
CITY OF KELOWNA
MEMORANDUM

DATE: April 2, 2008
FILE NO.: Z07-0076

TO: City Manager

FROM: Planning & Development Services Department

APPLICATION NO. Z07-0076 **OWNER:** CITY OF KELOWNA

AT: 3421 LAKESHORE ROAD **APPLICANT:** MEIKLEJOHN
ARCHITECTS INC.

PURPOSE: TO REZONE LOT 2 PLAN 38150 FROM THE EXISTING RU1 –
LARGE LOT RESIDENTIAL ZONE TO THE PROPOSED C9 –
TOURIST COMMERCIAL ZONE,

EXISTING ZONE: RU1 – LARGE LOT HOUSING ZONE

PROPOSED ZONE: C9 – TOURIST COMMERCIAL ZONE

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Rezoning Application No. Z07-0076 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, DL 134, O.D.Y.D. Plan 38150, located on Lakeshore Road, Kelowna, B.C. from the existing RU1 – Large Lot Housing zone to the proposed 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;

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2.0 SUMMARY

The applicant wishes to rezone the subject property in order that the property may be consolidated with the two properties to the north, and the resulting site be developed with a six storey, 125 unit apartment hotel development with grade level commercial along the Lakeshore Road frontage.

2.1 Advisory Planning Commission

The above noted application (Z07-0076) was reviewed by the Advisory Planning Commission at the meeting of September 25, 2007 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z07-0076, for 3421 Lakeshore Road/Lot 2 Plan 38150 by Meiklejohn Architects Inc. (Cressey Lakeshore Holdings Inc.), to rezone from RU1 – Large Lot Housing to C9 – Tourist Commercial on the property to allow construction of an Apartment Hotel.

3.1 THE PROPOSAL

The applicant is proposing the development of a six storey, 125 unit, apartment hotel complex on the three subject properties located at 3377, 3409, and 3421 Lakeshore Road.

Of the three properties, 3421 Lakeshore Road is currently zoned RU1 – Large Lot Housing, while the other two properties are zoned C9 –Tourist Commercial. The applicant is seeking to rezone this property to the C9 – Tourist Commercial zone to be consistent with the other two properties. 3421 Lakeshore Road is currently owned by the City of Kelowna, and has been determined to be surplus to the needs of the City. The Owners of the adjacent properties is currently in negotiations with the City for the purchase of this lot.

The project is designed as two five storey buildings constructed on top of a parking structure for 173 vehicles. There is a row of townhouse style units along Richter Street frontage, and ground oriented commercial units along the Lakeshore Road frontage.

Council will have an opportunity to consider the associated Development Permit and Development Variance Permit application in the future, should Council support this application for rezoning.

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

CRITERIA	PROPOSAL	C9 ZONE REQUIREMENTS
Site Area (m ²)	7,921 m ²	1,800 m ²
Site Width (m)	104 m	30m
Site Coverage (%)	74.9%	
Total Floor Area (m ²)	11,882 m ²	Max 11,882.31 m ² @ FAR=1.5
F.A.R.		1.5 max for apartment hotels
Storeys (#)	6 storeys (20.4m)	6 storeys (22m) for apt. hotels
Setbacks (m)		
- Front (Lakeshore Rd.)	9 m from prop. line ❶ 0.0m to road reserve	6.0 m
- Front (Richter St.)	0.0 m ❶	6.0 m
- North Side	1.5 m ❷	3.0 m
- South Side (flanking)	0.0 m ❸	4.5 m
Parking Stalls (#)	173 stalls provided	154 stalls required
Loading Stalls (#)	1 stall provided	1 stall required

Notes;

Parking summary:

Apartment Hotel Units – 1 stall per unit @ 125 units	=	125 stalls
Commercial area @ 2.2 stalls per 100 m ² 1,317 m ²	=	<u>29 stalls</u>
Parking required		154 stalls required

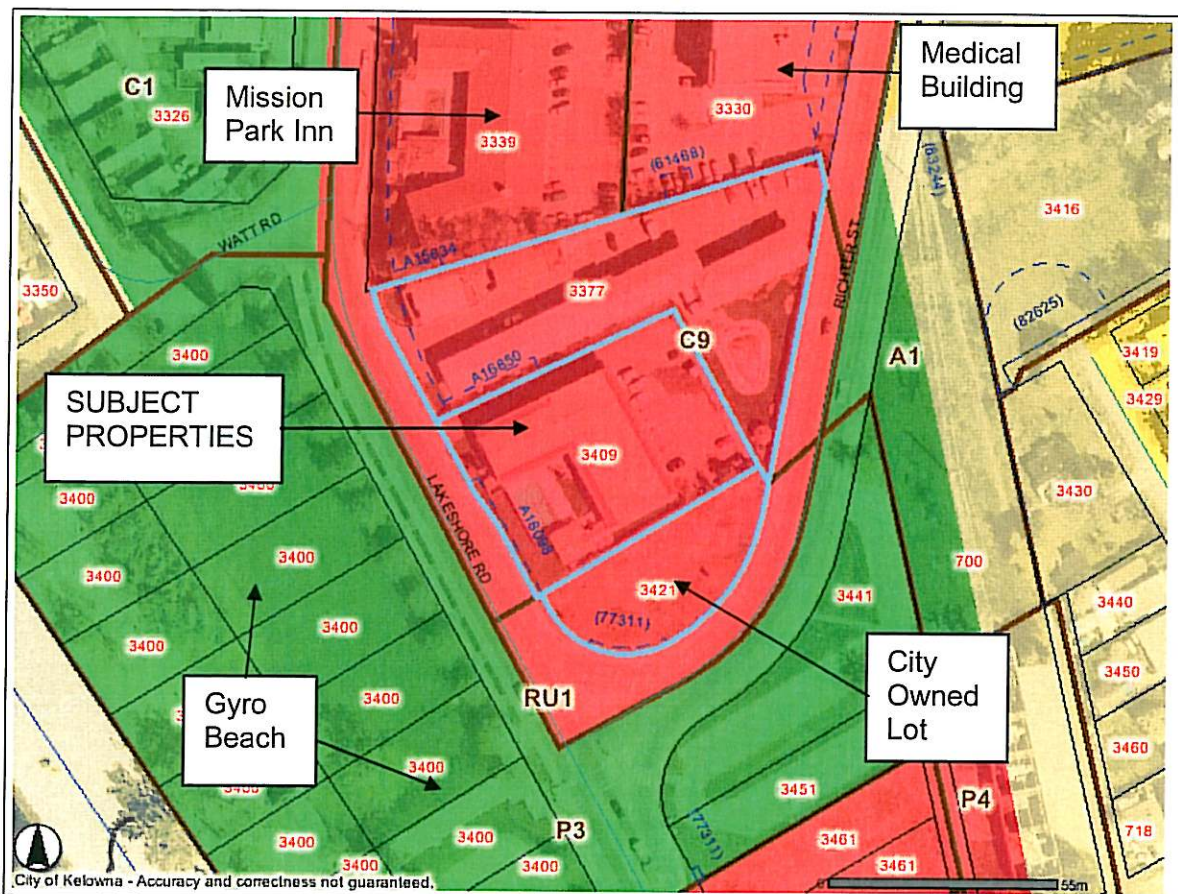
Variances Requested:

- ❶ Section 14.9.5 (c) Development Regulations, Vary front yard from 6.0 m required to 0.0m proposed for Richter Road frontage, and 0.0m to road reserve boundary along Lakeshore Road frontage,
- ❷ Section 14.9.5 (d) Development Regulations, Vary side yard from 3.0m required to 1.5m proposed to north property line
- ❸ Section 14.9.5 (d) Development Regulations, Vary flanking side yard from 4.5m required to 0.0m proposed to south property line

3.2 Site Context

3377 and 3409 Lakeshore Road are both developed with two storey motel buildings. 3421 Lakeshore Road is vacant. The development site is generally flat and level. Richter Street frontage has been urbanized, while the Lakeshore Road frontage has not been totally urbanized.

SUBJECT PROPERTY MAP



Adjacent zones and uses are, to the:

- North - C9 – Tourist Commercial – motel uses
- C4 – Urban Centre Commercial – medical building
- East - P3 – Parks and Open Space – City parking lot
- A1 – Agriculture 1 / FortisBC powerline Right of Way
- South - P3 – Parks and Open Space – City parking lot
- West - P3 – Parks and Open Space – Gyro Beach park

3.3 Existing Development Potential

The existing C9 – Tourist Commercial zone allows for amusement arcades – major, amusement establishments – outdoor, apartment hotels, boat storage, hotels, motels, participant recreation services – indoor, and tourist campgrounds as principal permitted uses, as well as amusement arcades – minor, care centres major and minor, food primary establishment, liquor primary establishment major and minor, offices, personal service establishments, residential security/operator unit, retail liquor sales establishment, and retail stores – convenience, as secondary uses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The subject properties are designated as "Commercial" future land use in the Kelowna Official Community Plan. The proposal is consistent with that designation.

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 which have been submitted are attached to this report.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The applicant is working with City Staff to purchase the City owned vacant lot located at the north side of the intersection of Richter Street and Lakeshore Road. There has been application made to rezone this property to the C9 zone, in anticipation of consolidating the three lots into one development site.

The applicant has proposed a reasonable form of development for this location. The submission is a high quality package, and includes a substantial level of detail. The proposed uses are consistent with the C9 – Tourist Commercial zone, and meets the building height and density provision of the zone. The applicant is seeking several variances to the C9 zone, but are variances to the setbacks to the existing development to the north, as well as front yard setbacks to both the Richter Street frontage, and the road reserve along Lakeshore Road. Council will have an opportunity to review the form and character of the proposed development should the rezoning application be supported.

There have been a number of outstanding issues related to the addressing of potential road widenings for both the Lakeshore Road and the Richter Street frontages that have

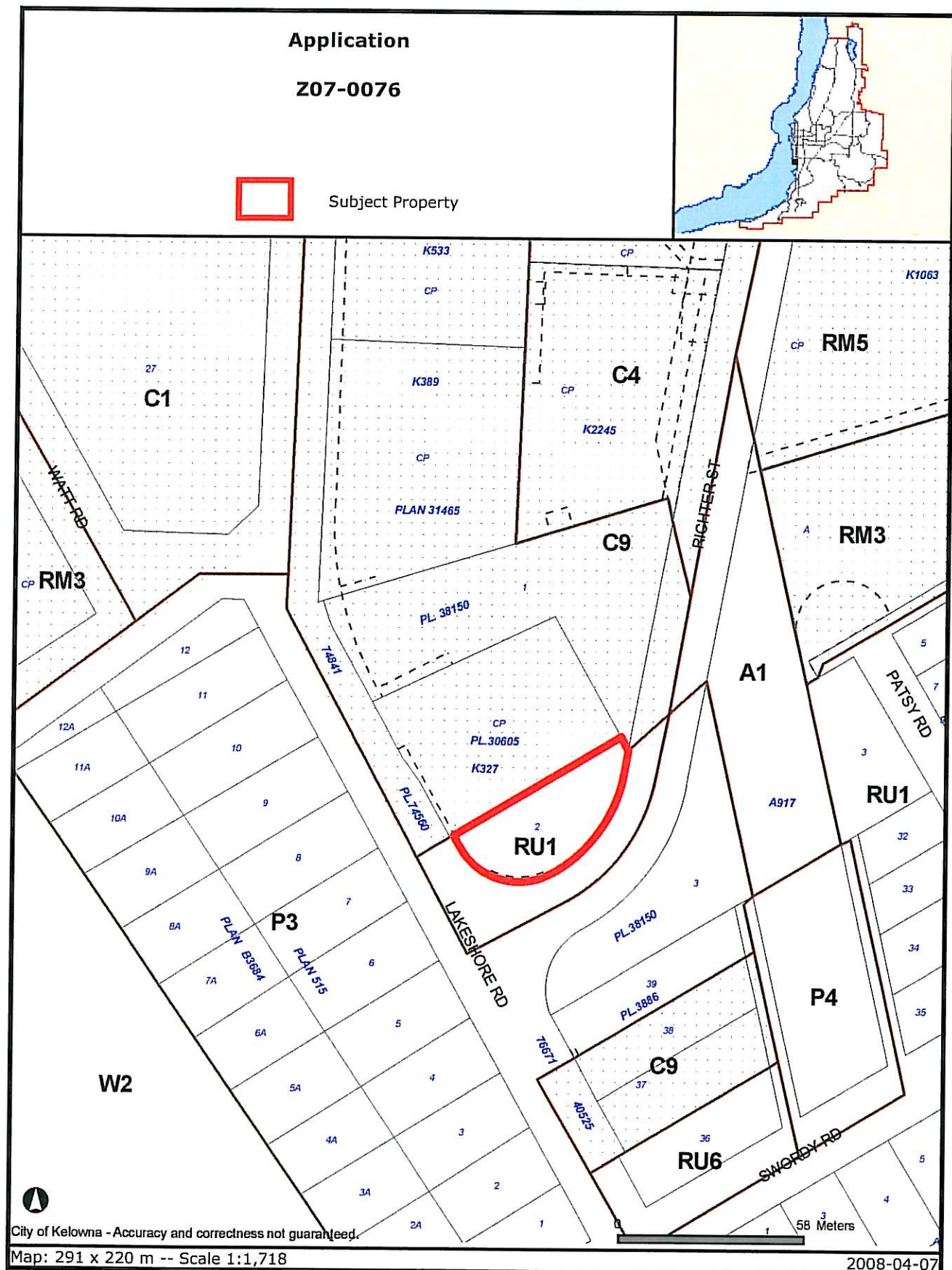
been resolved. Now that these issues have been addressed, it is now appropriate for Council to consider this rezoning application.

Staff supports this application, and recommends for positive consideration by Council.

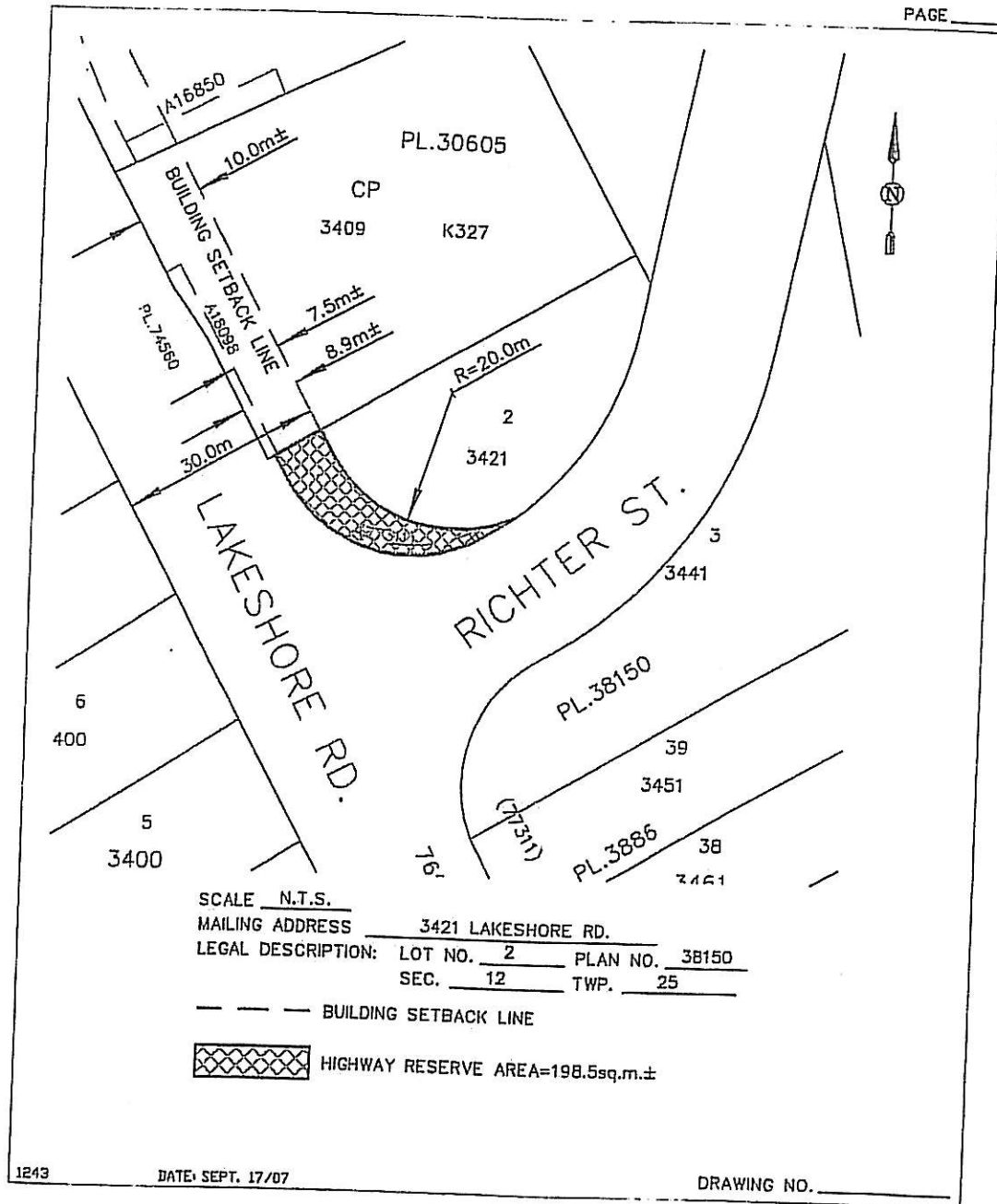


Shelley Gambacort
Current Planning Supervisor

PMc/pmc
Attach.

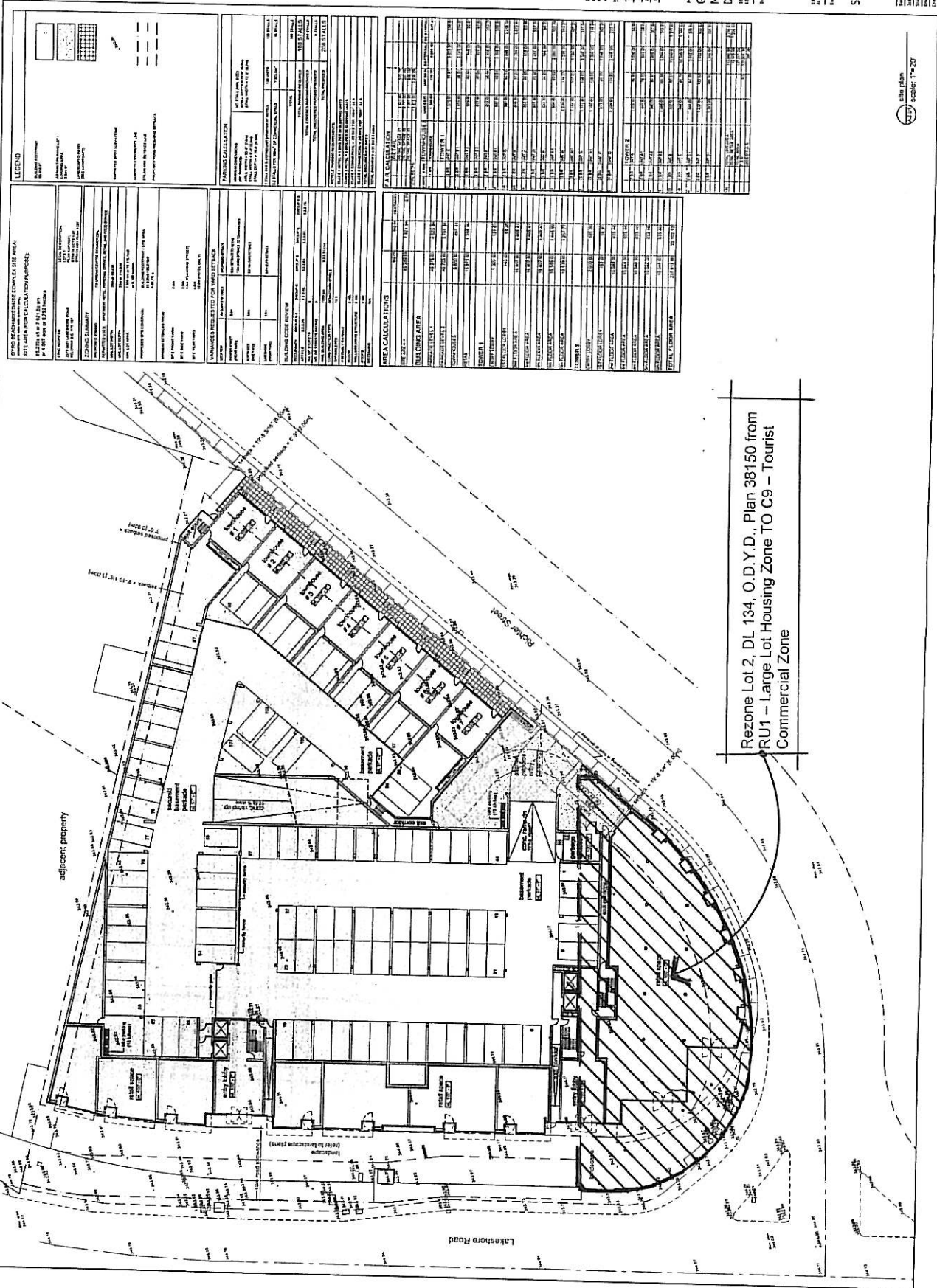


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



END OF DOCUMENT

- REVISED MAR 25/08 -



Rezone Lot 2, DL 134, O.D.Y.D., Plan 38150 from
 RU1 – Large Lot Housing Zone TO C9 – Tourist
 Commercial Zone

CITY OF KELOWNA

MEMORANDUM

Date: March 25, 2008
File No.: Z07-0076 DVP07-0210 DVP07-0211

To: Planning & Development Services Department (PMcV)

From: Development Engineering Manager

Subject: Lakeshore Rd at Richter St Lot 2 Plan 38150
Proposed Multi Use Development Cresey Developments

The Works & Utilities Department have the following comments and requirements associated with these applications. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is John Filipenko. ASCT

1. Domestic Water and Fire Protection

- (a) The proposed development site is currently 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 disconnection of existing services at the mains and the installation of one new larger metered water service.
The estimated cost of this construction for bonding purposes is **\$32,000.00**
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.
- (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) Our records indicate that this proposed development site is connected with small diameter sewer services. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs.
- (b) The applicant, at his cost, will arrange for the installation of one larger service, as well as the capping of all existing services at the mains.
Only one service will be permitted for this development. The estimated cost of construction for bonding purposes is **\$18,000.00**
- (c) A downstream flow analysis check is required by a consulting civil engineer to determine the impact of additional flow contributions on the existing pipe system and sewer lift station. It is anticipated that the existing 200mm sanitary main within Lakeshore Road, from Richter Street to Swordy Road will require upgrading. The estimated cost of construction for bonding purposes is **\$67,000.00**
- (d) If it is determined that upgrades to other facilities must be made, additional bonding will be required.

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 **\$9,000.00**

4. Road Improvements

- (a) Lakeshore Road: Widening of Lakeshore Road will require a new curb and gutter alignment, pavement widening, reconstruction of the sidewalk and boulevard treatment, relocation of catch basins and street lighting and or adjustment of utility appurtenances to accommodate the upgrading construction.

The City wishes to defer the widening of the Lakeshore Road fronting this development. Therefore, cash-in-lieu of immediate construction is required.
The cash-in-lieu amount is determined to be **\$ 98,140.00**
- (b) In the interim, the existing driveway access to Lakeshore Road must be removed and the curb and sidewalk reconstructed. The work must be constructed to City of Kelowna Standards. The estimated cost of this construction for bonding purposes is **\$10,000.00**
- (c) Richter Street: The Richter Street frontage is fully urbanized but will require existing curb letdown and driveway removals and replacement. Construction of a new driveway access, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is **\$30,000.00**

5. Road Dedication and Subdivision Requirements

- (a) Provide a highway allowance widening along the frontage of Lakeshore Road to provide a 30.0m road width.
- (b) Provide a 20.0m radius corner rounding.
- (c) Transferring of various ownerships is to be dealt with the Community Development & Real Estate Manager.
- (d) If any road dedication or closer affects lands encumbered by a Utility right-of-way (such as Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication or closer must be incorporated in the construction drawings submitted to the City's Development Manager.
- (e) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- (f) Lot consolidation

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. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

10. Bonding and Levy Summary

(a) Bonding

Lakeshore Road driveway access removal	\$ 10,000.00
Service upgrades	\$ 59,000.00
Sanitary Main Upgrade	\$ 67,000.00
Richter Street access removal and replacement	\$ 30,000.00
Sub Total	\$166,000.00
Total Bonding	\$ 166,000.00

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.

(b) Levies

Lakeshore Road Frontage improvements.	
One-time cash payment for future road widening.	\$ 98,140.00

11. Development Permit and Site Related Issues

- (a) The development variance permit to vary the maximum height requirement does not compromise Works and Utilities requirements.
- (b) Set the building frontage and access elevations to accommodate the future widening of Lakeshore Road.
- (c) Protect existing sidewalks and streetscapes during construction. Replacement of damaged works will be at the developer's expense.
- (d) Should traffic conditions dictate, the City of Kelowna will reserve the right to, in the worst case, restrict traffic movement at the development's vehicular driveway to right-in / right-out.

12. 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 **\$3,735.90** (\$3,558.00 + 177.90 GST)

Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf