9 ZONE REQUIREMENTS
Site Area (m ²) (Gross Area)	5,540.5 m ²	1,800.00 m ²
Site Width (m)	54 m	30.0 m
Site Coverage (%)	55%	N/A
Total Floor Area (m ²) (net)	7,642.8 m ²	Max 6950 m ² @ FAR = 1.5
F.A.R.	1.38	Max FAR = 1.5
Storeys (#)	6 storeys (17.8m)	6 Storeys (22m)
Setbacks (m)		
- Front (Martin Ave.)	6.0 m to building 3.6 m to porte cochere ^①	6.0 m
- Rear (Mission Ck.)	16.0 m to creek 1.0 m to new Property Line ^③	15.0 m
- East Side	3.0 m	3.0 m
- West Side (Truswell Rd)	4.5 m 1.2 m to porte cochere ^②	4.5 m
Parking Stalls (#)	82 stalls provided	1 stall per unit plus commercial

Variances Required:

① Front yard adjacent to Martin Road – vary from 6.0 m required to 3.6 m proposed to Porte Cochere

② Flanking Side yard adjacent to Truswell Road – vary from 4.5 m required to 1.2 m proposed to Porte Cochere

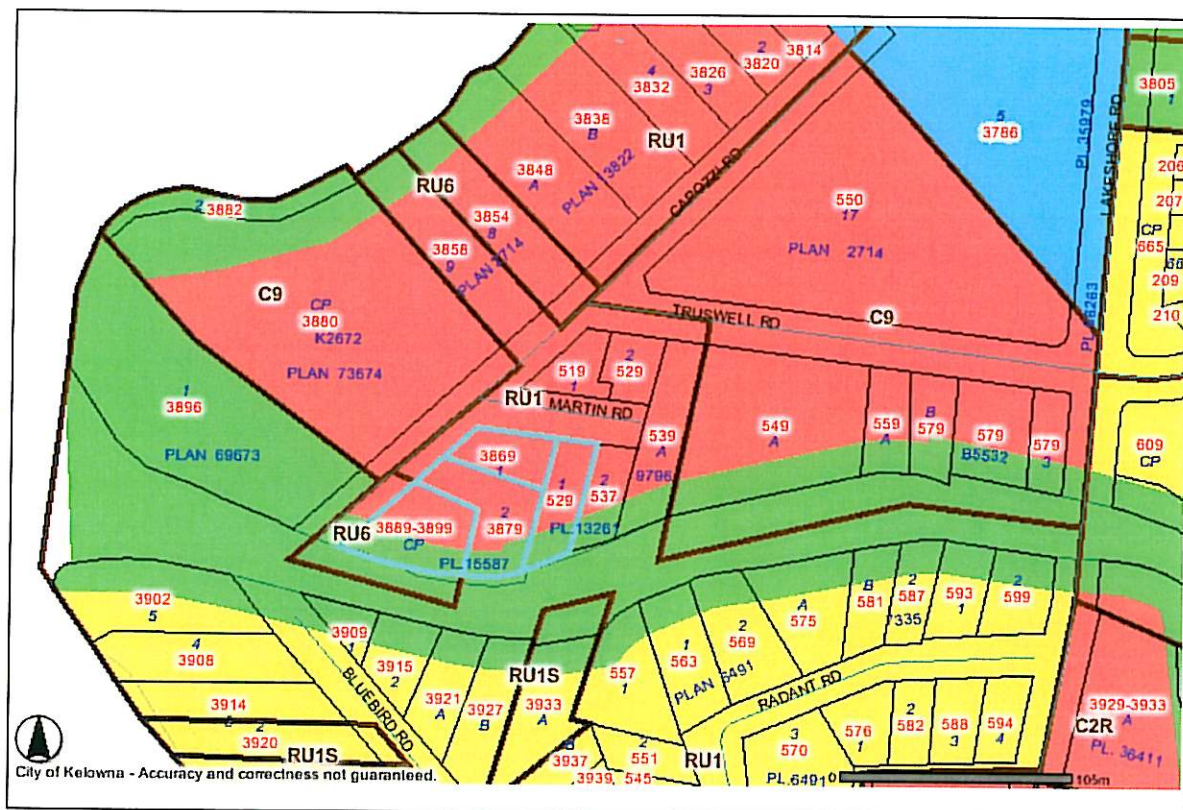
③ Rear yard from 16 m proposed to 1.0 m proposed after dedication of Mission Creek RMA

3.2 Site Context

The subject property is located at the end of Truswell Road, bounded by Martin Avenue and Mission Creek. The site is generally level, and is currently developed with single unit and two unit residential buildings.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Residential / Martin Avenue
- East - RU1 – Large Lot Residential – Single Unit Residential
- South - RU1 – Large Lot Residential / Mission Creek
- West - RU1 – Large Lot Residential
- C9 – Tourist Commercial – Mission Shores Apartment Hotel



The proposed C9 – Tourist Commercial zone permits; amusement arcades – major, amusement establishments – outdoor, apartment hotels, boat storage, hotels, motels, participant recreation services – indoor, and tourist campsites as principal permitted uses. This zone also permits; amusement arcades – minor, care centres – major, food primary establishment, liquor primary establishment - major (C9lp and C(lp/r)s only), offices, personal service establishments, residential security/operator unit, retail liquor sales establishment (C9rls and C9lp/r)s only), and retail stores - convenience as permitted secondary uses.

3.4.1 Kelowna Official Community Plan

The Kelowna Official Community Plan identifies the subject property as a "Commercial" designated future land use. The proposed development is consistent with that future land use designation.

The OCP also contains the following statement; "Consider commercial development for tourism related uses in the Capozzi / Truswell Road area as outlined in the South Pandosy / KLO Sector Plan".

3.4.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs

The City of Kelowna Strategic Plan 2004 also states as Goal 2;

“To foster a strong, stable and expanding economy “

The City of Kelowna Strategic Plan 2004 also states as Objectives for Goal 2;

1. Aid in the growth and progress of Kelowna as a desirable place to do business.
2. Aid in the growth and progress of Kelowna as a desirable place to visit, shop and tour.
3. Increase the diversity of employment opportunities.

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 Environmental Manager

The City is working with proponent regarding plantings and trail location within the riparian management area. There is additional information on flood wall and flood protection required. There is also additional information on landscape and proposed City dedicated area requested. Suggested that dedicated area could be used by proponent.

Note: *The applicant has provided additional geotechnical information on the existing floodwall for review. The applicant has also committed to applying for an Environmental Development Permit to address works along Mission Creek during demolition and construction of the proposed development.*

4.2 Fire Department

Fire department access, fire flows and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements.

4.3 Inspection Services Department

The building must meet the parameters of the BC Building Code. Flood plain and high water table issues as proposed building is backing onto Mission Creek and Okanagan Lake.

Note: *There will be opportunity for additional review of the proposed building at time of building permit application.*

4.4 Shaw Cable

Owner/Developer to supply and install an underground conduit system per Shaw cable drawings & specifications.

4.5 Telus

TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.

4.6 Works and Utilities Department

The Works & Utilities Department have the following comments and requirements associated with this application to rezone from RU-1 to C-9. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection

- (a) The existing 4 lots are serviced with small diameter water services. The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.
- (b) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing services and the installation of an additional fire hydrant, if required, and one new larger metered water service.
The estimated cost of this construction for bonding purposes is
\$12,000.00
- (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. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.
- (d) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

2. Sanitary Sewer

- (a) The existing sanitary sewer system in Truswell Road 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.
- (c) The applicant, at his cost, will arrange for service upgrades as well as capping of all existing unused services at the main. Only one service will be permitted for this development. The estimated cost for construction for bonding purposes is **\$8,000.00**

3. Storm Drainage

- (a) It will be necessary for the developer to extent piped storm drainage facilities on Truswell Road. The work will include installation of catch-basins and drywells to accommodate road drainage fronting the proposed development.
The estimated cost is included in the Road upgrading items.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), and recommendations for onsite drainage containment and disposal systems.
- (c) Provide a lot-grading plan.

4. Road Improvements

- (a) Truswell Road must be upgraded to a full urban standard fronting this development, including curb and gutter, monolithic sidewalk, piped 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 **\$44,200.00**
- (b) Martin Road must be upgraded to a full urban standard fronting this development, including curb, gutter and monolithic sidewalk, drainage works, including drywell and catch basin, pavement widening, ornamental street light 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 **\$32,800.00**

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Dedicate a 15m wide public access area along the Mission Creek frontage of this lot measured from the lake high water mark.
- (b) Lot consolidation.
- (c) Grant statutory rights-of-way if required for utility services.

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 and Martin Road, 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. 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.

10. 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.

11. Bonding and Levy Summary

(a) Bonding

Truswell -Road frontage improvements	\$44,200.00
Martin -Road frontage improvements	\$32,800.00
Service Upgrades	\$20,000.00
Total Bonding Amount	\$97,000.00

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, 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 4th reading of the zone amending bylaw.

(b) Levies None

12. 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 creek 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.

13. 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. 6% GST will be added.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The application as submitted is a suitable form of development for the subject properties. The proposed development is designed to be consistent with the requirements of the C9 – Tourist Commercial zone. The resulting development includes the amenities that you would expect to see associated with an apartment hotel for tourist accommodation.

The applicant has been working with City staff in order to refine the form and character of the proposed development. The applicant's architect has reworked the exterior design and material selection to produce a development that would reflect the unique location adjacent to both Mission Creek and Okanagan Lake.

The applicant has also been working with the environmental division, as well as the City real estate division to respect the Official Community Plan requirements for development along Mission Creek to provide a 15 m Riparian Management Area between the building and Mission Creek. The property is currently protected by a floodwall along the Mission Creek frontage. The applicant has engaged the services of qualified consultants to review the structural condition of this wall, as well as to review the height of the wall to ensure that it functions as protection from flooding. This information will be reviewed by the City environmental division.


The applicant has committed to applying for an Environmental Development Permit to address environmental concerns during the demolition of the existing buildings on the site, and management of the site during the proposed construction.

The landscape plan submitted in support of this application proposes a substantial amount of plantings along both road frontages, as well as along Mission Creek. This plan also indicates walking pathways between the proposed building and Mission Creek. At this time, the area along Mission Creek is anticipated to be used by the occupants of the proposed development, until such time as the adjacent properties along Mission Creek redevelop, as there is currently no opportunity to secure a walkway along the remaining portion of Mission Creek.

In order to provide adequate lot area to accommodate the proposed development, while ensuring adequate separation from Mission Creek, the applicant has successfully negotiated a purchase of closed road along both the Truswell Road and Martin Road frontages. This addition to the development site has allowed the proposed building to be moved north further away from Mission Creek without having to reduce the overall size of the proposed building.

Council will have an opportunity at a later date to review the associated Development Permit and Development Variance Permit applications, should Council support this application for rezoning.

In conclusion, the Planning and Development Services Department supports this application, and recommends for positive consideration by Council.

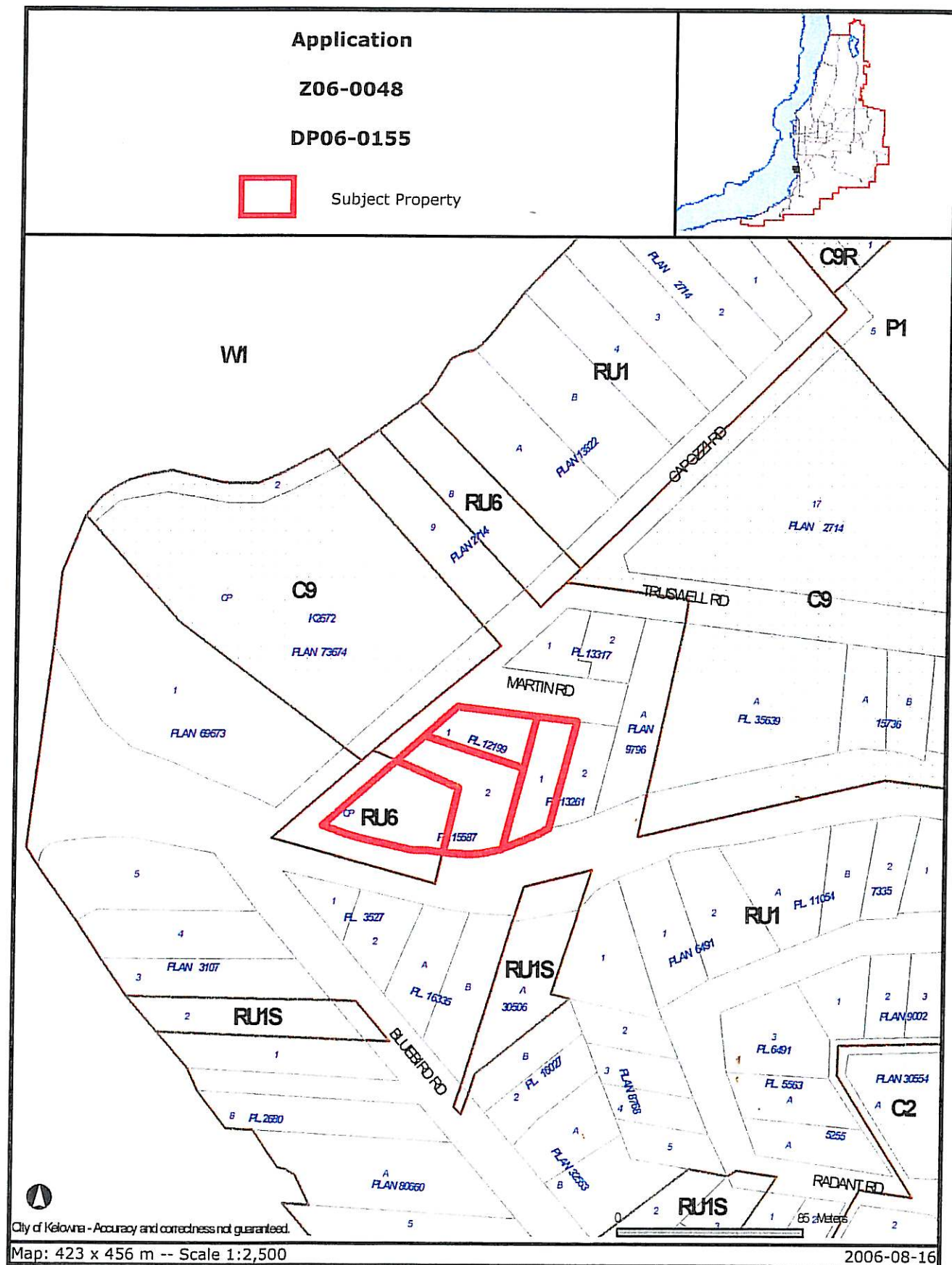

Shelley Gambacort
Acting Manager of Development Services

Approved for inclusion

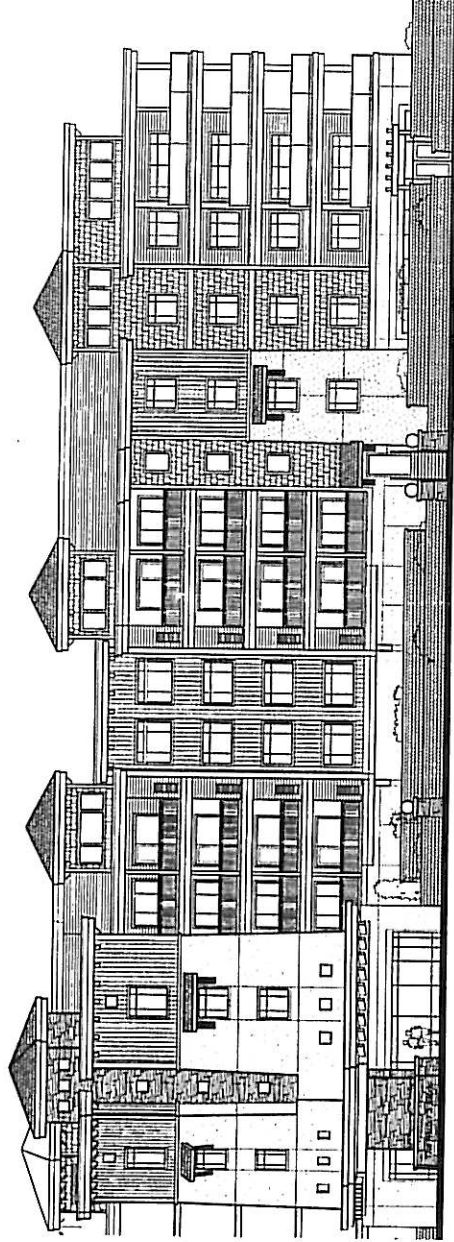

[Signature Box]

Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

PMc/pmc
Attach.



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



FILE: A05-17
SCALE: NTS

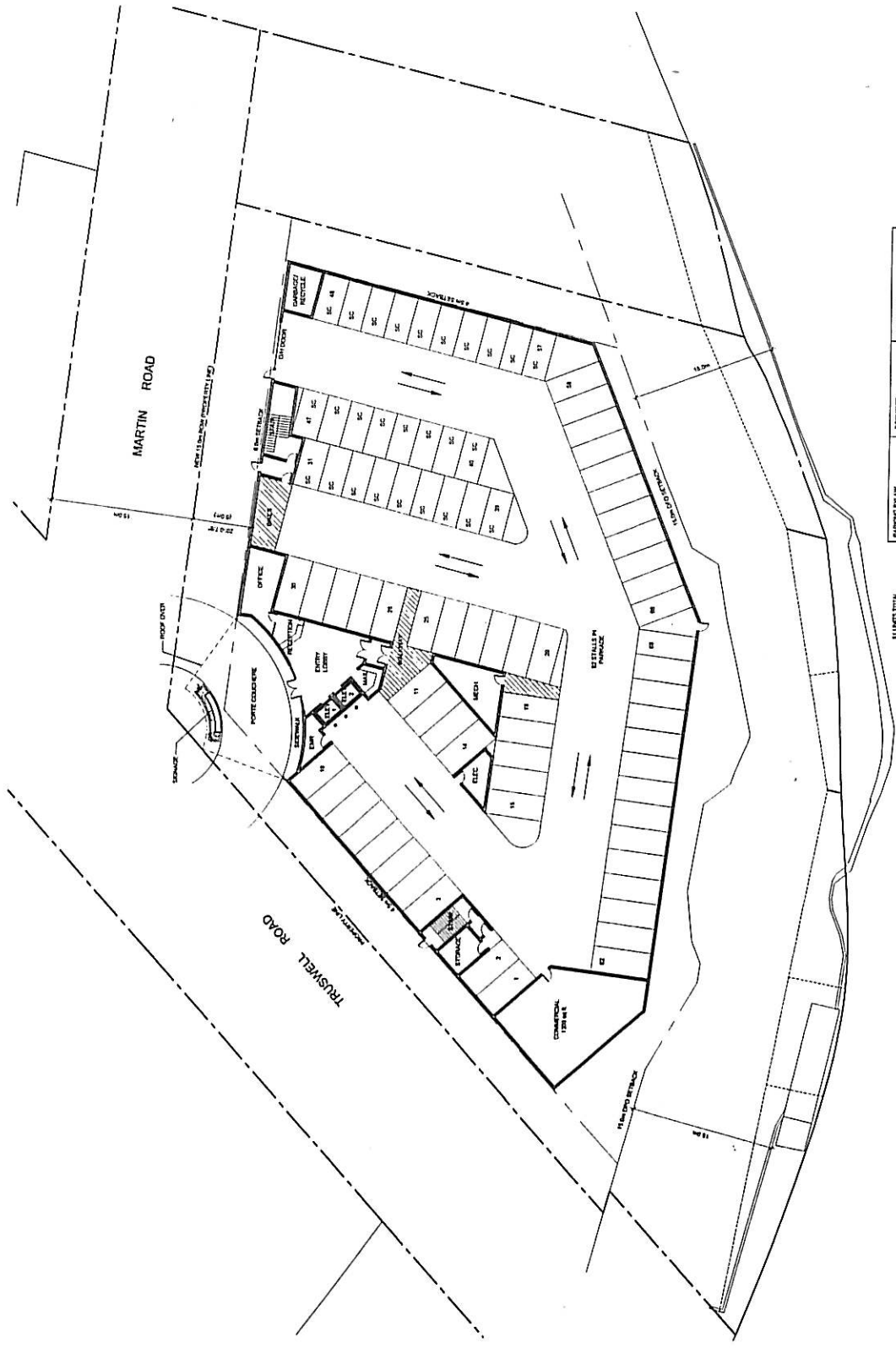
SK-6

The Water's Edge

- THE DRAWING MUST BE SEAL
- VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED UTILITIES, AND REPORT ALL FINDINGS AND DISCREPANCIES TO THE CLIENT.
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MARTIN ROAD

TRUSWELL ROAD



PARKING PLAN	PROPOSED	PROVIDED
1.8 STALLS PER 1 RESIDENTIAL UNIT	844.5 - 74.5 STALLS FOR RESIDENTIAL	74 STALLS PROVIDED IN PARKING FOR RESIDENTIAL
ALL COMMERCIAL IN USE ZONE	1.5 STALLS PER 1,000 SF OF A	1.5 STALLS PROVIDED IN PARKING FOR COMMERCIAL
1.75 STALLS PER 1,000 SF OF A	77.5 - 48 STALLS REQUIRED	48 STALLS PROVIDED IN TOTAL

11 UNITS TOTAL
1,000 sq. ft. in all use commercial zone

gta

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The Water's Edge
TRUSWELL @ MARTIN
KELOWNA BC

PARKING PLAN
/SITE PLAN

SK-1

DATE: FEB 14, 2007

FILE: ASD-17

- * THIS DRAWING MUST NOT BE COPIED.
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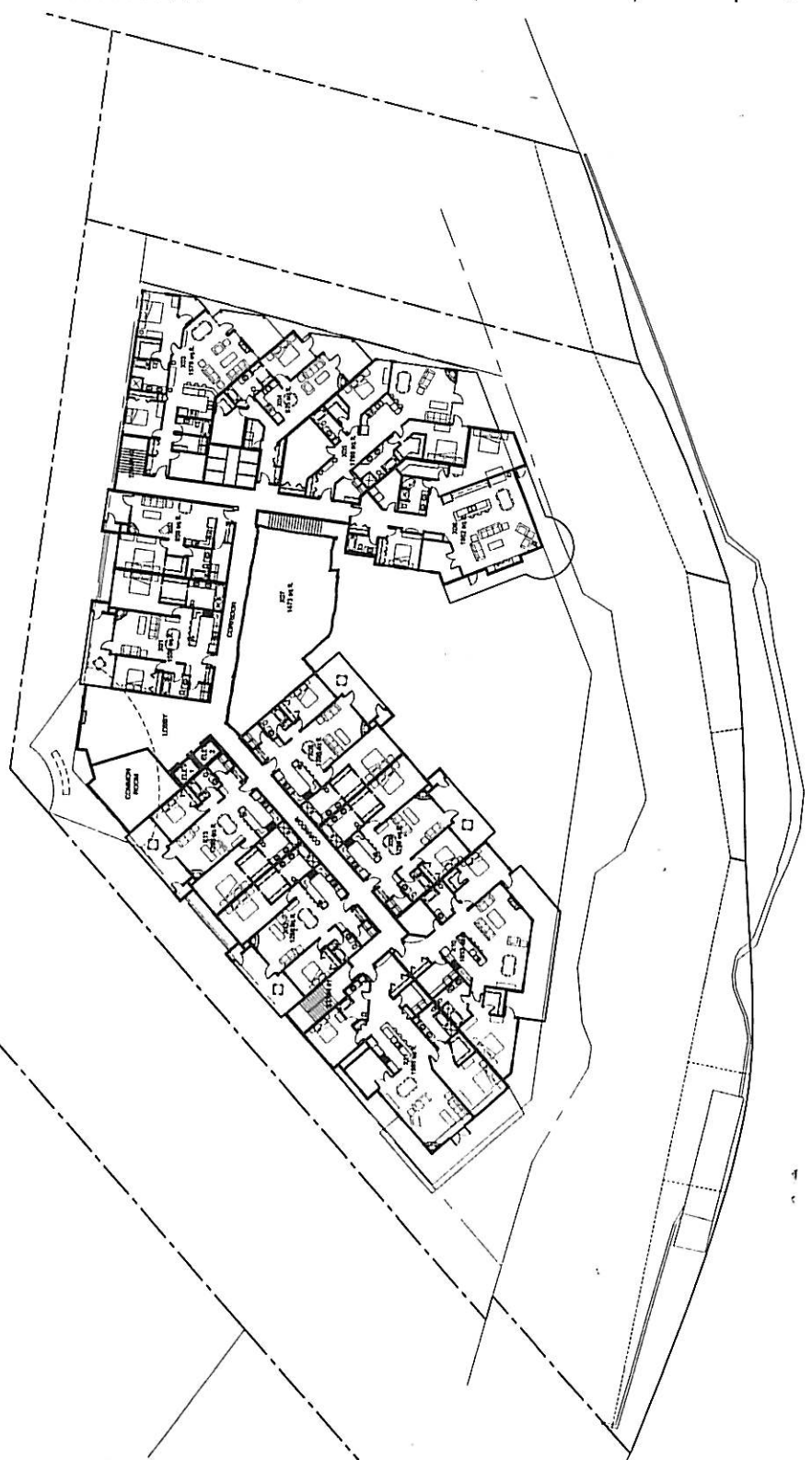
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The Nicer's Edge

TRUSWELL @ MARTIN
Kelowna BC

2nd FLOOR PLAN
(TYPICAL FLOOR)

DATE	1/11/2007
BY	SK-3
FOR	TRUSWELL @ MARTIN
FILE	2007-17





ISSUES/REVIEWS			
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LANDSCAPE ARCHITECT
site360
Landscape Architecture Inc. - Kelowna, BC

TRUSWELL
HOTEL

KELOWNA
B.C.

PROPOSED
PARK
PLAN

SCALE	1:1000
DATE	2017/05/05
PROJECT	TRUSWELL HOTEL
CLIENT	TRUSWELL HOTEL
PROJECT MANAGER	TRUSWELL HOTEL
DESIGNER	TRUSWELL HOTEL
DATE	2017/05/05

PROJECT	L-131-191 - L1
DATE	2017/05/05
PROJECT MANAGER	TRUSWELL HOTEL
DESIGNER	TRUSWELL HOTEL
DATE	2017/05/05



REPRODUCED