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**CITY OF KELOWNA**  
**MEMORANDUM**

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**DATE:** April 13, 2007  
**FILE NO.:** OCP06-0022/TA06-0006/Z06-0062

**TO:** City Manager

**FROM:** Planning & Development Services Department

**APPLICATION NO.** OCP06-0022 / **OWNER:** INTERIOR HEALTH  
TA06-0006 / AUTHORITY  
Z06-0062

**AT:** 2035 ETHEL ST. **APPLICANT:** BEVANDA  
ARCHITECTURE INC.

**PURPOSE:** OCP AMENDMENT TO CHANGE FUTURE LAND USE  
DESIGNATION OF THE SUBJECT PROPERTY FROM  
"MULTIPLE UNIT RESIDENTIAL – MEDIUM DENSITY" TO  
"EDUCATION / MAJOR INSTITUTIONAL"

TEXT AMENDMENT TO THE CD1 – COMPREHENSIVE ONE  
ZONE TO REMOVE THE PORTION OF THE SUBJECT  
PROPERTY SOUTH OF MILL CREEK FROM CD1-MAP 1

REZONE THE SUBJECT PROPERTY TO FROM THE EXISTING  
"CD1 – COMPREHENSIVE ONE" ZONE TO THE PROPOSED  
"P1 – MAJOR INSTITUTIONAL" ZONE TO ALLOW  
INSTITUTIONAL USES

**EXISTING ZONE:** CD 1 – COMPREHENSIVE ONE ZONE

**PROPOSED ZONE:** P1 – MAJOR INSTITUTIONAL

**REPORT PREPARED BY:** PAUL McVEY

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**1.0 RECOMMENDATION**

THAT OCP Bylaw Amendment No. OCP06-0022 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of Lot B, DL 138 & Sec. 19, Twp. 26, O.D.Y.D., Plan KAP60415, located on Ellis Street, Kelowna, B.C., from the existing "Multiple Unit Residential (Medium Density)" designation to the proposed "Education / Major Institutional" designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated February 10, 2007, be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA06-0006 to amend City of Kelowna Zoning Bylaw No. 8000 by replacing the existing map CD1 – Map 1 with a new map CD1 – Map 1 dated February 10, 2007 as outlined in the report of the Planning & Development Services Department dated February 10, 2007 be considered by Council;

THAT Rezoning Application No. Z06-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, DL 138 & Sec. 19, Twp. 26, O.D.Y.D., Plan KAP60415, located on Ellis Street, Kelowna, B.C. from the existing CD1 – Comprehensive Development One zone to the proposed P1 – Major Institutional zone be considered by Council;

AND THAT OCP Bylaw Amendment No. OCP06-0022, the Text Amendment No. TA06-0006 and 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;

## 2.0 SUMMARY

The applicants wish to develop the subject property with a hospice facility. As the property is currently part of the development site controlled by the "CD1 – Comprehensive One" zone, there have been applications for rezoning, OCP amendment, and a Text Amendment to the CD1 zone required. As well, there have also been an Environmental Development Permit required for trail work adjacent to Mill Creek, and a Development Permit required to address the form and character of the proposed development as the subject property is located within a Village Centre Development permit area (Capri).

### 2.1 Advisory Planning Commission

The above noted applications (OCP06-0022 / TA06-0006 / Z06-0062) were reviewed by the Advisory Planning Commission at the meeting of November 21, 2006 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Official Community Plan Application No OCP06-0022, for 2035 Ethel Street, Lot B, Plan 60415, Sec. 19, Twp. 26, ODYD, by Bevanda Architecture (N. Bevanda), to amend the OCP Future Land Use designation to Institutional;

AND THAT the Advisory Planning Commission supports Text Amendment Application No. TA06-0006, for 2035 Ethel Street, Lot B, Plan 60415, Sec. 19, Twp. 26, ODYD, by Bevanda Architecture (N. Bevanda), to amend the CD1 zone to remove Apartment Housing from a portion of the lot south of Mill Creek on Map 1;

AND THAT the Advisory Planning Commission supports Rezoning Application No. Z06-0062, for 2035 Ethel Street, Lot B, Plan 60415, Sec. 19, Twp. 26, ODYD, by Bevanda Architecture (N. Bevanda), to rezone from the CD1 zone to the P1-Major Institutional zone to permit construction of a hospice facility;



### 3.0 BACKGROUND

The subject property was part of the original W.A.C. Bennett estate. In 1993, there had been an application made to authorize development of the site with a blend of duplex, townhouse and apartment housing units. That application was authorized by the creation of the Comprehensive Development One zone, which identified the portion of the property south of Mill Creek as the proposed location for a four storey apartment building. In 1998, Text Amendment application TA98-002 amended the CD 1 zone to permit the use of the proposed apartment building for Seniors Housing. To date, the portion of the original development site north of Mill Creek has been developed with 16 low density multiple units, while the portion south of Mill Creek has remained vacant. Interior Health Authority purchased the subject property in 2001.

#### 3.1 The Proposal

Interior Health Authority has made application to rezone the property to the P1 – Major Institutional zone in order that the property can be used for “extended medical treatment services”, which will take the form of a 24 bed hospice facility for the terminally ill. The building is proposed as a 2,400 m<sup>2</sup>, single storey building that is designed in a backwards “Z” configuration. This configuration was adopted in order best fit the property while following the top-of-bank of Mill Creek, which forms the north boundary of the subject property.

The site plan indicates an access driveways from Ethel Street located near the south property line, and the north side of the property near Mill Creek. This driveway provides access to a parking lot and a drop off area adjacent to the main entry lobby. There is also a loading area located adjacent to the south west corner of the proposed building. The site plan also indicates a potential area for future building expansion located to the east of the proposed building.

The building is designed as a single storey structure with a low slope roof element, which provides for substantial eave overhangs to provide shade to the walls and windows. There are also several outdoor covered deck areas that are adjacent to the rear yard or Mill Creek. Council will have an opportunity to review the associated Development Permit at a future date, should this application be supported and forwarded to a Public Hearing.

The environmental development permit application that is included with this application package deals with environmental issues associated with the planned Mill Creek trail network. The applicant has engaged the services of an Environmental Consultant, and has provided a comprehensive Environmental Impact Assessment report to address the potential environmental impacts of the pending development, to provide direction for mitigation during and after the construction process, and to provide recommendations for the enhancement of the riparian management area.

The proposal as compared to the P1 zone requirements is as follows:

CRITERIA	PROPOSAL	P1 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	1.05 ha	460 m <sup>2</sup>
Site Width (m)	112.9 m	13 m
Site Coverage (%)	22.8%	Max 50%
Total Floor Area (m <sup>2</sup> )	2,400 m <sup>2</sup>	
F.A.R.	0.22	Max FAR = 2.0
Storeys (#)	1 storey	22 m or 6 storeys
Setbacks (m)		
- Front (Ethel Street)	25.5 m	6.0 m
- Rear	89 m	7.5 m
- North Side (Mill Creek)	4.5 m to PL 15.0 to TOB	4.5 m 15.0 m from Top of Bank
- South Side	4.5 m	4.5 m
Parking Stalls (#)	44 stalls provided	

### 3.2 Site Context

The subject property is located on the east side of Ethel Street, north of Burne Avenue. The property is currently vacant, and is generally level in grade. There is an existing driveway located along the south property line. Mill Creek forms the north boundary of the property. There is substantial natural growth along Mill Creek. This property was at one time a portion of the W.A.C. Bennett Estate. The W.A.C. Bennett heritage house is located on the north side of Mill Creek, and was part of the 16 unit townhouse development which was constructed in the mid 1990's.

Adjacent zones and uses are, to the:

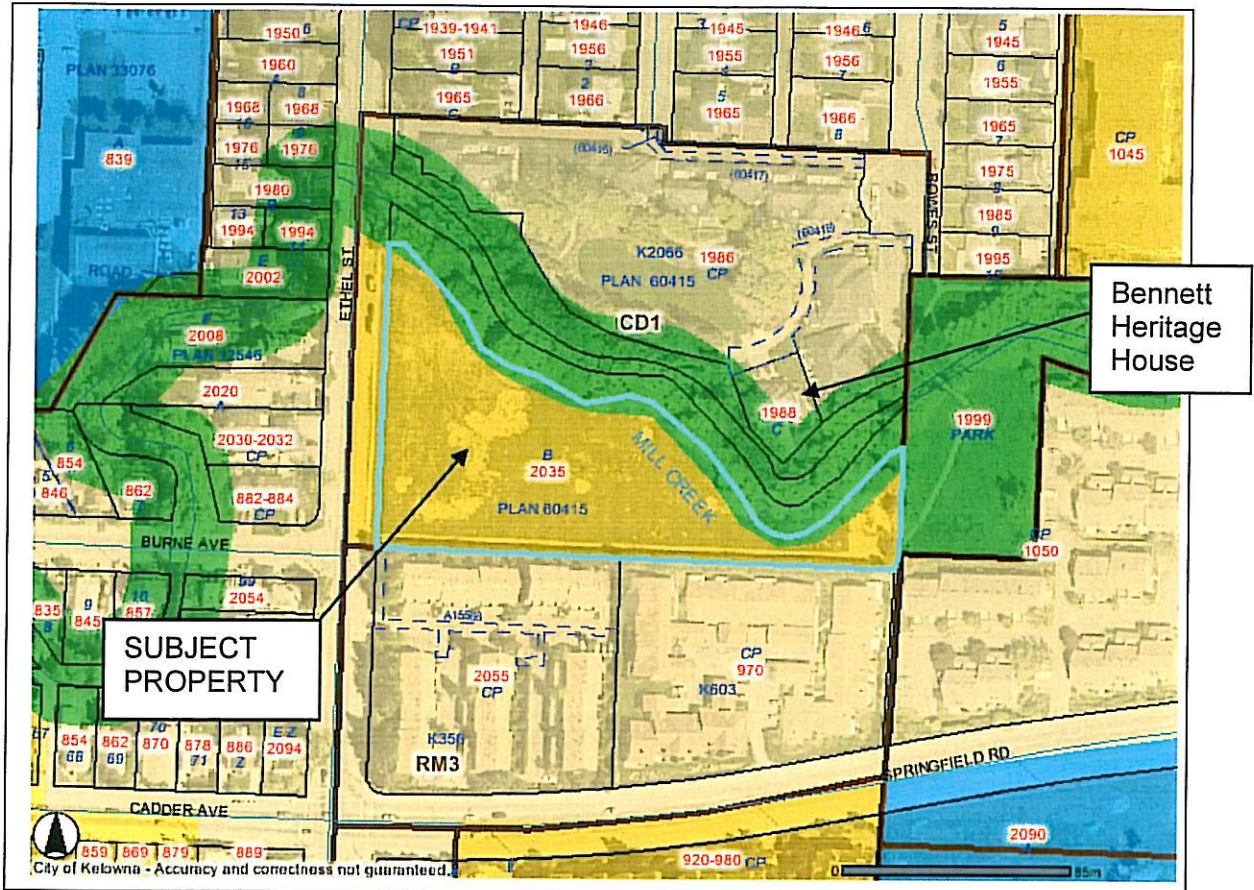
- North - CD1 – Comprehensive Development One / Mill Ck, Townhouse units
- East - LUC78 -1030 / Park and Townhouse uses
- South - RM3 – Low Density Multiple Housing / Townhouse units
- West - RU6 – Two Dwelling Housing / Ethel St., Single and Two unit housing

### 3.3 Proposed Development Potential

The proposed P1 – Major Institutional zone permits; community recreation services, detention and correction services, emergency and protective Services, exhibition and convention facilities, extended medical treatment services government services, health services, participant recreation services – indoor, private clubs, public libraries and cultural exhibits, recycled materials drop-off centres, religious assemblies, spectator entertainment establishments, temporary shelter services, utility services – minor impact as principal permitted uses. This zone also permits care centre – major, congregate housing, food primary establishment, group homes – major, liquor primary establishment – major (P1p only), liquor primary establishment – minor, public parks, retails stores – general and permitted secondary uses.



## SUBJECT PROPERTY MAP



### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

The City of Kelowna Official Community Plan designates the subject property as a "Multiple Unit Residential – Medium Density" future land use. OCP amendment application OCP06-0022 has been made to change that designation to "Institutional".

Staff have reviewed this application, and it may move forward without affecting either the City's financial plan or waste management 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:

- embraces the **social, cultural and physical well-being** of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality

infrastructure and built forms, and meaningful opportunities to be involved in major decisions made by the City.

#### 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

It is the City's opinion that the EBA Environmental Plan, dated October 18, for the new Hospice meets or beats the environmental regulations and requirements for the building siting, gravel path installation and restoration of the setback area. The plan now has the building outside the 15 meters and therefore the Provincial Riparian Areas Regulation does not apply. It also meets City OCP setbacks and also is being zoned Institutional. The new building location also satisfies the City in terms of now not requiring a DPV. (Z06-0062).

##### 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

Need dimensioned/scaled drawings c/w code analysis for Group B-2 type building. Building to be within 50 ft. of street for fire fighting access. Building to be built (no cross section provided) to elevation relative to flood control measures of Mill Creek. Handicapped accessibility issues to be addressed.

##### 4.4 Parks Manager

1. Parks will require a 5.0 metre wide active recreation corridor for the Mill Creek Linear Park Trail located beyond the Streamside Protection & Enhancement Area (SPEA) as outlined in the Council approved Mill Creek Linear Park Master Plan, 2000. Total creek dedication should include both the active recreation corridor and the width of the SPEA.

2. There is an existing covenant on the subject property that requires the applicant to construct the trail to the Parks Division's standards. The trail shall be min. 2.5m wide and surface with gravel crusher chips.

3. To prevent private/public encroachment, the applicant will be required to delineate the private property line adjacent to the creek dedication with a minimum four foot high black chain link fence OR approved equivalent located six inches within the private property.

##### 4.5 Shaw Cable

Owner/Developer to install Shaw conduit as per Shaw specifications and drawings

##### 4.6 Telus

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



4.7 Works and Utilities Department

The Works & Utilities Department has the following comments and requirements associated with this application for the proposed Congregate Care Housing Complex. The existing parcel is zoned CD-1. The requested zoning designation is P1 - Major Institutional.

1. Domestic Water and Fire Protection

- (a) The proposed development site has been pre-serviced with a 200mm-diameter water service. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development. Service changes and the installation of fire hydrants will be at the developer's cost. A backflow prevention valve will also be required.
- (b) Hydrants and building emergency access will be required to the satisfaction of the Fire Department.
- (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.
- (d) The developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost. Landscaped boulevards, complete with underground irrigation systems, must be integrated with the on-site irrigation system.

2. Sanitary Sewer

- (a) Our records indicate that the proposed development site has been pre-serviced with one 200mm-diameter and one 150mm-diameter sanitary sewer service. The developer must engage a consulting mechanical engineer to determine the requirements of this development, and establish the service needs. Only one service will be required for this development. The unused service must be removed and capping at the main at the developer's cost. The estimated cost of this construction for bonding purposes is **\$ 5,000.00**

3. Storm Drainage

- (a) This lot has been pre-serviced with a storm drainage overflow service. The developer must engage a consulting civil engineer to determine the requirements of the development and site drainage, to establish if this service will be utilized. Unused services must be decommissioned and removed at the applicant's cost.

- (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 5-year storm event within pipes and identify overland drainage routes for a 100-year storm event and possible provision of storm water retention facilities. The storm water management plan must also include provision of a site grading plan, and provide on-site drainage containment and disposal systems.
- (c) A direct pipe discharge to the creek is not permitted.
- (d) Provide a site grading plan.

4. Road Improvements

- (a) Frontage road upgrading requirements were outlined in rezoning report Z93-1058 and included the urbanization of Ethel Street fronting the proposed development site including curb and gutter, sidewalk realignment storm drainage, pavement widening, landscaped boulevards and street lighting.
- (b) The developer must now engage a consulting engineer to design and perform the required construction.
- (c) Performance bonding for road improvement was re-evaluated in 2002 and the identified securities were provided by the current owner. A requirement of the building permit will be to revise this bonding to 2006 dollars.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

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

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by an underground service. 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

Street lighting including underground ducts has been installed on all roads fronting on the proposed development. It may be necessary to relocate or add



new light standards. 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 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.

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

Ellis St. frontage upgrading 2006 dollars	\$91,586.41
Servicing requirements	\$ 5,000.00
Total bonding required	<b>\$96,596.41</b>

Existing security: Letter of credit \$ 87,052.37

The Owner must provide additional security, in the amount of **\$9,500.00** (rounded)

(b) Cash Levy

Storm Sewer Works on Ethel St completed by the City \$25,975.16

Total Levies **\$25,975.16**

**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 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.

12. DCC Consideration

The Ethel Street upgrading is eligible to receive a DCC credit for a portion of the pavement road work. The total maximum DCC credit based on construction cost estimates, but the DCC credit shall not exceed the actual DCC for roads as calculated by the Inspection Services Department, nor should it exceed the actual cost of construction as substantiated by the construction contract.

13. Development Permit, Variance and Environmental Issues

(a) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.

(b) A site grading plan, a site servicing plan and a storm drainage plan are a requirement of this application. Site servicing issues will be further reviewed and comments related to site development will be addressed when a detailed site development design or building permit application is received.

(i) Refer to the Environmental Impact Assessment Report No.8840459 prepared by EBA Engineering Consultants Ltd. The developer must retain an Environmental Monitor to document Due Diligence and adherence to the guidelines set forth in the report and best management practices.

(ii) Construct a 2.5m wide crushed gravel linear trail adjacent to Mill Creek.



Bonding amounts for this construction will be accessed at a later date.

- (iii) The building contractor must dispose of all construction waste in appropriate waste containers. The contractor must ensure no debris or harmful products enter the creek or storm drain system.
- (c) 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.

14. 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 subject property was originally part of the Bennett Estate site. In 1993, the property was the subject of an application to create a comprehensive development zone which permitted development of the portion of the site south of Mill Creek with a four storey apartment building. In 1998, the comprehensive development zone was amended to permit the use of this apartment building for "seniors housing". However, that authorized development was never constructed.

This current application proposes the development of a hospice facility on the subject property. In 1997, there had been an application to rezone the former Burnett Nursery property, located at the corner of Ethel St., Glenwood Ave, and Burnett St., to provide a location for a hospice facility. However, that planned development never occurred.

This current proposed development of the former Bennett Estate property for an Institutional use triggers;

- Text Amendment to the Comprehensive Development zone to remove the subject property from the CD1 zone,
- Official Community Plan amendment to change the future land use designation from multiple unit residential future land use to the proposed "Institutional",
- Rezoning application to rezone the subject property from the existing CD1 zone to the proposed P1 – Major Institutional zone.

There has also been application made for an environmental Development Permit which will be processed as a Direct Development Permit.

The Planning and Development Services Department does not have concerns with the change in proposed land use, as the proposed form of development is designed to have a much lower building mass (proposed 1 storey building height) from the previously approved 4 storey high apartment building. The development of a hospice facility has been proposed for years, and is a much needed addition to the community.

The applicant has worked with City staff to review the siting of the proposed development in order to move the building out of the 15m Riparian Management Area

adjacent to Mill Creek, and eliminate the necessity of a Development Variance Permit as was originally contemplated. The applicant has also worked on further development of the form and character of the proposed building, to a standard which is acceptable to City staff.

The applicant is also in discussions with City staff regarding the issue of how to secure provision of either construction or payment for frontage improvements identified in the Works and Utilities section. These discussions will have to be concluded prior to consideration of final adoption of the zone amending bylaw, should Council support this application.

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

  
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Shelley Gambacort  
Acting Manager of Development Services

Approved for inclusion

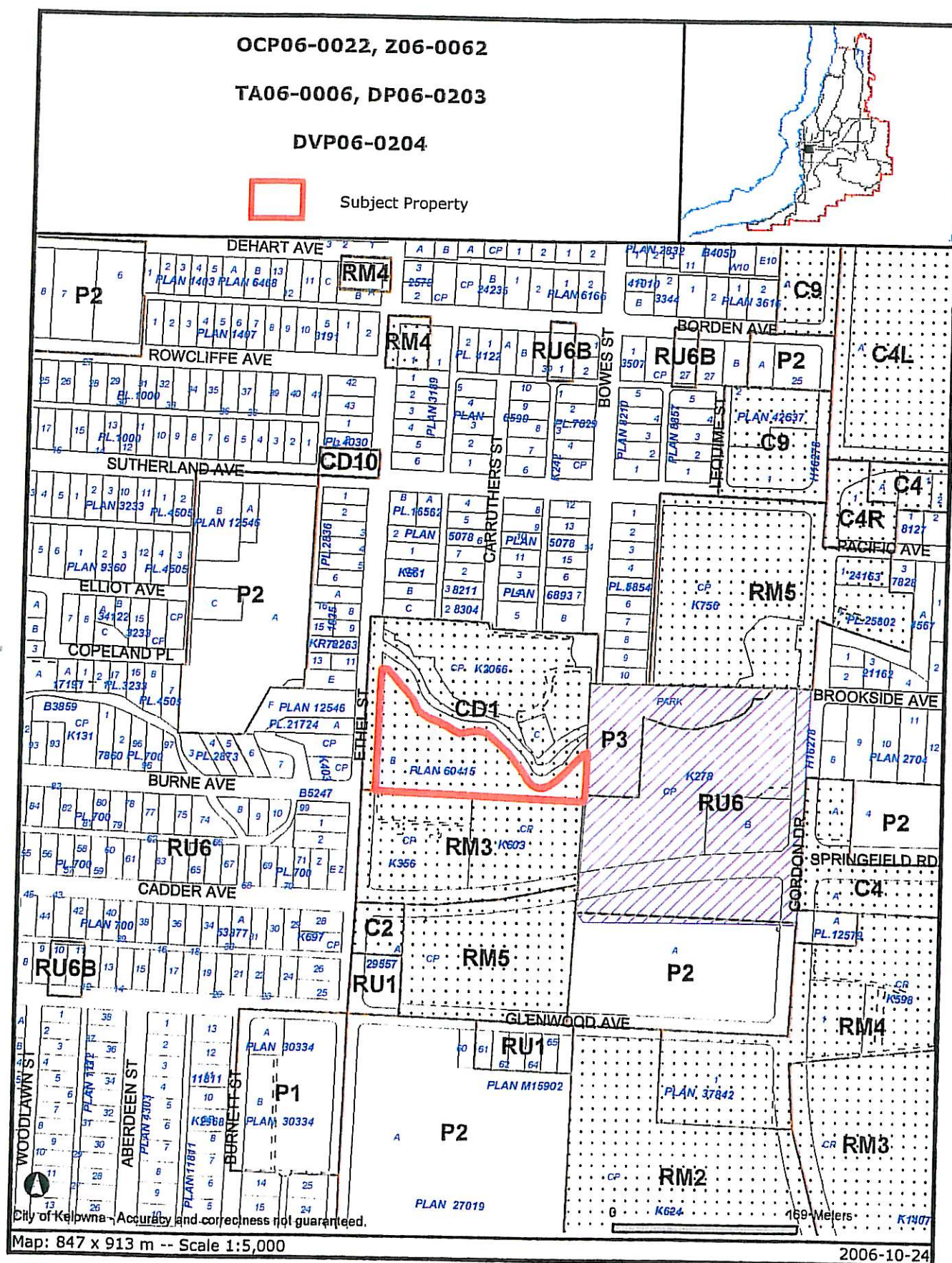


Mary Pynenburg, MRAIC MCIP  
Director of Planning & Development Services

PMc/pmc  
Attach.

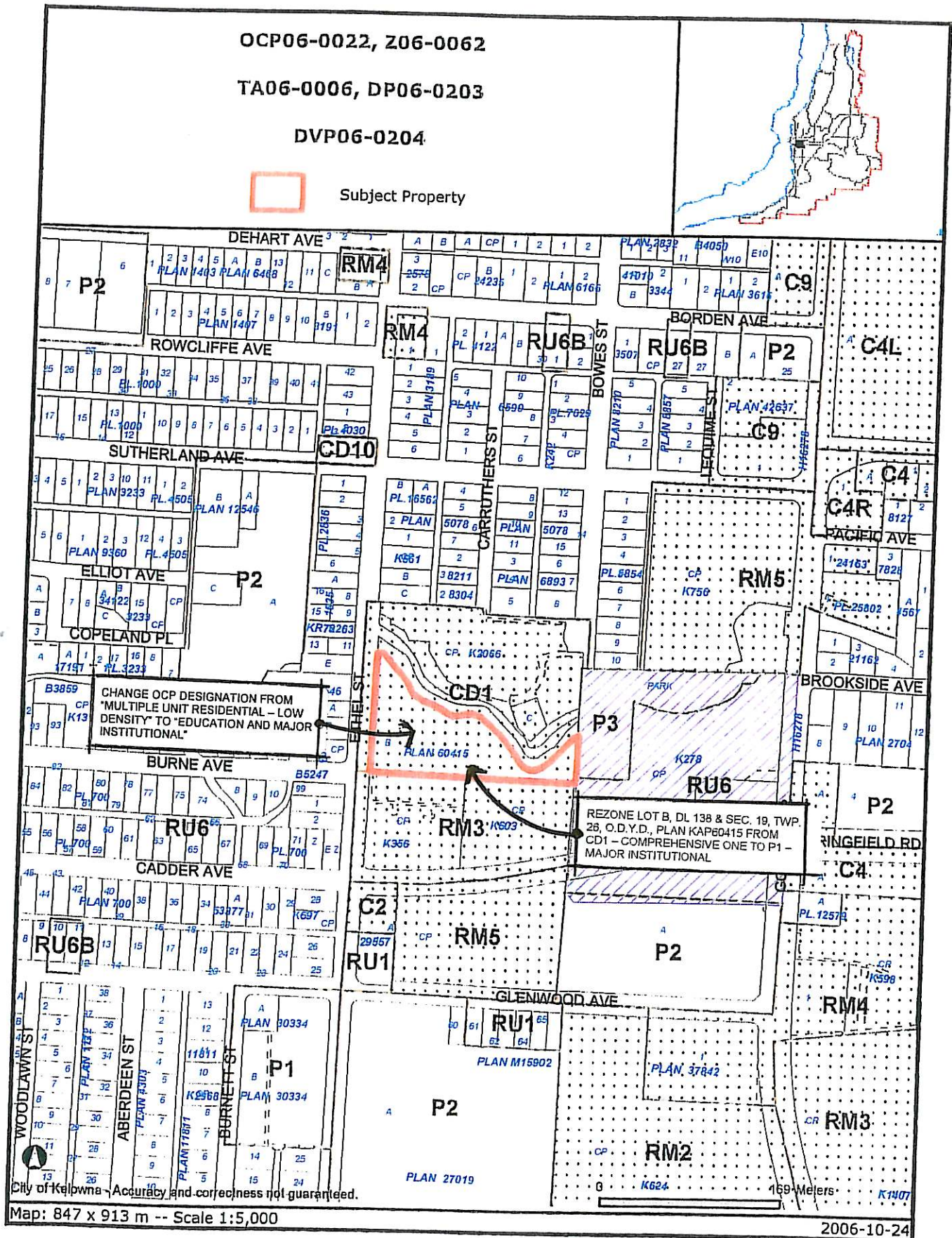






Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.

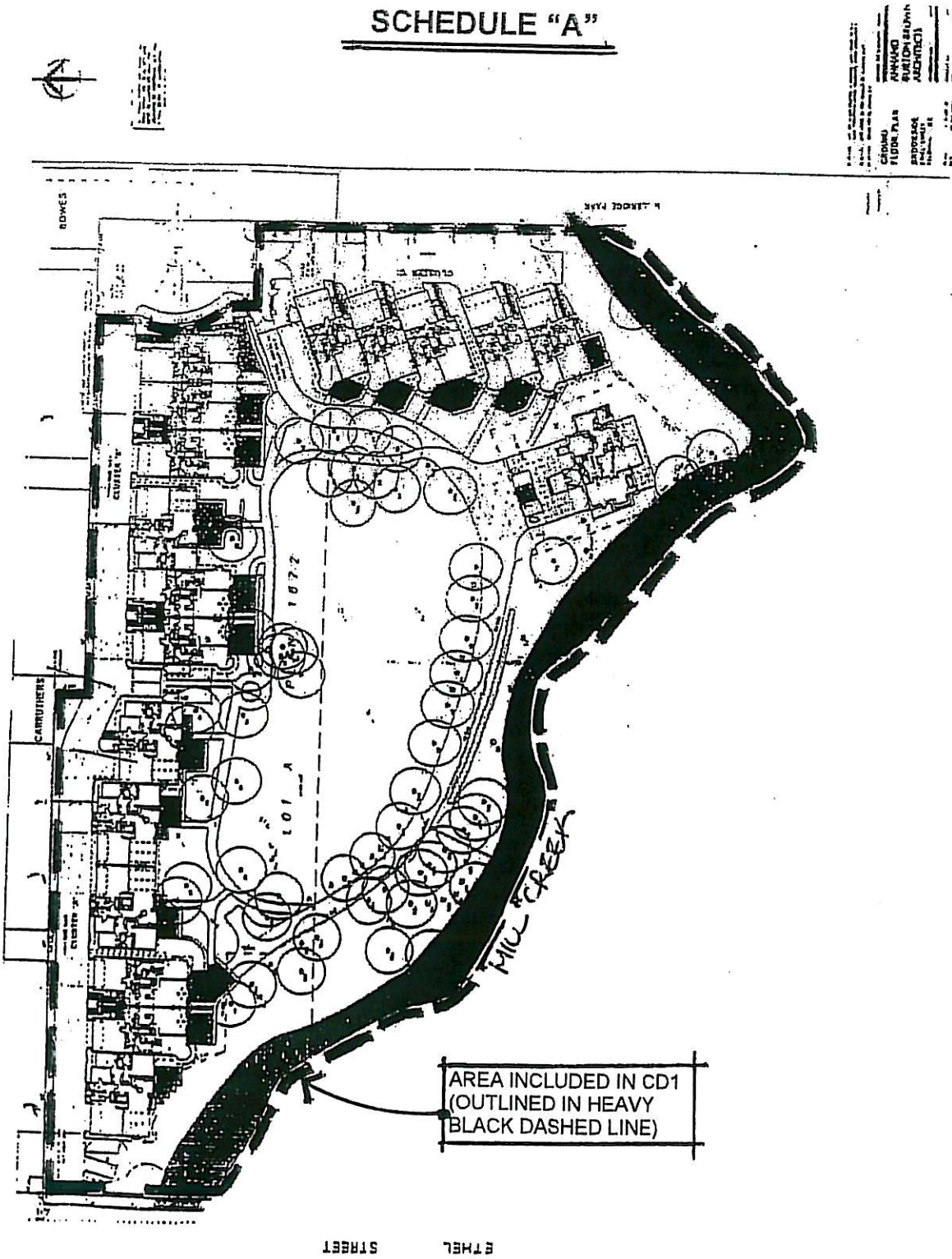




MAP "A"



# SCHEDULE "A"



AREA INCLUDED IN CD1  
(OUTLINED IN HEAVY  
BLACK DASHED LINE)

**CD1 - Map 1**  
Schedule B of Bylaw 8000



ETHEL STREET

STRATA PLAN K358

STRATA PLAN K803

STRATA PLAN  
KAS2065

PLAN KAP00415

EMERGENCY PLAN  
KAP00418





