
CITY OF KELOWNA
MEMORANDUM

DATE: September 21, 2007
FILE NO.: Z07-0050
TO: City Manager
FROM: Planning & Development Services Department
SUBJECT:

APPLICATION NO. OCP07-0016 /
Z07-0050 **OWNER:** BAINS & SHAHI, T.V.
RIPPLE, K.D. SCHRAMM,
D&L GALLIS, B&P
RADLEY, 0792220 BC LTD,
S. LUND, S&E SCHRAMM,
R SCHRAMM, D&M
CRESSWELL

AT: 1255, 1265-1269, 1275, 1295
GORDON DRIVE, 1254, 1262-
1264, 1274, 1284, 1290
PHEASANT STREET **APPLICANT:** CANADIAN ADULT
COMMUNITIES

PURPOSE: OCP AMENDMENT TO CHANGE THE FUTURE LAND USE
DESIGNATION FROM EXISTING SINGLE / TWO UNIT
RESIDENTIAL AND COMMERCIAL DESIGNATIONS TO
PROPOSED MULTIPLE UNIT RESIDENTIAL - MEDIUM
DENSITY DESIGNATION,

TO REZONE THE SUBJECT PROPERTIES FROM THE
EXISTING RU6 - TWO DWELLING HOUSING AND C1 - LOCAL
COMMERCIAL ZONES TO THE PROPOSED RM5 - MEDIUM
DENSITY MULTIPLE HOUSING ZONE TO PERMIT
DEVELOPMENT OF A SENIOR'S CONGREGATE HOUSING
DEVELOPMENT

EXISTING ZONE: RU6 - TWO DWELLING HOUSING
C1 - LOCAL COMMERCIAL

PROPOSED ZONE: RM5 - MEDIUM DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP07-0016 to amend Map 19.1 of the *Kelowna 2020 - Official Community Plan* Bylaw No. 7600 by changing the Future Land Use designation of; Lots 1, 2, & 3, DL 137, O.D.Y.D., Plan 8502, Lots A & B, DL 137,

O.D.Y.D., Plan KAP74652, Lots 1 & 2, DL 137, O.D.Y.D., Plan KAP78322, Lots A & B, DL 137, O.D.Y.D., Plan 11663, and Strata Lots 1 & 2, DL 137, O.D.Y.D., Strata Plan KAS3209, located on Gordon Drive and Pheasant Street, Kelowna, B.C., from the existing "Single/Two Unit Residential" designation to the proposed "Multiple Unit Residential – Medium Density" designation **not** be approved by Council, and

THAT Rezoning Application No. Z07-0050, to amend City of Kelowna Bylaw No. 8000 by changing the zoning classification of Lots 1, 2, & 3, DL 137, O.D.Y.D., Plan 8502, Lots A & B, DL 137, O.D.Y.D., Plan KAP74652, Lots 1 & 2, DL 137, O.D.Y.D., Plan KAP78322, Lots A & B, DL 137, O.D.Y.D., Plan 11663, and Strata Lots 1 & 2, DL 137, O.D.Y.D., Strata Plan KAS3209, located on Gordon Drive and Pheasant Street, Kelowna, B.C., from the existing RU6 – Two dwelling Housing and C1 – Local Commercial zones to the proposed RM5 – Medium Density Multiple Housing zone **not** be approved by Council.

2.0 SUMMARY

The applicant is seeking to rezone the subject properties to the RM5 – Medium Density Multiple Housing zone to permit the development of a four storey, 161 unit Seniors congregate housing development. There has also been application made for an Official Community Plan amendment as the designated future land use for the subject properties is Single / Two Unit Residential and Commercial. The proposal is **not** consistent with the Official Community Plan.

2.1 Advisory Planning Commission

The above noted application (OCP07-0016/Z07-0050) was reviewed by the Advisory Planning Commission at the meeting of July 3, 2007 and the following recommendation was passed:

THAT the Advisory Planning Commission support Official Community Plan Amendment Application No. OCP07-0016, for 1255, 1265-1269, 1275, 1285 & 1295 Gordon Drive; 1254, 1262-1264, 1274, 1284 & 1290 Pheasant Street, Lots 1 & 2, Plan 8502; Lot A, Plan 74652; Lot 1, Plan 78322; Lot A, Plan 11663; Lot 3, Plan 8502; Lot CP, Plan K3209; Lot B, Plan 74652; Lot 2, Plan 78322; Lot B, Plan 11663 by Canadian Adult Communities (E. Hall), to amend the Official Community Plan from Single/Two Unit Residential to Multiple Unit Medium Density.

AND THAT the Advisory Planning Commission support Rezoning Application No. Z07-0050, for 1255, 1265-1269, 1275, 1285 & 1295 Gordon Drive; 1254, 1262-1264, 1274, 1284 & 1290 Pheasant Street, Lots 1 & 2, Plan 8502; Lot A, Plan 74652; Lot 1, Plan 78322; Lot A, Plan 11663; Lot 3, Plan 8502; Lot CP, Plan K3209; Lot B, Plan 74652; Lot 2, Plan 78322; Lot B, Plan 11663 by Canadian Adult Communities (E. Hall), to rezone the subject properties from the C1-Commercial zone and the RU6-Two Dwelling Housing zone to the RM5-Medium Density Multiple Housing zone to permit the development of a congregate housing development.

OCP amendment on Gordon Drive and Pheasant Street – Council would like to have some anecdotal comment why APC supports projects where the proposal does not commit to affordable housing as per OCP Guidelines.

APC Anecdotal Comments:

- Thought rental expansion was beneficial to the City's limited rental housing stock,
- Area in question is in need of re-development and were happy with the quality of the development to in-fill this area,
- The development is in close proximity to three churches and there is a great demand for people to live near such an amenity,
- Parking and traffic would not be an issue,
- There was no neighbourhood opposition for this development noted at the APC meeting.

3.0 The Proposal

The applicant is proposing to develop the subject properties with a 4 storey apartment style building to be operated as a senior's congregate housing development. The building is designed to provide 161 residential units, in a blend of one and two bedroom layouts. The development is proposed to have a net floor area of 10,554.4 m². The building is designed in a "H" configuration, with the central area of the "H" to provide space for amenities and service to the building residents.

The site plan provided indicates two driveways from Pheasant Street to provide access to a surface parking area for 12 vehicles and the underbuilding parking areas under each of the two building legs, as well as access to the loading area. There are also two connecting driveways from Gordon Drive which access a surface parking area for 12 vehicles, and a circular drop-off area adjacent to the main entry to the front of the building. The main entry to the development is also identified with a porte cochere feature.

The applicant has not made application for a Development Permit. Should this application be supported, the applicant will apply for a Development Permit, prior to final adoption of the zone amending bylaw.

The proposal as compared to the RM5 zone requirements is as follows:

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Site Area (m ²)	10,040m ²	1,400m ²
Site Width (m)	98 m	30m
Site Coverage (%)	34.8% buildings 50.6% bldg, park'g & drwys	40% buildings 60% bldg, park'g and drwys
Total Floor Area (m ²)	10,554.4m ²	
F.A.R.	1.05	F.A.R. = 1.1 max (without bonus)
Storeys (#)	4 Storeys	4 storeys or 16.5 m
Setbacks (m)		
- Front (Gordon Dr.)	6.0 m	6.0m min
- Front (Pheasant St.)	9.0 m	6.0m min
- North Side	6.0 m	4.5 m min
- South Side	6.0 m	4.5 m min
Parking Stalls (#)	80 stalls provided	65 stalls required

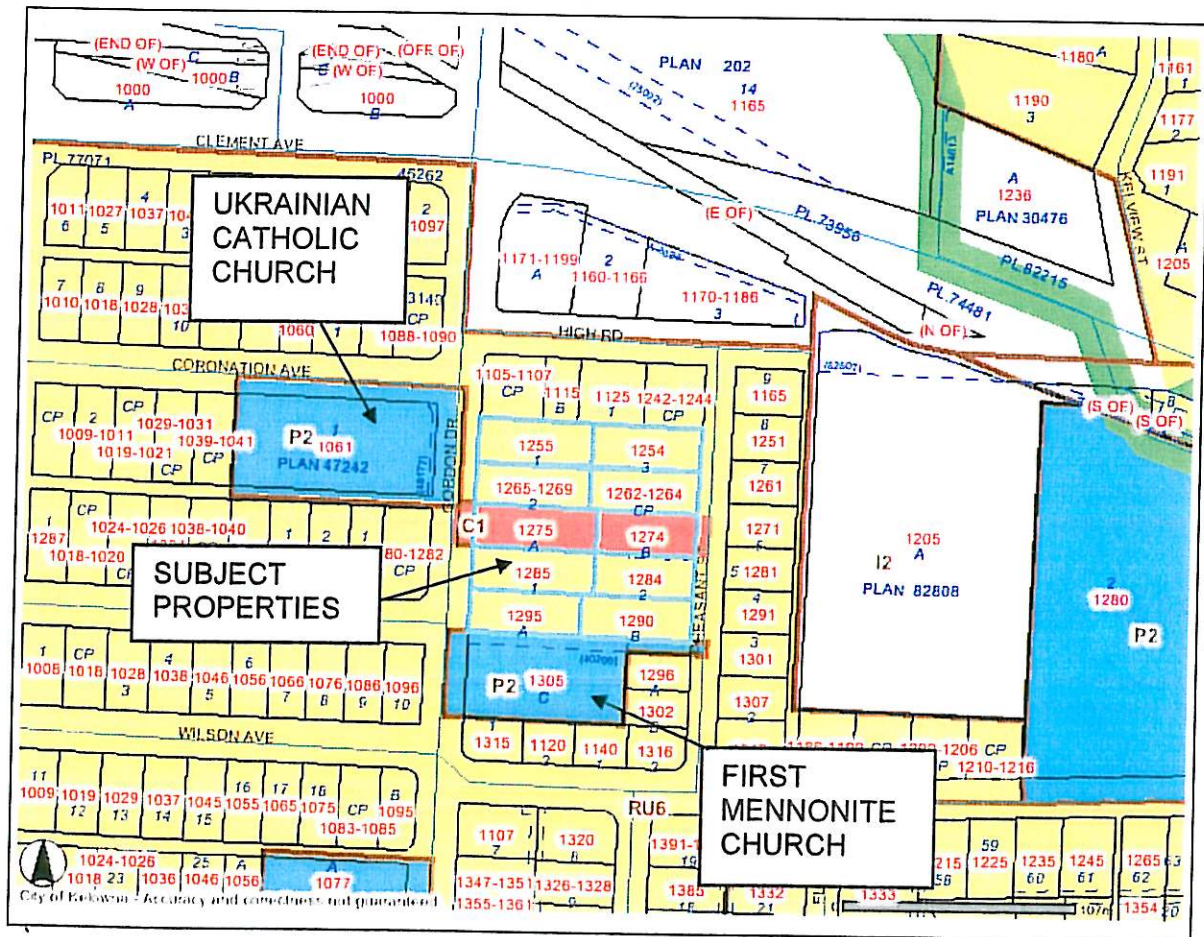
Parking calculations:

122	one bedroom units	122 beds
32	two bedroom units	64 beds
7	studio units	7 beds
161 units		193 beds @ 1 stall / 3 beds = 65 stalls required

3.2 Site Context

The existing single and two unit residential neighbourhood was created by subdivision in the late 1950's. The bulk of the housing stock dates back to that era. The area is generally flat and level.

SUBJECT PROPERTY MAP



Adjacent zones and uses are, to the:

- North - RU6 – Two Dwelling Housing
- East - RU6 – Two Dwelling Housing
- South - P2 – Education and Minor Institutional (First Mennonite Church)
- West - RU6 – Two Dwelling Housing
P2 – Education and Minor Institutional (Ukrainian Catholic Church)

3.3 Proposed Development Potential

The proposed RM5 zone allows for; multiple dwelling housing, congregate housing, group home major, and boarding and lodging homes as principal permitted use. The zone also allows for; care centres minor, home based business minor, and community recreation services as secondary permitted uses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Official Community Plan designates the subject properties "Single / Two Unit Residential" or "Commercial" future land use. The proposed use of the properties for a Senior's Residential development (congregate housing) is **not** supported by the OCP. There has been application made for an OCP amendment to change the future land use designation of the properties to the "Multiple Unit Residential – Medium Density" designation.

Section 8.32 of the Official Community Plan does support increases in density by no more than two increments up to a maximum density designation of Multiple Unit Residential – Medium Density, for proposals where 75% of the housing created meets the City of Kelowna definition of affordable housing and / or core needs housing as defined in the OCP (8.1.16 & 8.1.17). The development must meet the following conditions:

- the density of the development can be sensitively integrated into the surrounding neighbourhood;
- where a lot line abuts a lower density residential land uses designation, buildings facing this lot line within the development shall be stepped back such that there is no more than a one-storey height gain between these building frontages and the height permitted within the land uses assigned to adjacent parcels; and
- height must be determined by the City as appropriate within the context of the adjacent land use designations; and
- supporting infrastructure and park land is sufficient to accommodate the proposed development (or the developer is prepared to upgrade the necessary infrastructure and park land); and
- a housing agreement must be entered into with the City and registered on title to secure the affordable dwellings for the long term.

Staff can not recommend support as this project may impact both the financial plan and waste management plan, as well as on the OCP growth strategy.

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 3;
"To foster a the social and physical well-being of residents and visitors "

The City of Kelowna Strategic Plan 2004 also states as Objectives for Goal 3;

1. Realize construction of housing forms and prices that meet the needs of Kelowna residents.
2. Achieve accessible, high quality living and working environments.
3. Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

41 Parks Manager

The proposed development is contrary to the OCP Future Land Use Map 19.1. We object to the OCP amendment and rezoning applications.

When development occurs contrary to the OCP Future Land Use Map 19.1, the Parks Division has difficulties meeting the parks and recreation needs of the added population. If this occurs several times in a neighbourhood, it will create a parks and recreation deficit.

If the Planning Department supports such a development, we suggest that a neighbourhood plan is developed for the area that properly addresses the future parks and recreation needs.

4.2 Works and Utilities Department

The Works & Utilities Department have the following comments and requirements associated with this application to rezone from RU-6 to RM-5. 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 ten lots are serviced with small diameter copper 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 installation of one new larger metered water service.
- (c) The estimated cost of this construction for bonding purposes is **\$24,000.00**. If it is determined that upgrades to the existing water distribution system must be made to achieve the required fire flows, additional bonding will be required.
- (d) The applicant, at his cost, will arrange for the decommissioning of the ten existing small diameters services. The estimated cost of this work for bonding purposes is **\$10,000.00**
- (e) 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.
- (f) 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) A flow analysis check by the City has determined the impact of additional flow contributions to the existing Wilson avenue sanitary sewer system. The existing sewer lift station is in poor condition and not sufficient in capacity to support the proposed development needs. Replacement of the sewer lift station will be required. The City will partner with the developer to facilitate the upgrade of the sanitary sewer lift station. Based on this development's projected peak flow of 4.0 litres per second, the developer's contribution towards the cost of the sanitary lift station replacement is determined to be **\$207,200.00**
- (b) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish

the service needs. The existing ten lots are connected with small diameter sewer services. The applicant, at his cost, will arrange for the installation of one new larger service, as well as the capping of all existing unused services at the mains. Only one service will be permitted for this development. The estimated cost for construction for bonding purposes is **\$16,000.00**

3. Storm Drainage

- (a) 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), if applicable, and provision of a storm drainage service for the development and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage system may be connected to an existing or proposed drainage system with an overflow service. The estimated cost for providing a overflow service for bonding purposes is **\$ 8,000.00**
- (b) Provide a lot-grading plan.

4. Road Improvements

- (a) Gordon Drive: The existing curb and monolithic sidewalk fronting this development is in a deteriorated state with redundant driveway letdowns. The decommissioning of existing services and construction of a new access driveway will also require curb cuts and sidewalk removal. It is anticipated that the existing curb and sidewalk will be replaced for the full frontage of this development and upgrades will also include the re-location or adjustment of existing utility appurtenances to accommodate this construction. The estimated cost of the road improvements for bonding purposes is **\$39,800.00**
- (b) Amend the current application so that only one proposed Gordon Drive access is shown opposite to the Cawston Avenue intersection.

Register a cross access agreement in favour of Lot C Plan 40170 which will facilitate a future common Gordon Drive access driveway. This agreement need only cover the obligation of the current application, but the site driveway and parking layout must be configured to permit the future common driveways to operate.
- (c) Pheasant Street: The Urbanisation of Pheasant Street will require the removal of driveway letdowns, construction of a monolithic sidewalk, upgrade of the existing catchbasin to a side inlet standard, installation of street lights as required and re-location or adjustment of existing utility appurtenances to accommodate the construction. The estimated cost of this construction for bonding purposes is **\$28,700.00**

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Provide an additional highway allowance widening of 1.28 meters for the frontage of Pheasant Street to achieve a right-of-way width of 15.0 meters.
- (b) Lot consolidation is required.
- (c) Register a cross access agreement in favour of Lot C Plan 40170
- (d) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building 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. 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.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

9. Bonding and Levy Summary

(a) Bonding

Gordon Drive frontage improvements	\$ 39,800.00
Pheasant Street frontage improvements	\$ 28,700.00
<u>Service upgrades</u>	<u>\$ 58,000.00</u>
Total Bonding	\$126,500.00

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

Developer's contribution to Sewer lift station Upgrade	\$207,200.00
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10. 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 Total Off-Site Construction Cost plus GST) in the amount of **\$2,874.72** (\$2712.00 + 162.72 GST)

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

Staff have concerns with this development proposal. The subject property is designated as Single / Two Unit Residential and Commercial in the OCP. The commercial designation was intended to recognize a historical convenience store location. That convenience store no longer exists. In addition, this site is not located within an Urban or Village Centre and the OCP growth strategy focuses new higher density developments to Urban Centres (see attached OCP map). The OCP does support the concept of densification for affordable housing (OCP Policy 8.1.31) but this project does not comply with the conditions of that policy in terms of building height, transition / sensitivity to adjoining uses and stability of the neighbourhood.

While the proposed development would be within 590m of commercial services at Bernard and Gordon, there are few services available in the immediate area other than churches and a transit route within 1 block of the subject property. Other than several churches in the area, the existing neighbourhood is predominantly single / two unit housing and this proposed use as a 4 storey medium density multiple unit residential development would be out of character with the surrounding area.

In addition, the intrusion of this form of development into a stable neighbourhood of existing single family homes would create a precedent that could destabilize the neighbourhood. There is sufficient land designated for this type of use within existing Urban Centres and if we support such development outside of an Urban or Village Centre it becomes increasingly difficult to say "no" to the next proposal and we will undermine the OCP growth management principles.

Given that this project does not comply with the OCP growth strategy that directs higher density development to urban centres and that the building form and density of development would be out of character with the surrounding area it is recommended that this application not be supported.

Chapter 8 of the Official Community Plan does provide some direction for the support an increase in density above the designated future land use, by the provision of affordable or special needs housing. However, the applicant has not volunteered to provide any "affordable housing" which meets City of Kelowna standards. The applicant is proposing a full two increment jump in designated density (Single/Two Unit up to Multiple Unit – Low Density). This amount of density increase would be supportable from an Official Community Plan perspective if the applicant was to provide 75% of the housing created was to be "Affordable Housing" as defined by the City of Kelowna, and the proposed development can be sensitively integrated into the existing neighbourhood, the applicant enters into a Housing Agreement, and the supporting infrastructure and park land is sufficient to accommodate the proposed development, or the applicant is prepared to upgrade the necessary infrastructure and park land.

Support for proposed units outside the OCP growth strategy would mean that some lands currently designated within an Urban Centre would need to be dropped from the growth strategy in order to maintain compliance with the financial plan. Staff have not had an opportunity to review the servicing plan and the associated financial strategy. However, it is unknown without further study whether this proposal for a 161 unit (193 bed) multiple unit residential building will impact both the servicing plan and the associated financial strategy.

6.0 ALTERNATE RECOMMENDATION

Should Council wish to support the development proposal, staff provide the following alternate recommendation for consideration.

THAT OCP Bylaw Amendment No. OCP07-0016 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of; Lots 1, 2, & 3, DL 137, O.D.Y.D., Plan 8502, Lots A & B, DL 137, O.D.Y.D., Plan KAP74652, Lots 1 & 2, DL 137, O.D.Y.D., Plan KAP78322, Lots A & B, DL 137, O.D.Y.D., Plan 11663, and Strata Lots 1 & 2, DL 137, O.D.Y.D., Strata Plan KAS3209, located on Gordon Drive and Pheasant Street, Kelowna, B.C., from the existing "Single/Two Unit Residential" designation to the proposed "Multiple Unit Residential – Medium Density" designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated September 21, 2007, be considered by Council;

THAT Rezoning Application No. Z07-0050, to amend City of Kelowna Bylaw No. 8000 by changing the zoning classification of Lots 1, 2, & 3, DL 137, O.D.Y.D., Plan 8502, Lots A & B, DL 137, O.D.Y.D., Plan KAP74652, Lots 1 & 2, DL 137, O.D.Y.D., Plan KAP78322, Lots A & B, DL 137, O.D.Y.D., Plan 11663, and Strata Lots 1 & 2, DL 137, O.D.Y.D., Strata Plan KAS3209, located on Gordon Drive and Pheasant Street, Kelowna, B.C., from the existing RU6 – Two dwelling Housing and C1 – Local Commercial zones to the proposed RM5 – Medium Density Multiple Housing zone be approved by Council.

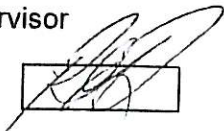
AND THAT the OCP Bylaw Amendment No. OCP07-0016 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit 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;


Shelley Gambacort
Current Planning Supervisor

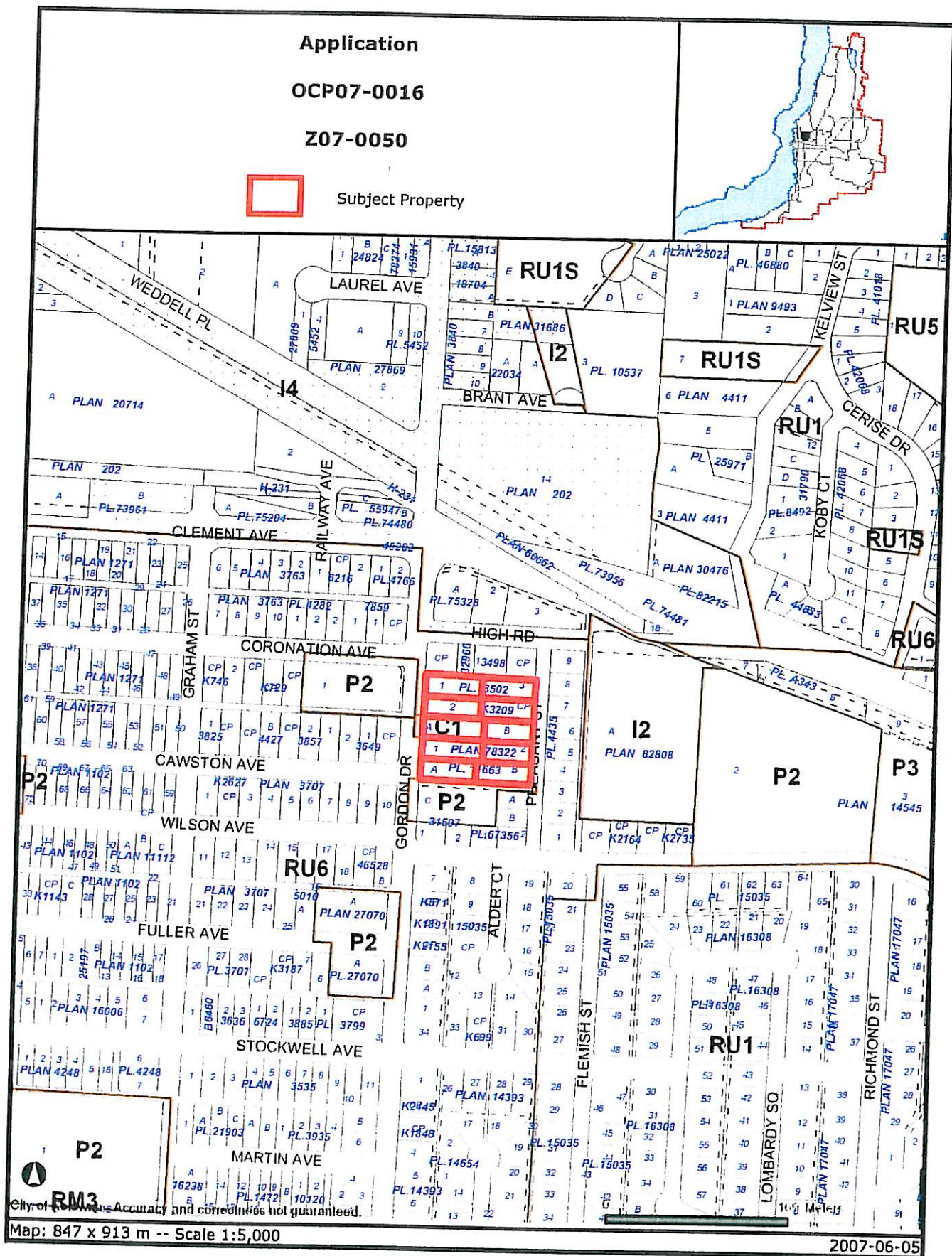
Approved for inclusion

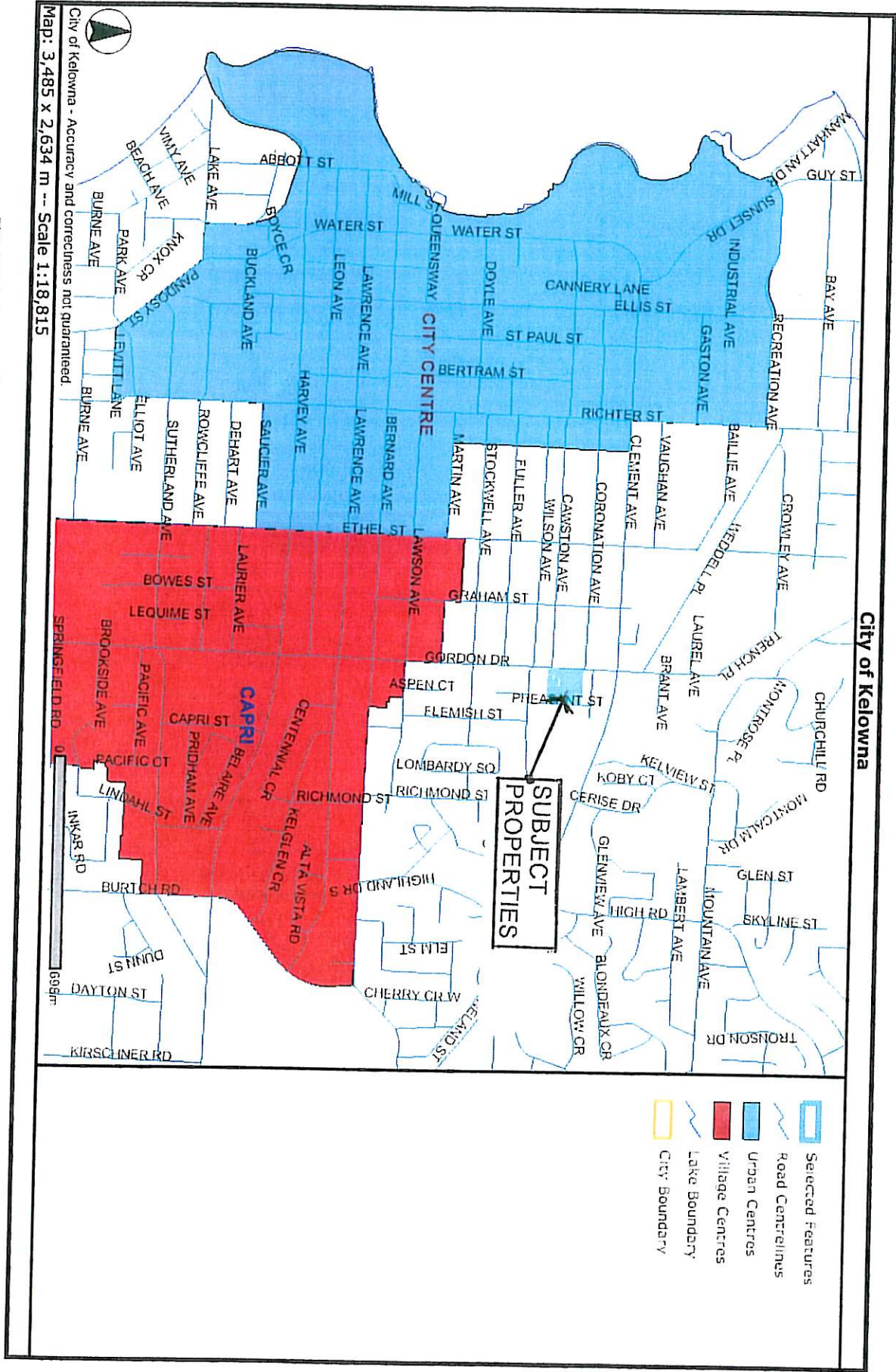


David Shipclark
Acting Director of Planning & Development Services

PMc/pmc
Attach.

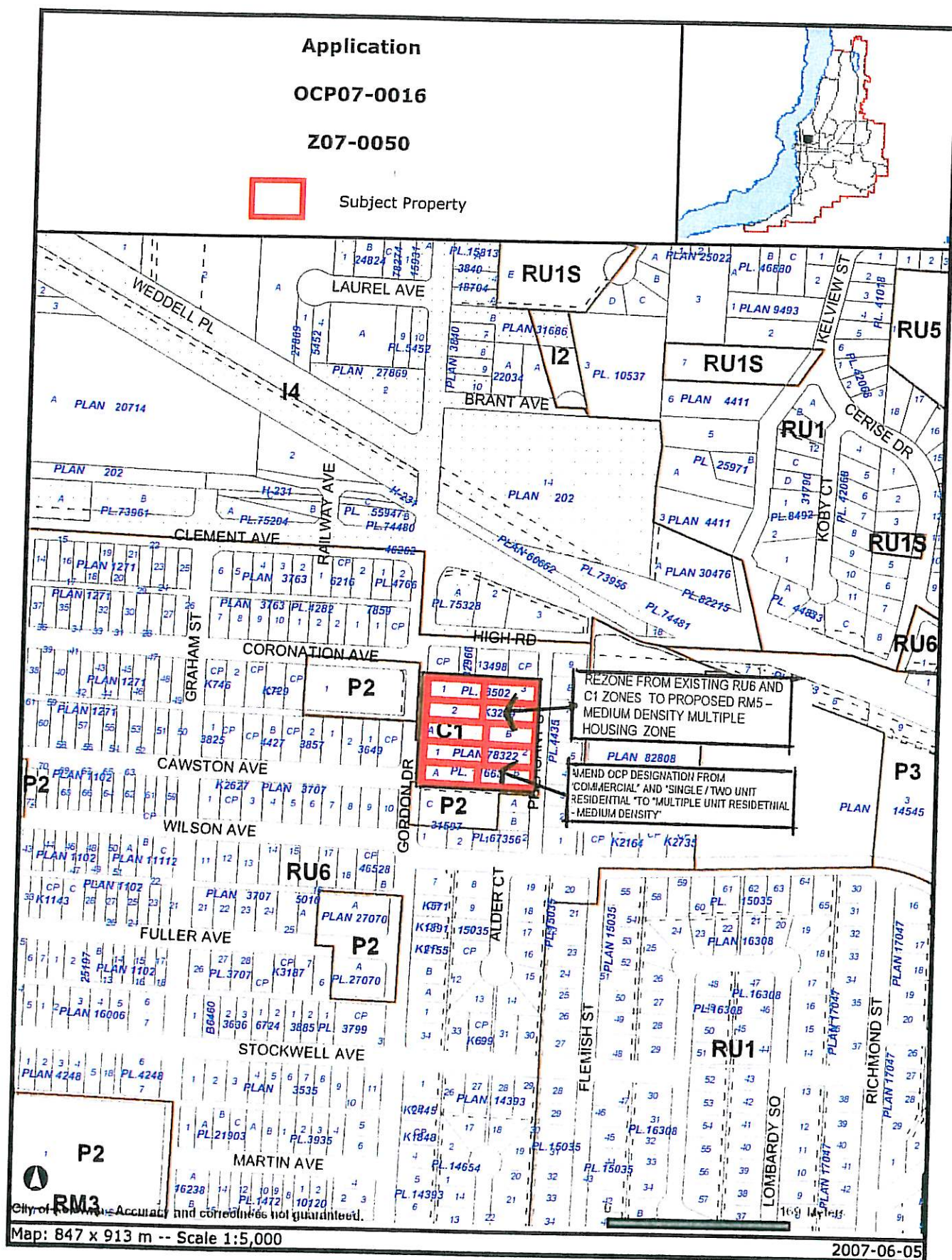






This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

**URBAN CENTRE
LOCATION MAP**



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
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