

DATE:	October 16, 2008		
TO:	City Manager		
FROM:	Community Sustainability Division		
APPLICATION NO.	OCP07-0036	APPLICANTS:	Ledingham McAllister Communities Ltd. (Contact: Fred Pritchard)
	Z07-0106		
AT:	2241 Springfield Road	OWNER:	Tapestry Homes Ltd.

TO REZONE THE SUBJECT PROPERTY FROM A1 - AGRICULTURE
1 TO A COMPREHENSIVE DEVELOPMENT ZONE TO ALLOW FOR A
HIGH-DENSITY RESIDENTIAL DEVELOPMENT.

REPORT PREPARED BY: NELSON WIGHT

AND THAT Rezoning Application No. Z07-0106 to rezone Lot B District Lots 128 and 142, O.D.Y.D., Plan KAP85660, from A1 – Agriculture 1 to CD19 – Comprehensive Highway Urban Centre, NOT be considered by Council;

The 1.78 ha (4.43 ac) subject property is to be developed to support a 30-storey tower, accommodating 223 apartment units, and three 4-storey buildings accommodating an additional 279 units (502 units total). This site would provide 609 parking stalls in a two-level



underground parkade, with vehicle access from Benvoulin Road on the east, and Benvoulin Court on the west. An internal drive aisle also connects those two entry points, leading to a turn-around at the base of the tower. For additional details, please refer to the attached drawing package.

Because there isn't a zone within Zoning Bylaw No. 8000 that would allow for this density of residential-only use, the applicant has crafted their own zone, which they have labelled "CD19 – Comprehensive Highway Urban Centre". The proposed zone would allow for primarily residential-type uses, with some limited ancillary uses ("retail stores, convenience", "participant recreation services, indoor", etc). For additional details, please refer to the attached draft zone.

4.0 ADVISORY PLANNING COMMISSION

At a meeting held on January 29, 2008, the Advisory Planning Commission passed the following motion:

THAT the Advisory Planning Commission supports Official Community Plan No. OCP07-0036, for 2241 Springfield Road by Leddingham McAllister Communities Ltd. (F. Pritchard), to amend the OCP Future Land Use from Multiple Unit Residential (Medium Density) to Multiple Unit Residential (High Density);

AND THAT the Advisory Planning Commission not support Rezoning Application No. Z07-0106, for 2241 Springfield Road, by Leddingham McAllister Communities Ltd. (F. Pritchard), to rezone the subject property from A1 - Agriculture 1 to a comprehensive development zone to allow for a high-density residential development.

5.0 ZONING AND USES OF ADJACENT PROPERTY

The subject property is situated within this cell of development west of Benvoulin Road and east of Benvoulin Court, which was isolated from adjacent agricultural land to the south and east when Benvoulin Road and Dilworth Road were re-aligned in 2006. The land had previously been approved for exclusion from the ALR to allow for development of urban uses. Adjacent land uses are as follows:

- North – C6 – Regional Commercial (Orchard Park Mall)
- East – A1 – Agriculture 1
- South – A1 – Agriculture 1
- West – RM5 – Medium Density Multiple Housing
C4 – Urban Centre Commercial

6.0 TECHNICAL COMMENTS

- 6.1 Fire Department - Engineered fire flows required to determine if present hydrant location, number of hydrants, and hydrant volume will be adequate. Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw 7900. Detailed code analysis showing section 3.4, subsection 3.2.4, 3.2.5 and 3.2.6 of the BCBC are met; also the code analysis will determine building classification and if the Kelowna Fire Department requirement 'Additional Requirements for High Rise Buildings' will need to be implemented in the building plans, contact Fire Prevention Branch for details. No parking signs required as per article 2.5.1.5 of the BC Fire Code. Supply detail equivalencies, if any.

- 6.2 Inspections Services - Possible high water table area. Ensure reciprocal access agreement in place prior to DP approval. Building #3, ensure firewall and travel distance requirements met to BCBC 2006. Parkade roof/platform to be designed for fire truck access to within 15m of all buildings. Adequate handicap access required to BCBC 2006. Structural peer review recommended for this project.
- 6.3 Ministry of Transportation - The Ministry has reviewed the revised Traffic Impact Assessment prepared by Ward Consulting Group dated August 2008 and can advise that our comments remain as per our July 16, 2008 email. As stated below, there is little improvement the development can implement on Highway 97 at this time to improve the highway performance that is not already provided for in the 6-laning project, and therefore the Ministry has no objection to the proposed rezoning.
- 6.4 Public Health Inspector – (see attached letter)
- 6.5 Terasen – (see attached letter)
- 6.6 Works and Utilities Department – (see attached memo)

7.0 CURRENT DEVELOPMENT POLICY

7.1 Kelowna Official Community Plan (OCP)

Staff recommends that the Advisory Planning Commission public process should be considered appropriate consultation for the purpose of Section 879 of the Local Government Act, and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879 is not required in this case.

Staff has reviewed this application, and it may not move forward without affecting either the City's financial plan or waste management plan.

Future Land Use

The subject properties are designated "Multiple Unit Residential – Medium Density" in the OCP. Consequently, the proposal to rezone to CD zone, which exceeds that density, is inconsistent with that designation.

5.1.10 – Develop a Compact Urban Form. Develop a more compact urban form that maximizes the use of existing infrastructure, by increasing densities through development, conversion, and re-development within existing areas, particularly in designated Urban Centres, and by providing for higher densities within future urban areas. Encourage development to proceed in a logical, sequential order, concurrently with availability of required urban services.

6.1.26 – Building Height and Density. Encourage a general decrease in building height and density as the distance from the Urban Centre core increases.

8.1.18 – Housing Agreements: Support the use of housing agreements to assist in creating affordable and special needs housing;

8.1.31 – Rezoning to Higher Densities. Consider supporting an OCP amendment and rezoning application for residential densities greater than those provided for on the Generalized Future Land Use Map 19.1 where a portion of the proposed units are available for affordable, special needs or rental housing identified to be in short supply (guaranteed through a Housing Agreement). To

mitigate the neighbourhood impact of higher densities, it is important that:

- 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
- the proposed densities do not exceed the densities provided for on Map 19.1 by more than one increment (e.g. medium density multiple units might be entertained where low-density has been provided for, and low-density multiple units might be entertained where single/two unit residential densities have been provided for); and
- the project be sensitively integrated into the surrounding neighbourhood, with no more than a one-storey height gain between the proposed development and the height permitted within land use designations assigned to adjacent parcels (Where the property being proposed for redevelopment is large, consideration may be given to providing greater heights at the centre of the property provided that the new building is sensitively integrated with the surrounding neighbourhood); and
- approval of the project not destabilize the surrounding neighbourhood or threaten viability of existing neighbourhood facilities (e.g. schools, commercial operations etc.).

8.1.41 – Affordable and Special Needs Housing: Encourage the private sector to provide housing that is innovative and affordable and that is targeted to groups identified in the Housing Study, a Housing Reserve Fund Bylaw, or a list published by the City;

Objectives for Residential Development

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP;
- All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction);
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community belonging, community cohesiveness);
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility);
- All development should promote safety and security of persons and property within the urban environment (CPTED);

8.0 LAND USE DEPARTMENT COMMENTS

8.1 Comprehensive Development Zone

The purpose of the “comprehensive development zone” is to provide for the development of an area embracing one or more land use classifications as an integrated unit based upon a comprehensive development plan. Examples within the City of Kelowna include the CD6 - Comprehensive Residential Golf Resort zone, the CD12 – Airport CD12 – Airport zone, etc.

In accordance with Zoning Bylaw No. 8000, this zone shall only be created where the following conditions are met:

- (a) the proposed development is, in the opinion of Council, considered appropriate for the site, having regard for the policies and objectives of the OCP and any other applicable municipal plan or policy, or
- (b) the use of any other zone of this Bylaw to accommodate the proposed development would, in the opinion of Council, result in potential conflicts with the scale and character of existing or future surrounding development, should the full development potential of such zone be utilized, or
- (c) the proposed development is of a scale, character, or complexity requiring comprehensive planning and implementation that, in the opinion of Council, is of a unique form or nature not contemplated or reasonably regulated by another zone.

The Land Use Department does not consider that this project satisfies the above conditions of a Comprehensive Development Zone. However, should the applicant insist upon pursuing these applications, it will be necessary to provide additional information, as detailed in Section 17.1.3 of Zoning Bylaw No. 8000. Such information includes the provision of a supporting rationale, a narrative documenting the opinions and concerns of surrounding property owners, as sought through public consultation, and any other information not yet supplied with this application.

The table below provides some comparisons to similar zones, relative to the proposed CD zone:

Zone	Density	Uses	Height	Consistent with OCP?
CD19	up to 3.0 F.A.R.	primarily residential use, with some ancillary commercial potential	30-storeys 90.0 m	no
Current proposal using CD19 zone	2.2 F.A.R.	primarily residential use, with some ancillary commercial potential	30-storeys 90.0 m	no
C4	up to 1.6 F.A.R.	broad range of urban commercial uses and residential occupancies	4-storeys 15.0 m (some exceptions)	no

Zone	Density	Uses	Height	Consistent with OCP?
RM5	up to 1.4 F.A.R.	primarily residential uses	4-storeys 16.5 m	yes
RM6	up to 2.0 F.A.R.	primarily residential uses	16-storeys 37.0 m	no

8.2 OCP Amendment

The Highway 97 / Springfield Urban Centre land use designations include significant potential for multiple unit residential development in order to seek a better balance between employment and housing in support of the OCP objectives with respect to Transportation Demand Management (TDM). However, it should be noted that there is a substantial amount of land currently designated for multiple unit residential uses, including high density sites, within the existing Urban Centre. In fact, the housing unit potential on the remaining undeveloped lands within the Highway 97 / Springfield Urban Centre significantly exceeds the housing requirement indicated in OCP Table 8.1 – New Housing Distribution. The current OCP projects 1653 units to the year 2020. Since 2004 we have seen the addition of approximately 235 more multiple units into this area, so the remaining number would be approximately 1418 units to the 2020 time horizon. A more detailed analysis of potential units in this area based on the current OCP land use designation indicates the potential for over 2000 additional units, without the need to change any of the existing designations. The Land Use Department does not see the need to assign more density to this area within the existing OCP time horizon of 2020. In fact some of those lands might not be needed until after 2020. Any allocation of additional growth in this area beyond 2020 would need to be evaluated in the context of the OCP Review, which is currently underway. Consideration of a new growth strategy will be part of that process and will require full public scrutiny and endorsement.

8.3 Land Use / Appropriateness of the Form of Development

From a land use perspective the OCP currently limits high density residential uses to the north side of Springfield Road. Existing land uses south of Springfield Road are mostly rural / agricultural or park uses except for the area between Cooper Road and the Dilworth Drive extension. Given the location of this site at the edge of the Urban Centre and the proximity to rural / agricultural lands the introduction of building heights in excess of 4 storeys would be considered inappropriate. Building heights in excess of 4 storeys within the Hwy 97 / Springfield Urban Centre should not be permitted south of Springfield Road.

Building heights of 4 storeys or less could be more sensitively integrated into the area and would be a more appropriate transition. The four storey components of the project would be in compliance with the OCP and could be supported within the existing designation and the FAR requirements of the RM5 zoning.

8.4 Affordable Housing Contribution

The applicant has proposed to contribute \$1.27 million towards the City's affordable housing fund. This offer was put forward in an attempt to satisfy policy 8.1.31, detailed in the preceding section of this report. Unfortunately, as the current policy is written, there is no provision made for a "cash-in-lieu" contribution to affordable housing, as only those contributions secured through a "housing agreement" may be considered.

Irrespective of that policy limitation, a precedent has been set to accept cash-in-lieu of affordable housing or amenities if the developer's offer is seen as reasonable and if Council is willing to forgo the provision of affordable housing on site. However, for projects such as these—where an OCP amendment is required to allow the increase in density—the recommendations of the Coriolis Consulting Corp. report, presented to Council on June 23rd, 2008 titled *Affordable Housing and Amenity Contributions from Urban Development Projects in Kelowna* would have recommended a contribution to the City, based on the increase in the value of the land that would result from approving the increased density."

Under Section 9 of the Coriolis report, recommendation 3 states that "The City should adopt an approach that involves estimating the net lift in land value (after allowing for all land development costs) associated with the rezoning and then setting a general target that the amenity contribution (including on-site amenities, off-site amenities, and any cash-in-lieu portion) has a total value equal to about 75% of the lift."

In order to determine what the 75% is in any given situation, the Coriolis report recommended that a report from a qualified professional be provided to the City by the applicant.

The Coriolis report recommendations are based on the current Kelowna situation and on significant input from the development community. Two working sessions were held between the consultant and members of UDI and there has been written communication as well. The issue is that Council has only received this report for information and no policy to this effect has yet been approved. Present issues relating to growth, density and servicing, central to the OCP review, have not been addressed, and any consideration of additional density than is presently allowed in the OCP, along with adequate developer contributions for community amenities, including affordable housing, is premature at this stage.

8.5 Summary

There has been substantial dialogue with the applicant regarding this project and The Land Use Department's concern with certain elements of it. Despite the conflict between the proposed density and the future land use designation, The Land Use Department did agree to support the OCP amendment, given the contribution to affordable housing, and provided that the applicant develop in accordance with the density provisions of the RM6 zone, with height restrictions. This offer was not accepted by the applicant, and they wish to have Council consider this project as it has been presented from the beginning.

In summary, the Land Use Department recommends that Council not consider the OCP amending bylaw and zone amending bylaw as proposed for the following reasons:

- Density – the project exceeds the allowable density targeted for this site, and there appears to be no reasonable justification for doing so in this location (see Section 7.2 above).
- Inappropriate Lane Use Tool – the CD zone tool is being inappropriately used in this case to circumvent the existing zones within Zoning Bylaw No. 8000. Ad hoc approval of varying densities for each project using the CD zone tool is not unlike a return to the Land Use Contracts of the early 1970's. This approach significantly detracts from the City's ability to apply a consistent and equally fair approach in its review of development applications.
- Form – the City has specific policy direction with regard to development of a compact urban form. That implies building upward, rather than outward, wherein urban centre development should see increased densities and increased building heights. A critical correlative to that concept is that the height and density of development follow in a "logical and sequential" manner and such that both would decrease proportionately to the distance from the urban "core". Being on the edge of an urban centre and the Urban/Rural interface, both the maximum 3.0 F.A.R. and the 30-storey height limit proposed under this CD19 zone seem incongruous with these urban form policies.

The low-rise development proposed for the majority of the site (buildings 1-3) is an excellent response to the context. The Land Use Department encourages the applicant to revise the rest of the project such that it either (a) conform to the RM5 zone, or (b) conform to the density of the RM6 zone, but include a significant amenity contribution and adopt a building form substantially below the 16-storey height allowance.

9.0 ALTERNATE RECOMMENDATION

Should Council wish to consider the project as proposed by the applicant, the following recommendation could be used:

THAT Official Community Plan Amendment Application No. OCP07-0036 to amend the future land use designation on Lot B District Lots 128 and 142, O.D.Y.D., Plan KAP856604, from Multiple Unit Residential (medium density) to Multiple Unit Residential (high density), be considered by Council;

AND THAT Council considers the Advisory Planning Commission public process to be appropriate consultation for the purpose of section 879 of the Local Government Act, as outlined in the report of the Planning and Development Services Department, dated October 16, 2008.

AND THAT Rezoning Application No. Z07-0106 to rezone Lot B District Lots 128 and 142, O.D.Y.D., Plan KAP85660, from A1 – Agriculture 1 to CD19 – Comprehensive Highway Urban Centre, be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP07-0036 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 subsequent to the requirements of the Works & Utilities Department, Terasen Gas, and the Ministry of Transportation being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.



Shelley Gambacort

Director of Land Use Management

Approved for inclusion



Jim Paterson

General Manager of Community Sustainability

NW/nw

ATTACHMENTS

Location of subject property

Drawing Package

Draft CD19 Zoning Regulations

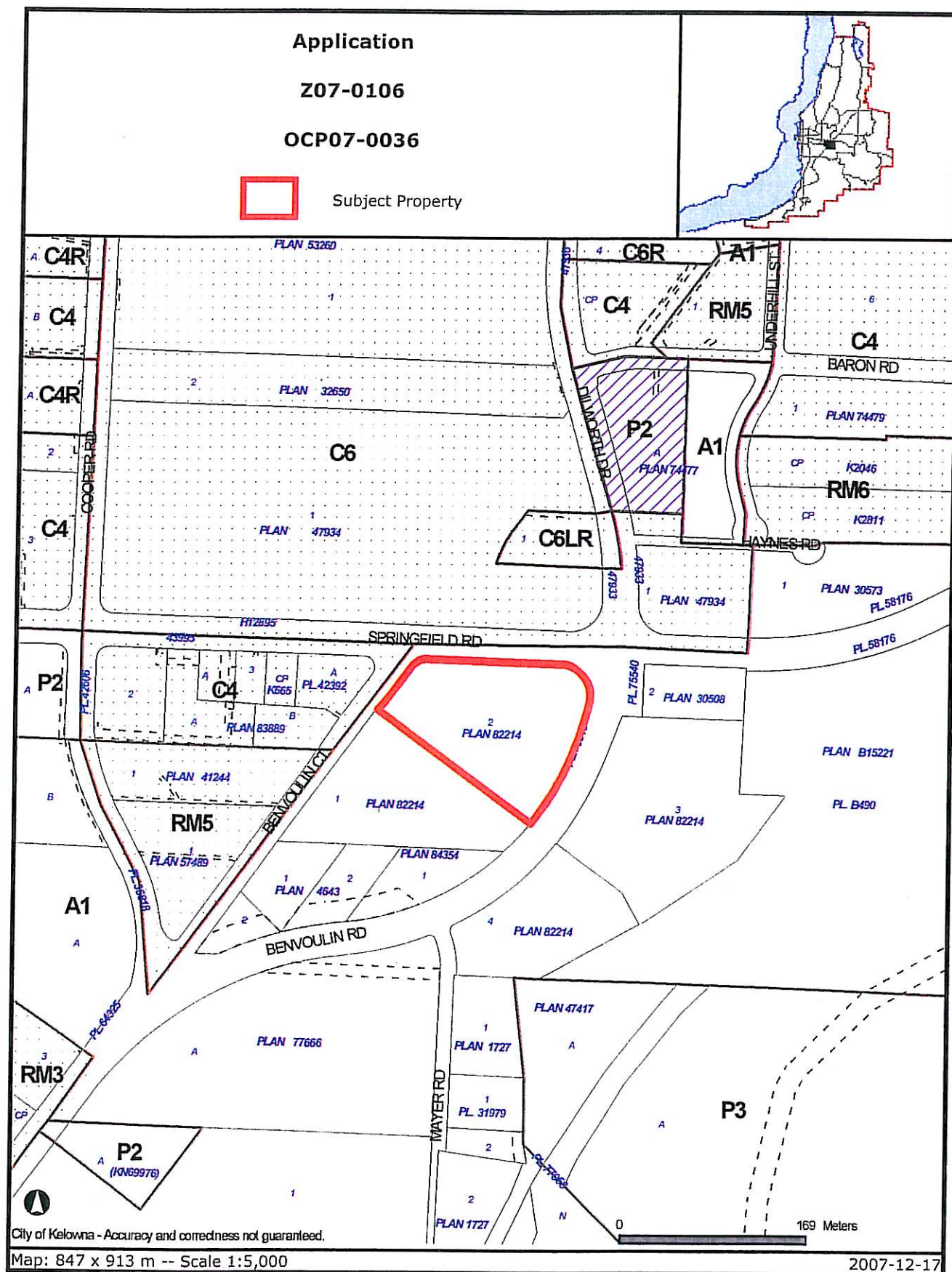
Applicant's letter, dated April 17, 2008

3D Renderings

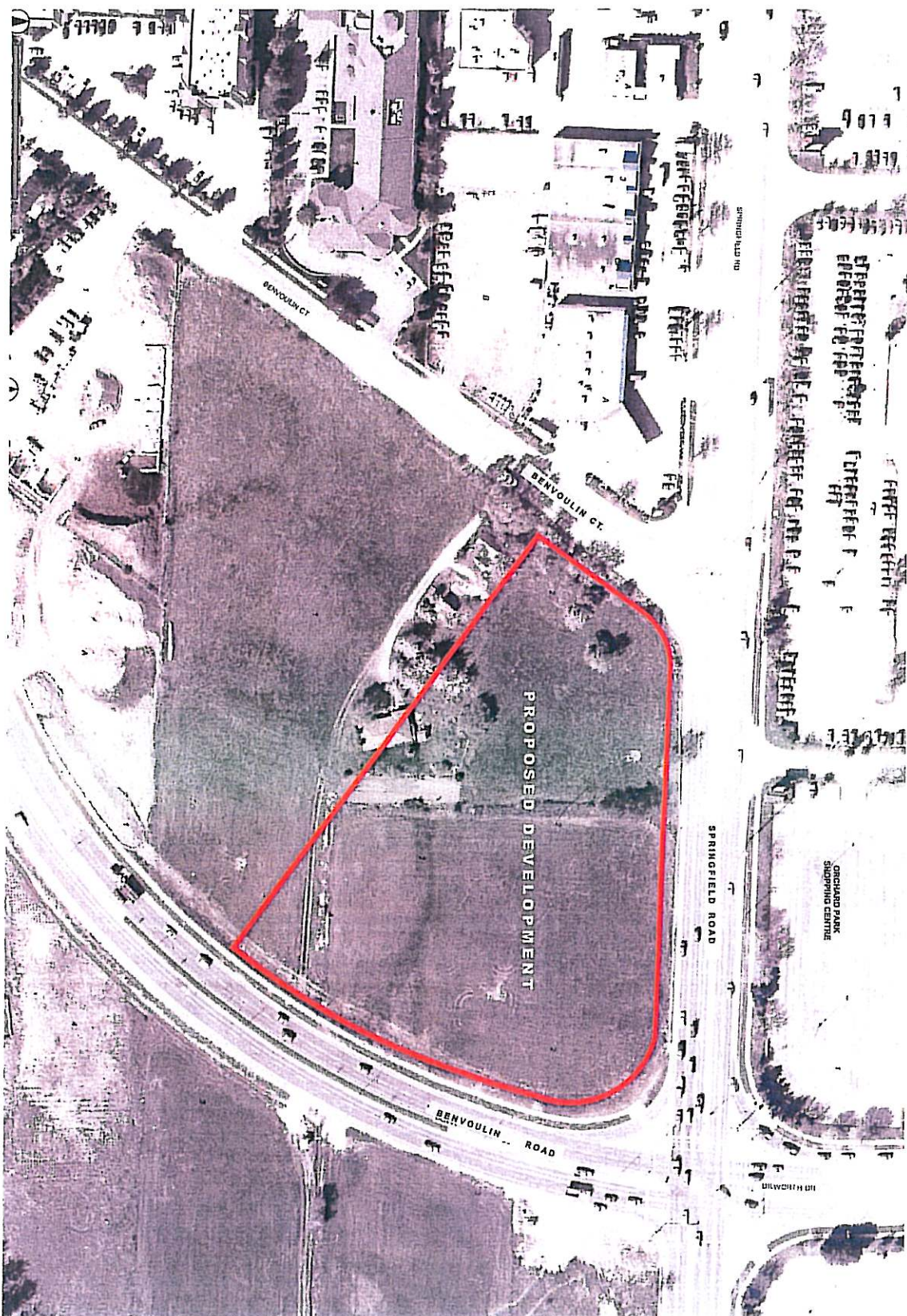
Interior Health Letter

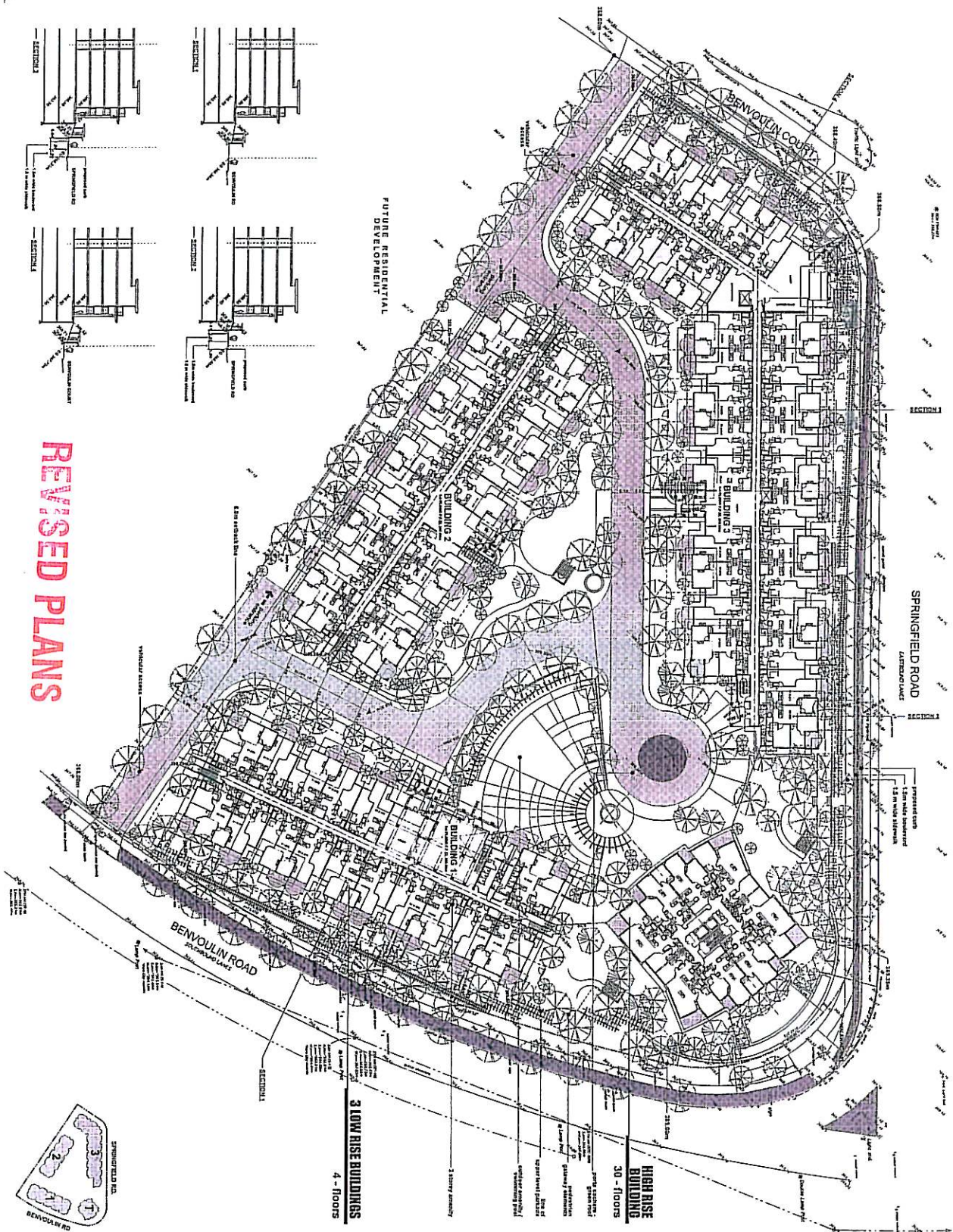
Letter from Terasen

Works and Utilities Department Memo,

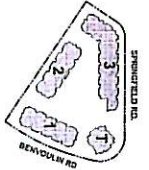


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

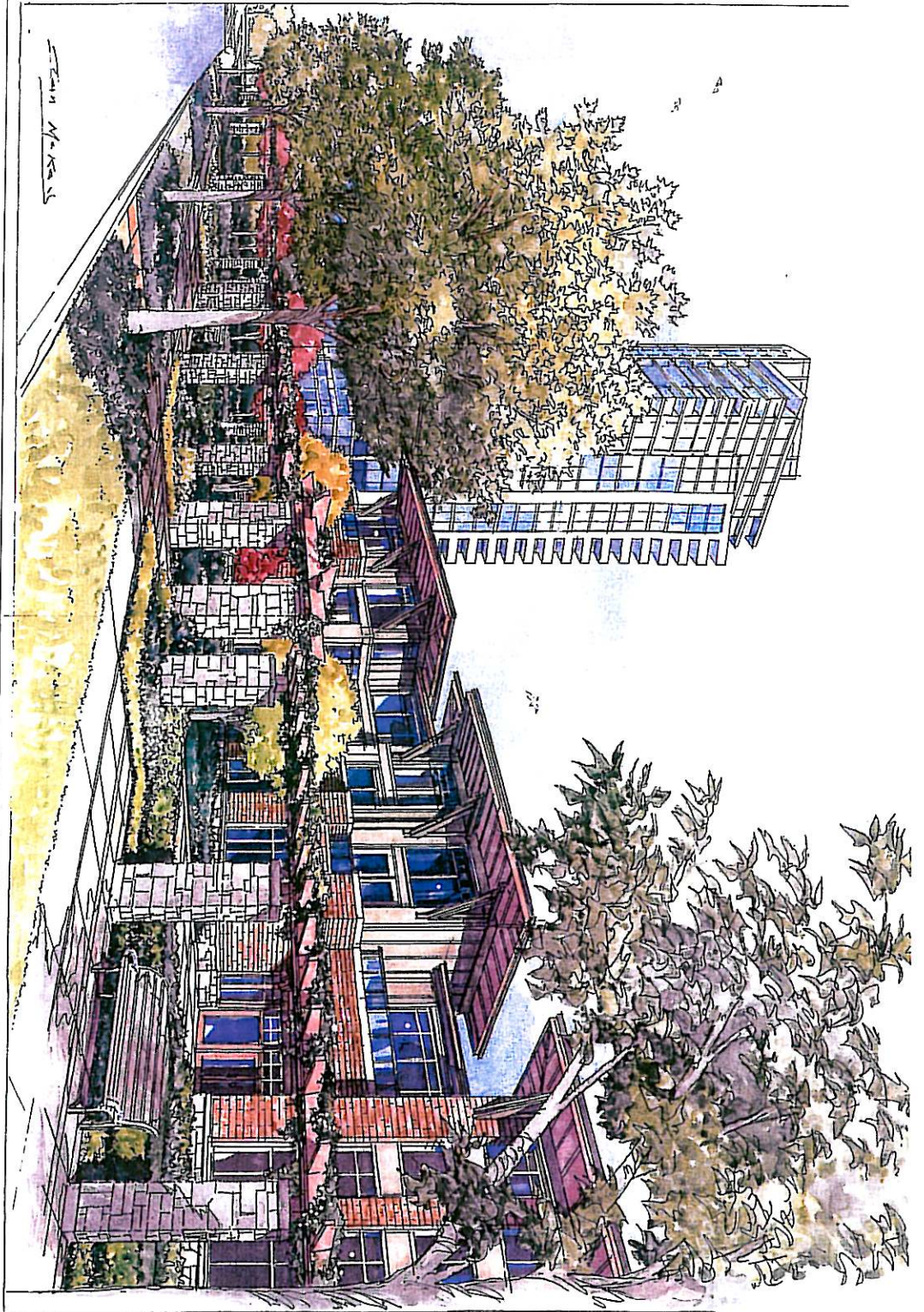




REVISED PLANS



INTEGRA ARCHITECTURE INC. 11111 SPRINGFIELD RD. SUITE 100 SPRINGFIELD, MA 01104 TEL: 413-261-1111 FAX: 413-261-1112 WWW.INTEGRA-ARCHITECTURE.COM		RESIDENTIAL DEVELOPMENT 30 - floors 3 LOW RISE BUILDINGS 4 - floors	SITE PLAN A-1.000
---	--	---	-----------------------------



Springfield Rd.

PERSPECTIVE VIEW

RESIDENTIAL DEVELOPMENT
SPRINGFIELD RD. / BENEVOULIN RD., KELOWNA, BC

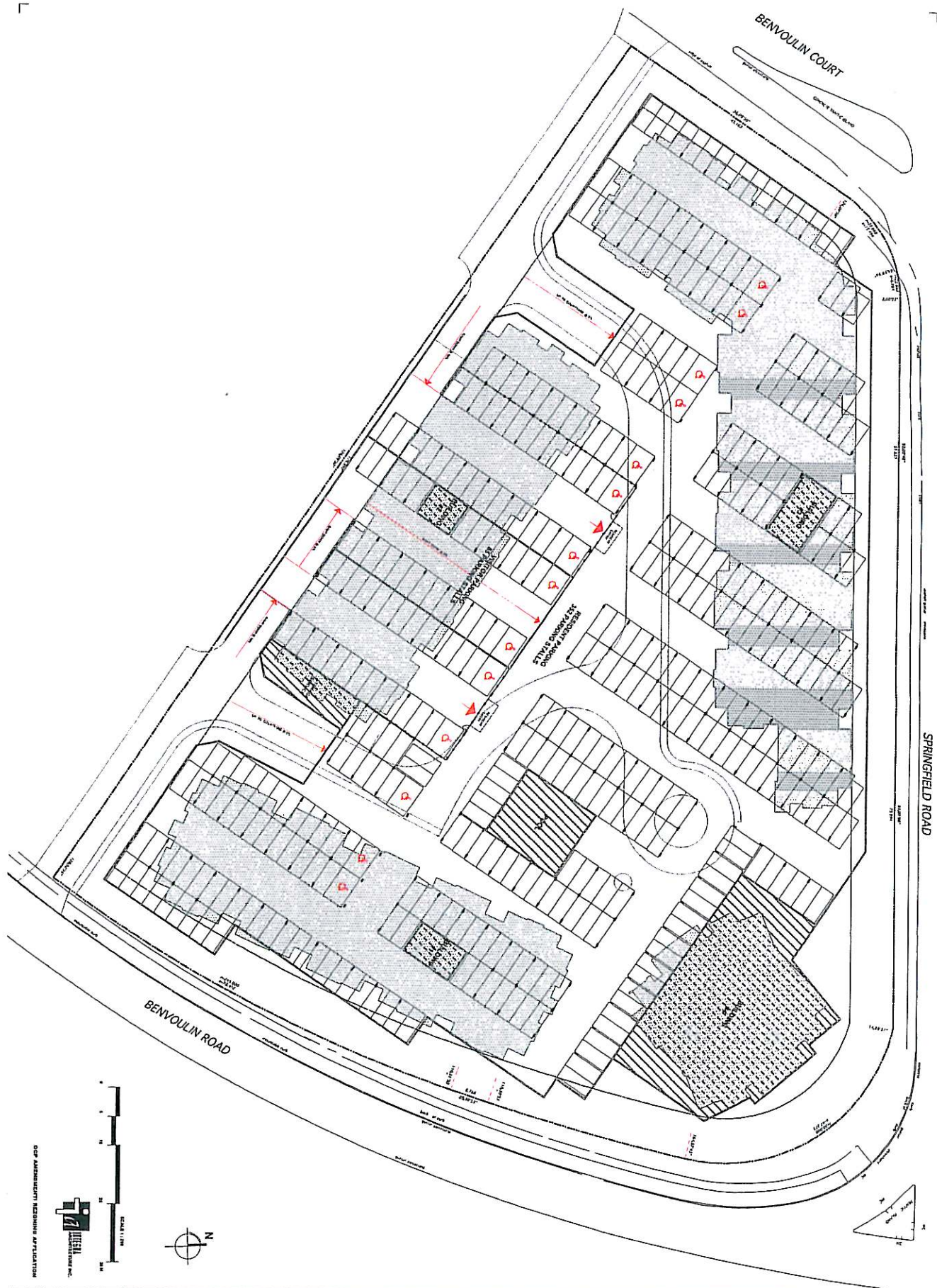
07212



027 AMENDMENT RECORDING APPLICATION

414 W. PETER ST.
KELOWNA, BC V1Y 1Y1
TEL: 250-860-1111
WWW.CITYOFKELOWNA.CA

A-02



03P AGREEMENTS RECEIVING APPLICATION

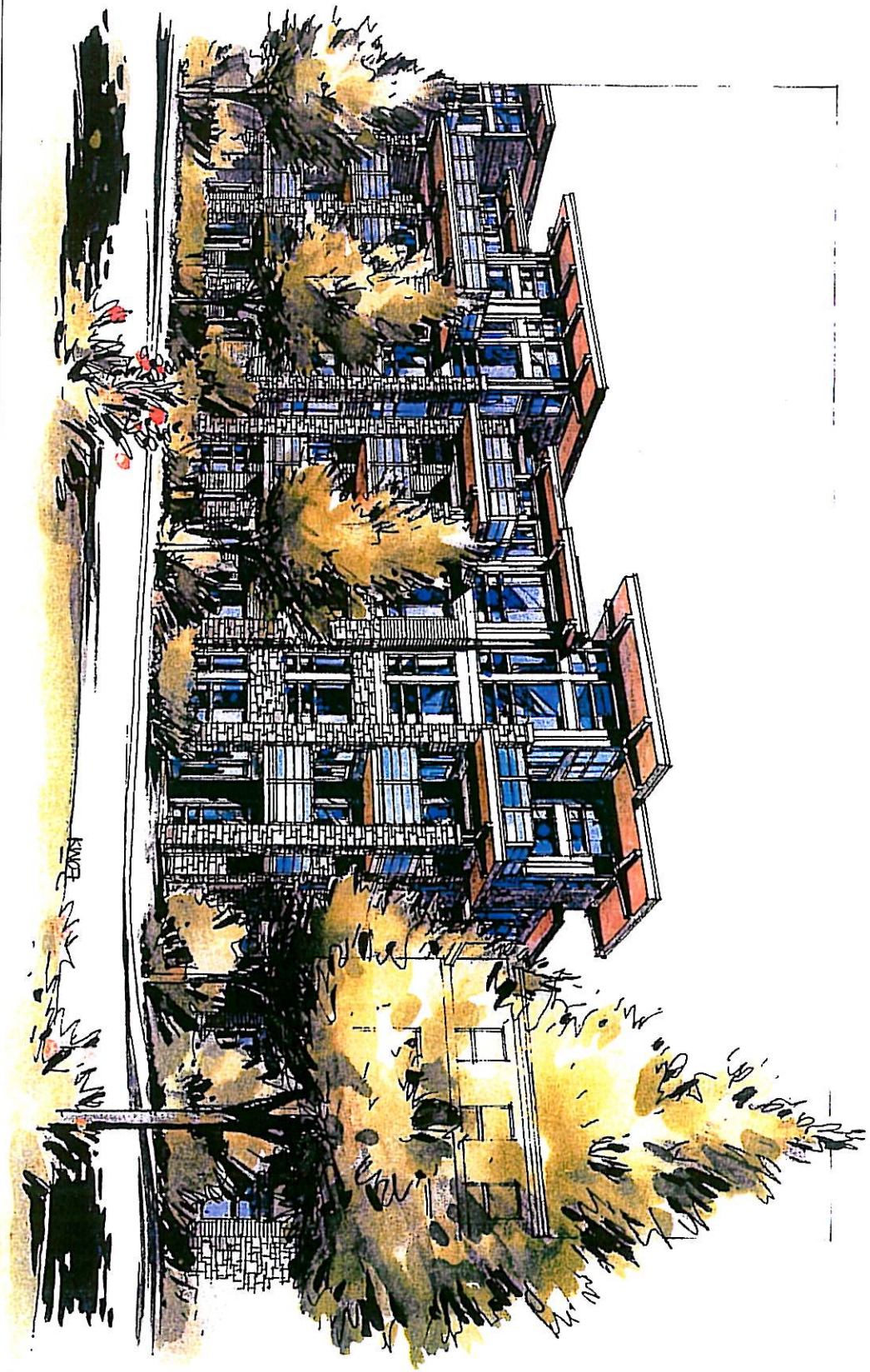


A-2.1

PARKING P1

**RESIDENTIAL DEVELOPMENT
SPRINGFIELD RD. / BENEVOULIN RD., KELOWNA, BC**

072412



LOW RISE APARTMENT - PERSPECTIVE VIEW RESIDENTIAL DEVELOPMENT
 SPRINGFIELD RD. / BENEVOULIN RD., KELOWNA, BC

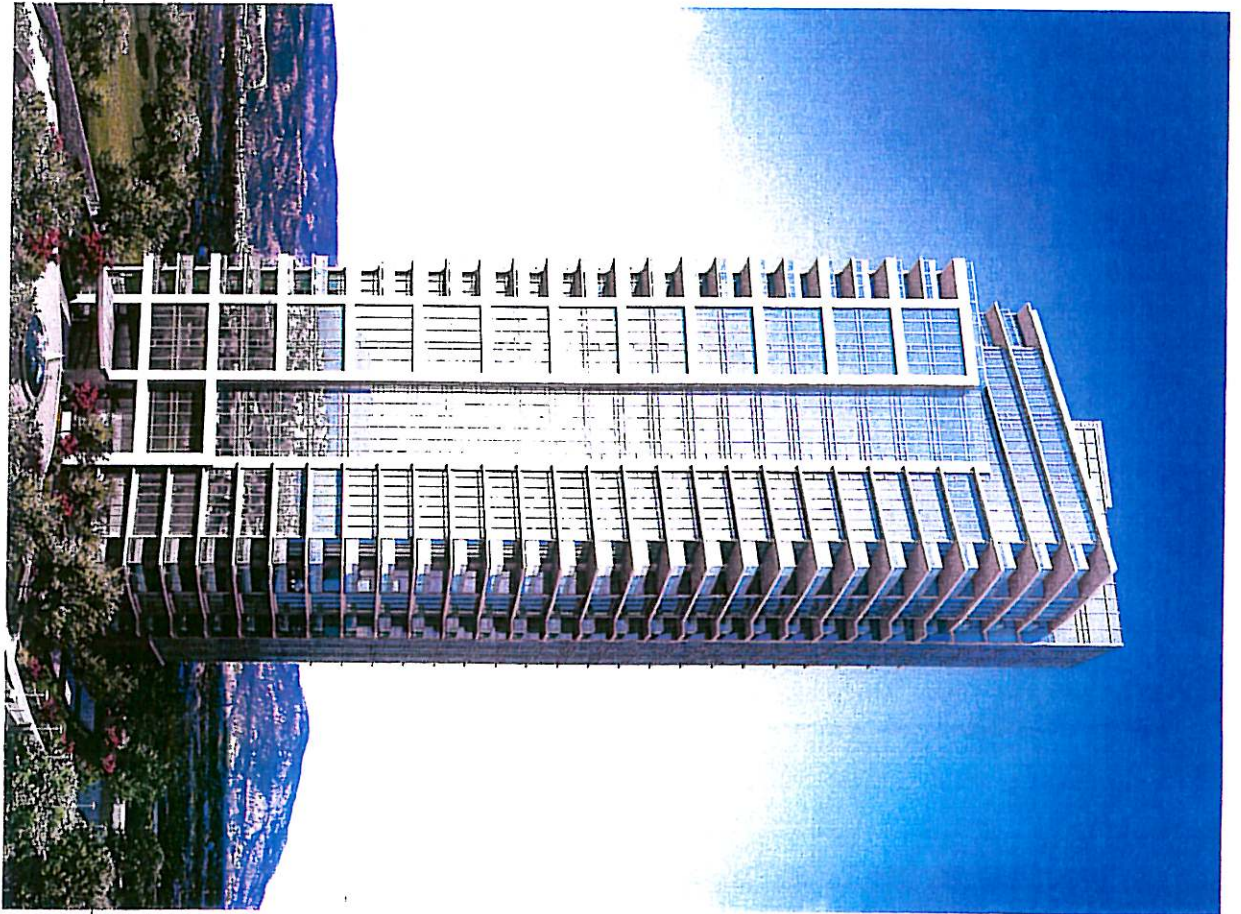
A-3.0



OCF AMENDMENT REZONING APPLICATION

418 W. FREDERICK ST.
 2ND FLOOR
 VANCOUVER, BC V6B 1T1
 TEL: 604.681.1111
 FAX: 604.681.1112
 WWW.JJA.COM

07212



**Buttjes
Architecture Inc.**
100-1111
BURNABY, BC V5C 2T1



OCF AMENDMENT RECORDING APPLICATION

NOV 22 2017

A-5.0

PERSPECTIVE VIEW-TOWER

RESIDENTIAL DEVELOPMENT
SPRINGFIELD RD. / BENEVOULIN RD., KELOWNA, BC



07212

Project Name: Tapestry
Client: Ledingham McAllister

Project No. 07212
Date: Nov 30/07
SK-16

PROJECT DATA (metric)

Address Benvoulin Road & Springfield Road, Kelowna, BC

Legal Description
(to be confirmed by surveyor)

Proposed Zoning CD

Site Area 1.792 hectares 17,916 m2
(to be confirmed by surveyor)

High Rise - 30 Storey - Net Area	30 floors @	6,943 m2/floor	18,635 m2	88%
High Rise - 30 Storey - Common Area	30 floors @	869 m2/floor	2,423 m2	11%
High Rise - 30 Storey - Gross Area	30 floors @	7,812 m2/floor	21,266 m2	99%

Apartment - 4 Storey - Net Area	4 floors @ avg	5,181 m2/floor	20,725 m2	88%
Apartment - 4 Storey - Common Area	4 floors @	707 m2/floor	2,829 m2	12%
Apartment - 4 Storey - Gross Area	4 floors @	5,888 m2/floor	23,554 m2	100%

Total Net FAR	2.20	39,360 m2
Total Gross FAR	2.50	44,820 m2

Site Coverage (excluding balconies and canopies) 6,624 m2 37.0%

High Rise - Total Units 223
Low Rise - Net Area 279
Total Proposed Units 502 Units

BUILDING 1

GFA - Low Rise BLDG 1 6,477.14 m2
Unit Summary - Low Rise BLDG 1

Unit Type	Residential Level 1	Residential Level 2	Residential Level 3	Residential Level 4	Total	Average m2	Total Unit Area
A1 (1/1)	1	1	1	1	4	61.64	246.56
B1 (1.5/1)	6	8	9	9	32	66.45	2,126.43
B2 (1.5/1)	0	0	0	0	0	0.00	0.00
C1 (2/2)	4	4	5	5	18	78.64	1,415.58
C2 (2/2)	1	1	1	1	4	76.02	304.08
C3 (2/2)	0	0	0	0	0	0.00	0.00
D1 (3/2)	4	4	4	4	16	89.00	1,423.99
Total	16	18	20	20	74	74.55	5,516.64

BUILDING 2

GFA - Low Rise BLDG2 6,461.48 m2
Unit Summary - Low Rise BLDG 2

Unit Type	Residential Level 1	Residential Level 2	Residential Level 3	Residential Level 4	Total Units	Average m2	Total Unit Area
A1 (1/1)	1	1	1	1	4	61.64	246.56
B1 (1.5/1)	8	9	9	9	35	66.45	2,325.78
B2 (1.5/1)	1	0	0	0	1	68.76	68.76
C1 (2/2)	4	5	5	5	19	78.64	1,494.22
C2 (2/2)	1	1	1	1	4	76.02	304.08
C3 (2/2)	0	0	0	0	0	0.00	0.00
D1 (3/2)	4	4	4	4	16	89.00	1,423.99
Total	19	20	20	20	78	74.22	5,863.40

BUILDING 3

GFA - Low Rise BLDG 3 10,615.28 m2
Unit Summary - Low Rise BLDG 3

Unit Type	Residential Level 1	Residential Level 2	Residential Level 3	Residential Level 4	Total Units	Average m2	Total Unit Area
A1 (1/1)	1	1	1	1	4	61.64	246.57
B1 (1.5/1)	13	14	14	14	55	66.45	3,654.80
B2 (1.5/1)	2	1	1	1	5	68.76	343.82
C1 (2/2)	9	10	10	10	39	78.64	3,067.08
C2 (2/2)	1	1	1	1	4	76.02	304.08
C3 (2/2)	0	1	1	1	3	101.63	304.88
D1 (3/2)	4	4	4	4	16	89.00	1,423.99
Total	30	32	32	32	128	74.17	9,345.22

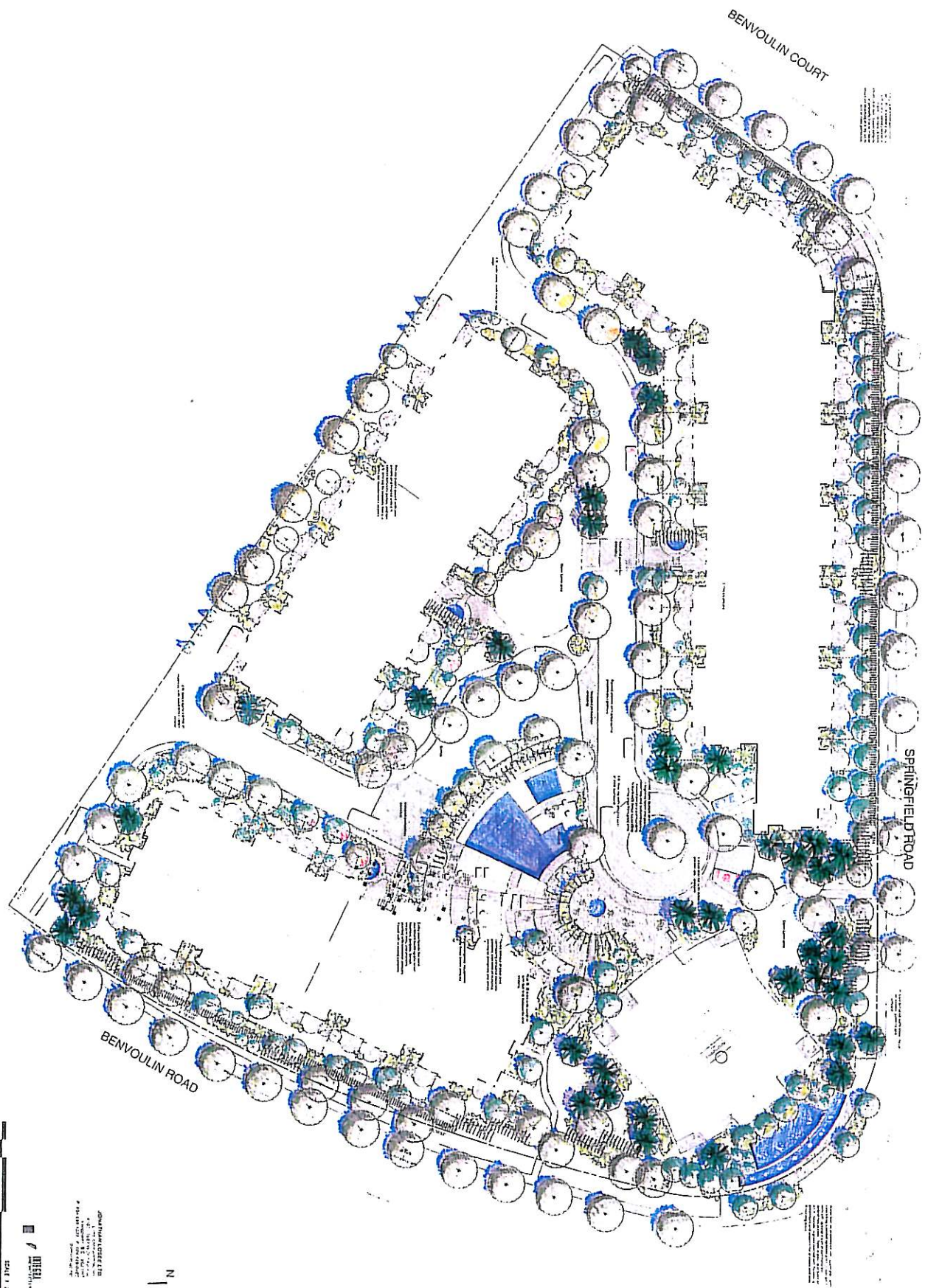
Unit Summary - Low Rise Total

Unit Type	Residential Level 1	Residential Level 2	Residential Level 3	Residential Level 4	Total	Average m2	Total Unit Area
A1 (1/1)	3	3	3	3	12	61.64	739.69
B1 (1.5/1)	27	31	32	32	122	66.45	8,107.01
B2 (1.5/1)	3	1	1	1	6	68.76	412.58
C1 (2/2)	17	19	20	20	76	78.64	5,976.87
C2 (2/2)	3	3	3	3	12	76.02	912.24
C3 (2/2)	0	1	1	1	3	101.63	304.88
D1 (3/2)	12	12	12	12	48	89.00	4,271.98
Total	65	70	72	72	279	74.26	20,725.26

HIGH RISE BUILDING 4

Unit Summary - High Rise

Unit Type	Residential Typ Level	Number of Floors	Total	Average m2	Total Net Unit Area
1BD	1				
1BD+DEN	53				
2BD	163				
3BD	6				
Total	223	30	223		18,634.71



JOHN HARRIS & ASSOCIATES
 1000 BAYVIEW AVE. #100
 SCARBOROUGH, ONTARIO M1B 3Y1
 TEL: (416) 291-1111
 FAX: (416) 291-1112
 www.jha.ca

SCALE 1" = 20'

LANDSCAPE PLAN

RESIDENTIAL DEVELOPMENT
 SPRINGFIELD RD. / BENEVOULIN RD., KELOWNA, BC

Schedule "B" – Comprehensive Development Zones

CD 19 – Comprehensive Highway Urban Centre

1.1 Purpose

The purpose of this zone is to permit the development of a comprehensively planned, integrated community consisting of multiple dwelling housing uses, open space and local commercial services within a comprehensively planned residential community. A development permit shall be required for all buildings and structures

1.2 Principal Uses

The principal uses in this zone are:

- (a) Apartment hotels
- (b) Multiple dwelling housing
- (c) Congregate housing
- (d) Utility services, minor

1.3 Secondary Uses

- (a) Home based business, minor
- (b) Participant recreation services, indoor
- (c) Personal services establishments
- (d) Retail stores, convenience

1.4 Subdivision Regulations

- (a) The minimum lot width is 30.0 m.
- (b) The minimum lot depth is 35.0 m.
- (c) The minimum lot area is 1700 sq meters

1.5 Development Regulations

- (a) The maximum **floor area ratio** is 2.5. Where **parking spaces** are provided totally beneath habitable space of a principal **building** or beneath useable common amenity areas providing that in all cases, the **parking spaces** are screened from view, an amount may be added to the **floor area ratio** equal to 0.2 multiplied by the ratio of such **parking spaces** to the total required **parking spaces**. The maximum **floor area ratio** may be increased by 0.1 for each additional 10% increment of open space above 50% of **open space**, but in no case shall or 0.1 with the provision of a

- housing agreement, but in no case shall the **floor area ratio** exceed 3.0.
- (b) The maximum **site coverage** for principal buildings and accessory structures is 45%. The maximum site coverage including parking areas and driveways is 75%.
 - (c) The maximum **height** is the lesser of ^{9.0}~~25.0~~ m or 30 storeys, except that it shall be 4.5 m for accessory buildings or structures.
 - (d) The minimum **site front yard** is 0.0 m, except **non-accessory parking** shall have a landscaped buffer.
 - (e) The minimum **site side yard** is 0.0 m, except it is 6.0m where the **site** abuts a residential **zone**. From a **flanking street** the minimum **site side yard** is 0.0m
 - (f) The minimum **site rear yard** is 0.0 m, except it is 6.0 m where **abutting** a residential zone.
 - (g) Any portion of a building above 15 m in height must be a minimum of 4.0 meters from any property line abutting a street

1.6 Other Regulations

In addition to the regulations listed above, other regulations may apply. These include the general **development regulations of section 6** (accessory development, yards **parking and loading regulations of section 8** which shall regulate as if the land was zoned C7, except that the required parking shall be 1.3 parking spaces per dwelling unit for Apartment Housing or per 100 sq m of GFA of commercial space. Of the total required spaces, 1 parking space shall be designated visitor parking for every 7 dwelling units, and

- (a) Individual commercial tenant spaces shall not exceed 235 sq m.
- (c) Any **floor plate** situated above 15 m in height cannot exceed **730 sq m**.

Section 17 – Comprehensive Zones

17.1 CD – Comprehensive Development

Purpose

- 17.1.1 The purpose is to provide a **zone** which will allow for the creation of comprehensive **site** specific land **use** regulations on a specific **site** within the **City** where the circumstances are such that control by other **zones** would be inappropriate or inadequate, having regard to existing or future surrounding **developments** and to the interest of the applicant and the public.

Application

- 17.1.2 This **zone** shall only be created where the following conditions are met:
- (a) the proposed **development** is, in the opinion of **Council**, considered appropriate for the **site**, having regard for the policies and objectives of the **Official Community Plan** and any other applicable municipal plan or policy; or
 - (b) the **use** of any other **zone** of this Bylaw to accommodate the proposed **development** would, in the opinion of **Council**, result in potential conflicts with the scale and character of existing or future surrounding **development**, should the full **development** potential of such **zone** be utilized; or
 - (c) the proposed **development** is of a scale, character, or complexity requiring comprehensive planning and implementation that, in the opinion of **Council**, is of a unique form or nature not contemplated or reasonably regulated by another **zone**.
- 17.1.3 In addition to the information required by this Bylaw for a rezoning as required by **Development** Application Procedures Bylaw No. 8140, the applicant shall also provide the following information:
- (a) support rationale explaining why a **Comprehensive Development Zone** is desirable for the **site**, having regard for the conditions of application set out in 17.1.2 above;
 - (b) a proposed **zone**, laid out in a format similar to the standard **zones**, which includes the general purpose of the **zone**, a list of **principal uses** for the **site**, a list of **secondary uses** for the **site**; a list of **subdivision** regulations, a list of **development** regulations, and a list of any other regulations which apply in addition or instead of any regulation in this Bylaw and sign regulations if different from Sign Bylaw No. 8235;
 - (c) a narrative documenting the opinions and concerns of surrounding property **owners** and residents obtained through a public information program, and how the proposed **development** responds to these concerns, together with a summary of the methods **used** to obtain such input; and
 - (d) a **site** plan, and/or elevations may be required to be attached to the specific CD **zone** as a schedule, where, in the opinion of **Council**, the complexity of the proposed **development** is such that a **site** plan and/or elevations would be necessary to clarify or interpret the written regulations of the specific CD **zone**.

Uses

- 17.1.4 In approving a **Comprehensive Development Zone**, **Council** shall specify those **uses** which may be principal or secondary in the CD **zone**.

Regulations

- 17.1.5 The **development** regulations for the CD **zones** shall be prescribed in the individual **zone**.
- 17.1.6 The regulations of Sections 6, 7, 8, and 9, shall apply to all **development** within **sites** zoned as CD, unless such regulations are specifically excluded or modified by the CD **zone**.
- 17.1.7 The **zone** shall prescribe the **landscaping** requirements that apply.

Development Permits

- 17.1.8 If located in a **development** permit area, the **Comprehensive Development Zone** shall specify the nature of **development** which may be permitted or which requires a **Development** Permit in accordance with the **Official Community Plan**.

Zoning Maps

- 17.1.9 CD **zones** shall be designated on the Zoning Map by 'CD' followed by the reference number of the CD **zone**.

Schedule 'B'

- 17.1.10 CD **zones** shall be included in Schedule 'B' of this Bylaw.



LEDINGHAM McALLISTER

3rd Floor, 1285 West Pender Street, Vancouver, BC, Canada V6E 4B1 / (604) 662-3700-FAX: (604) 684-9004

April 17, 2008

City of Kelowna
1435 Water Street
Kelowna, B.C., V1Y 1J4

*Nelson: For your
review and handling*
RM 03/09/12

RECEIVED

APR 21 2008

CITY OF KELOWNA
PLANNING DEPT.

Attention: Paul Macklem, CMA, Director of Financial Services and Acting Director of Planning

Dear Sir;

RE: 2241 Springfield Road – Official Community Plan No: OCP07-0036 and Rezoning Application No: Z07-0106

I am writing to follow up as discussed regarding the plans we have developed for our site at the intersection of Springfield Road and Benvoulin Road in the Highway Town Centre.

I was very appreciative of the opportunity to outline some of our concerns with the lack of progress of our development applications and your undertaking to review the matter once we were able to provide you with background information.

Your planning staff identified two conditions before our file would be processed to be ready for consideration at a meeting of City Council.

One condition was to update a Traffic Impact Statement for the area described as the "Benvoulin Triangle, an area comprise of three properties encompassed by Springfield Road, Bevoulin Road and Benvoulin Court. We retained Trevor Ward, Ward Consulting Group to update the TIS his firm prepared in 2007. That work has now been completed with the latest draft submitted to the City April 17, 2008. Trevor Ward is confident that the latest draft addresses all comments made by City staff and the Ministry of Highways.

The second condition set by planning staff is a statement/plan as to our commitment to affordable housing as part of approval of our development. Our discussions with BC Housing and the Society of Hope are ongoing. Although we are confident agreement between the parties can be achieved we are unable to confirm a date at this time as the Society of Hope is still working on concept plans. It may take some period of time to work out all details. However, to give certainty we are prepared to immediately commit

\$1,271,595 payable to the City of Kelowna upon approval and issuance of all Building Permits, to be used for the development of affordable housing with the community. With this commitment as per the City Managers Report Dated February 25, 2008 to Council calculating the cash in lieu in accordance with the formula as proposed ($423,865 \text{ sq ft} \times 75\% \times \$40 \text{ per sq ft} = \$1,271,595$) we will have provided planning staff with what they hopefully require to allow our application to proceed to Council for consideration.

The formula derived from site and development calculations is as follows:

Site Area:	1.79 hectares 4.423 acres 192,668 sq ft
OCP Designation:	Medium Density RM5
RM 5 Zone:	1.1 FAR 1.3 FAR bonus with U/G parking $1.3 \times 192,668 \text{ sq ft}$ 250,466 sq ft
Proposed CD Zone:	2.2 FAR $2.2 \times 192,668 \text{ sq ft}$ 423,865 sq ft
Proposed increase over RM5:	$423,865 \text{ sq ft} - 250,466 \text{ sq ft} = 173,399 \text{ sq ft}$

Given completion of the TIS and our commitment making a significant contribution to affordable housing, we believe we have met all conditions to have our development application processed to Council for consideration.

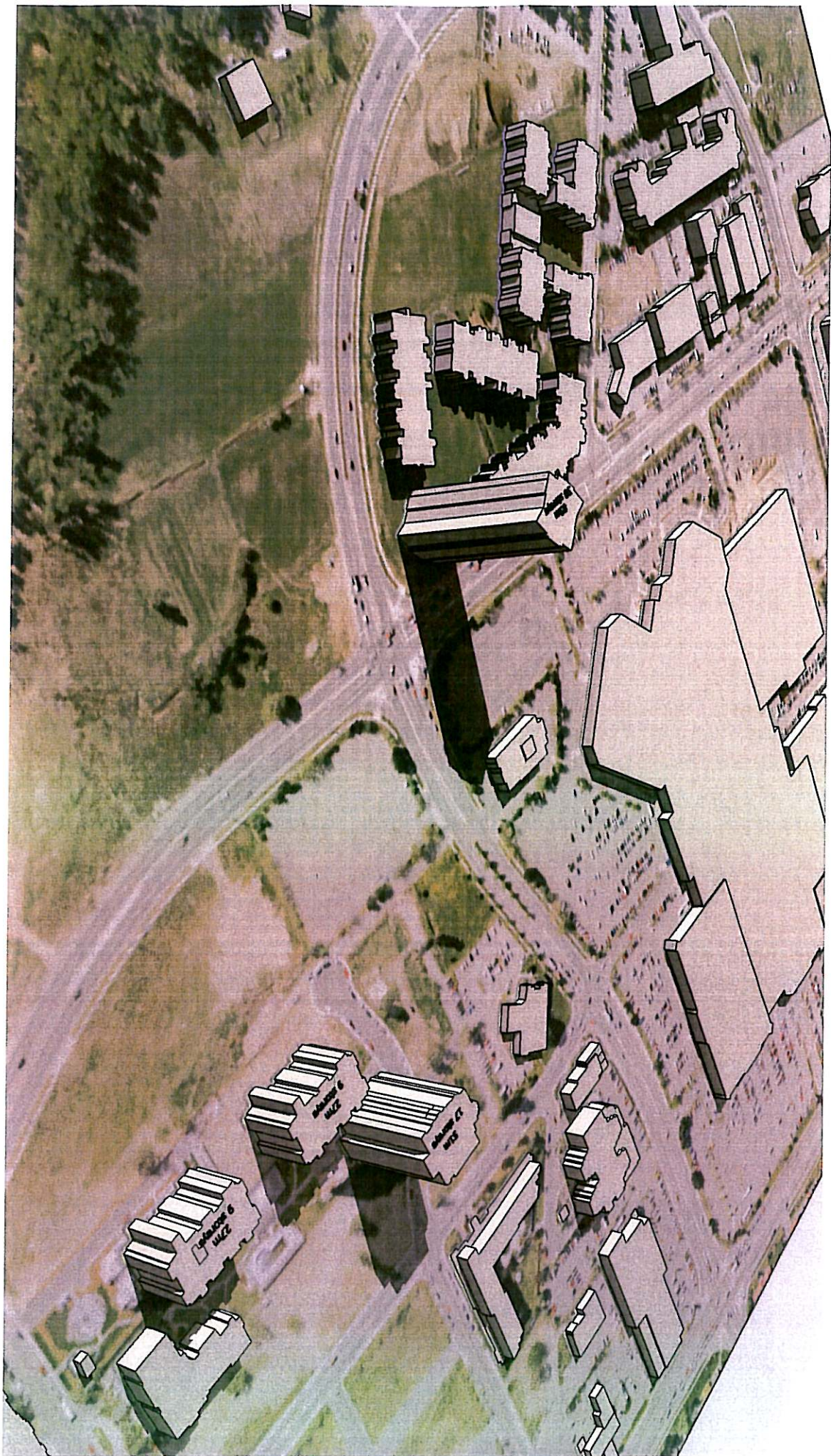
We look forward to confirmation of our Public Hearing date this spring. Should you have any questions or wish to discuss our proposal in further detail please do not hesitate to contact the undersigned.

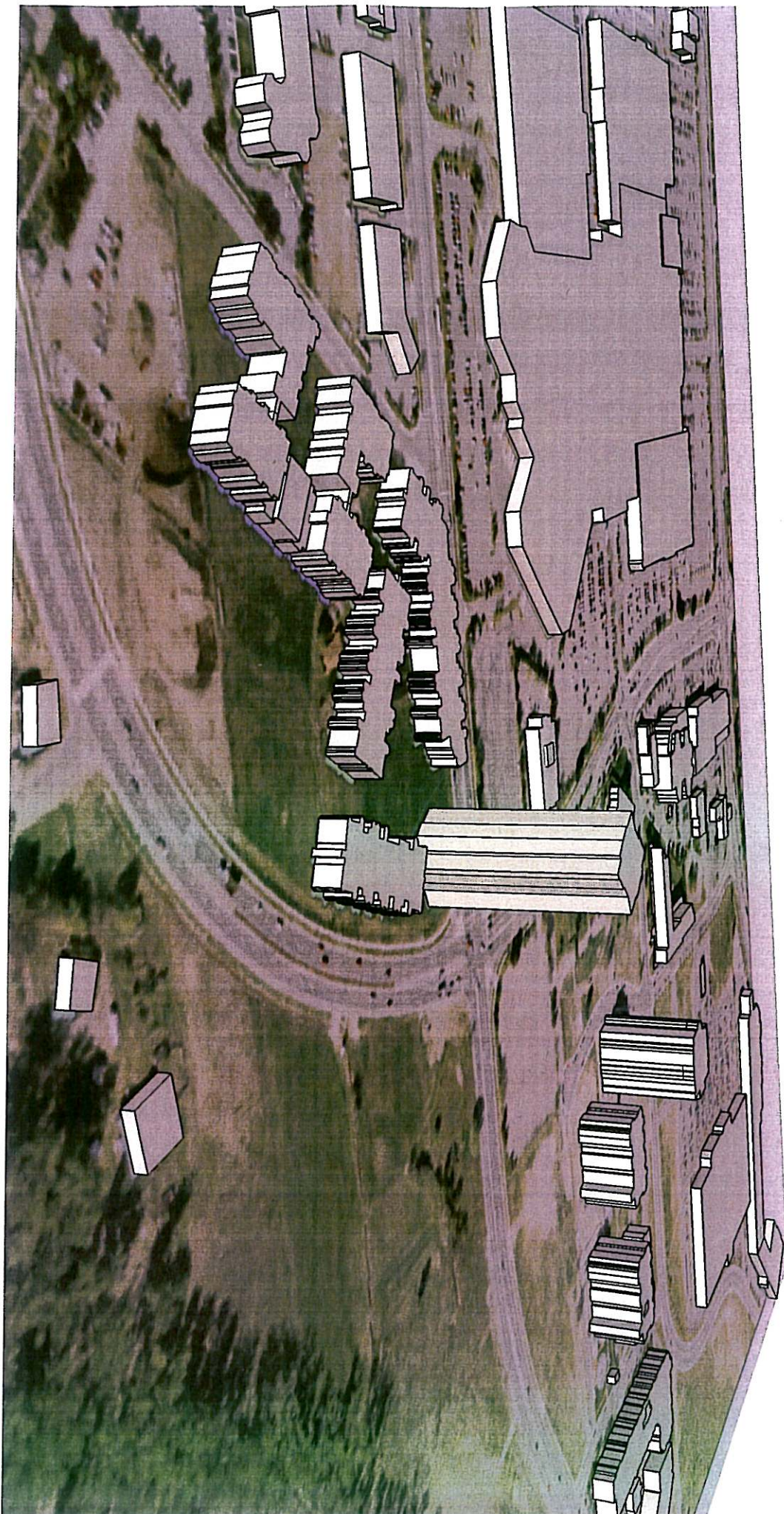
Your consideration of our proposal is greatly appreciated and we shall keep you up to date with our progress with BC Housing and the Society of Hope.

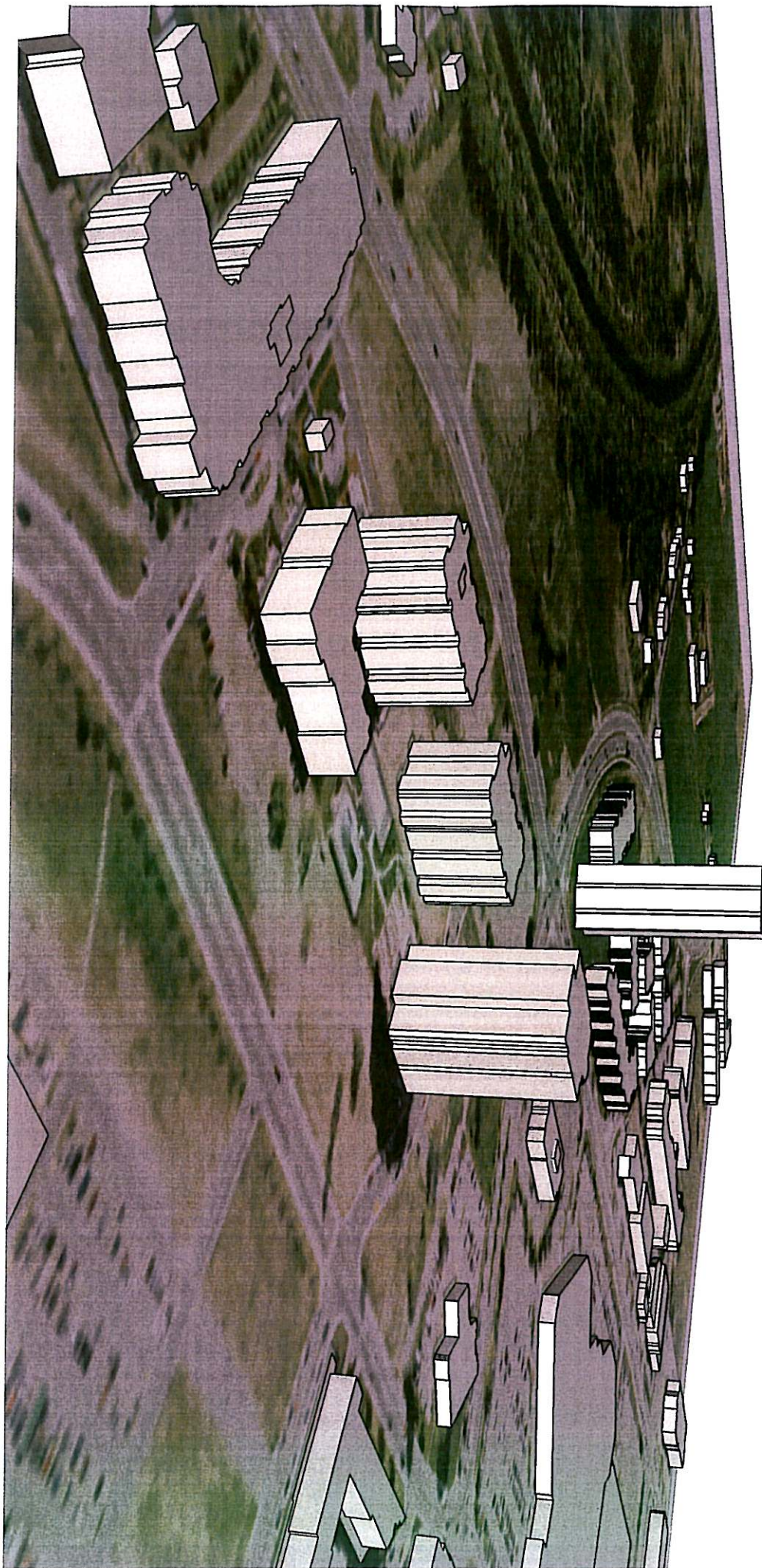
Yours truly,



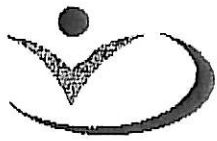
Ward McAllister, President and CEO
Ledingham McAllister Communities Ltd.











Interior Health

February 1, 2008

Planning and Development Services
City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Attention: Nelson Wright

RE: Rezoning Application No. Z07-0106/OCP07-0036- 2241 Springfield Rd

Dear Mr Wright,

Thank you for the opportunity to comment on the above development proposal from a healthy community's perspective.

This proposal's location at the intersection of Springfield Road and Benvoulin Road is of concern regarding air pollution and the associated health effects of exposure to air pollutants. Research has shown that people living by busy roadways have a higher risk of developing chronic respiratory diseases such as asthma, emphysema, bronchitis, pneumonia and heart disease. Children's' ability to learn has also been associated with increased exposure to air pollution.

The Ministry of Environment's Environmental Best Management Practises for Urban and Rural Land Development in British Columbia: Air Quality BMP's and Supporting Information 2006 document outlines recommendations for setbacks from busy roads for the following buildings:

- buildings where people spend large amounts of time – seven to eight hours per day; and
- buildings that primarily house vulnerable populations (infants, pregnant woman, the elderly and those who are ill)

The Ministry of Environments recommended setback is 150 metres from busy road for buildings such as schools, hospitals, long-term care facilities and residences.

Busy roads are those defined by the Ministry of Environment as a road with greater than 15,000 vehicles/day based on annual average traffic counts.

The most recent traffic count (2006) for that intersection of Springfield Road and Benvoulin Road is:

- Springfield Road -36,588 vehicles/day
- Benvoulin Road – 27,068 vehicles/day

The World Health Organization- Health effects of transport-related air pollution (2005) report summarized various pollutants' decrease in the first 150 metres away from a road. The report included decreases for the following pollutants:

- black smoke- decreased 80-85%
- NO2 concentration – decreased 30 – 70%
- particle number concentration – decreased 50%

Three of the four buildings proposed are within 150 metre of either road. The exceptions are a portion of the 4 story building fronting onto Benvoulin Court and the four stories building on the south side of the property.

It is assumed that the residential makeup of this 500 unit development proposal will include both families with children and the elderly. This same population will be exposed to air pollutants potentially for more than 7 – 8 hours/day. Clearly the higher vehicle count, the site location within 150 metres of a busy road, and the makeup of the proposed residents are outside the recommendations made by the Ministry of the Environment with the current design of this proposal.

Interior Health would recommend that the City of Kelowna Planning Department use the Ministry of Environment guidelines in evaluating this proposal.

If you have any question, please contact me at 868-7835.

Sincerely yours



Pam Moore
Health Protection
Interior Health Authority – OHSA
Kelowna Health Centre
2nd Floor, 1340 Ellis St. Kelowna, B.C V1Y

PM:pw



January 3, 2006

City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Attention: John Grant

Subject: Road Closure- Benvoulin Rd
Your file # 0913-20-086-001

Please be advised that Terasen Gas does have a gas line in the vicinity of the roadway to be closed. Attached is a sketch showing the location of our works. Based on the Road Closure sketch it is difficult to see if a R/W will be required. The City or the Applicant should prepare a plan showing the gas line location in relation to the new boundary to confirm the R/W requirements, if any. I can arrange to have the gas line located in the field for the plan preparation should this move forward. If the Gas line is within the area of closed road, we will require our works to be protected by a Right of Way.

Can you please co-ordinate the registering of the Right of Way with our Property Services department in Surrey at:

Terasen Gas Inc.
16705 Fraser Hwy
Surrey, BC V3S 2X7

Should you have any questions or concerns, please contact me at 250-868-4512.

Yours truly,

A handwritten signature in black ink, appearing to read "Ben Proskiw".

Ben Proskiw
Installation Coordinator

encl.

CITY OF KELOWNA
MEMORANDUM

Date: October 22, 2008 (revised)
File No.: Z07-0106
To: Planning and Development Officer (NW)
From: Development Engineering Manager (SM)
Subject: 2241 Springfield Road- Lot B, plan 85660

Works and Utilities has the following requirements associated with this development application to rezone the subject property from A1 to a Comprehensive Development zone.

1. Subdivision.

- a) Dedicate the necessary road widening along Springfield Road to accommodate the frontage upgrades identified in paragraph 6 a) Springfield Road
- b) Provide easements as may be required.
- c) Provide a 5.0 m. road reserve in addition to the road dedication along Springfield Road for a future third through lane. The 5.0 m. road reserve must be measured from the widest point of the right of way dedication identified above and run parallel with the centerline of Springfield road along the entire length of the subject property from Benvoulin court to Benvoulin Road. Corner roundings must be provided as well at each end of the road reserve.

2. Geotechnical Study

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:
- b) The Geotechnical report must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.
 - (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
 - (ii) Site suitability for development.
 - (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).

- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water, including effects upon adjoining lands.
- viii) Recommendations for items that should be included in a Restrictive Covenant.
- ix) Any items required in other sections of this document.
- x) Recommendations for roof drains and perimeter drains.

3. Domestic Water and Fire protection.

- a) The subject property is serviced by the Municipal water distribution system and a service has been installed at the property line. Any changes to the existing domestic water services to accommodate the proposed development will be at the developer's cost
- b) The applicant is to confirm with the City of Kelowna water division that the supply of domestic water and fire protection is achievable in accordance with the City standards for the proposed development.

4. Sanitary Sewer.

- a) The subject property is serviced by the Municipal wastewater collection system and a service has been installed at the property line. Any changes to the sanitary sewer service to accommodate the proposed development will be at the developer's cost.
- b) An application for inclusion in the Specified Area service boundary must be made and an administration levy of **\$250.00** is required to incorporate this development into Sewer service area # 1.

5. Drainage.

- a) The subject property is serviced by the Municipal storm drainage system and a service has been installed at the property line. Any changes to the storm sewer service to accommodate the proposed development will be at the developer's cost.

6. Road improvements.

a) Springfield Road.

Springfield Road is a major arterial road and a Traffic Impact Study has been submitted by the applicant in support of this application; it is anticipated that the road upgrades will consist of a 3.0m. left turn lane, 3.5m. through lane, 3.5m. through lane, 1.5 m.. bike lane, a 3.5m. interim right turn lane, 0.45m. barrier curb, 2.0m. landscaped boulevard complete with irrigation, grass & approved trees and a 1.5m. concrete sidewalk, relocation and/or removal of utilities as may be required. The estimated cost for this work for bonding purpose would be **\$110,000.00**, inclusive of a bonding contingency.

b) Benvoulin Court.

The applicant is responsible to upgrade Benvoulin Court along the frontage of the subject property to a paved urban collector standard (SS-R5). The construction consists of curb, gutter, sidewalk, fillet paving, street lights, pipe storm drainage system, boulevard landscaping, removal and/or relocation of utilities as may be required, etc. The estimated cost for this work, for bonding purpose, would be **\$42,800.00**, inclusive of a bonding contingency (power poles removal not included)

c) Benvoulin Road.

The applicant is responsible to replace the dropped portion of curbs with a barrier curb, construct a new driveway and complete the landscaping with irrigated grassed boulevard and approved trees. The estimated cost for this work, for bonding purpose, would be **\$28,000.00**, inclusive of a bonding contingency.

7. Power and Telecommunication services.

The property is located with the Urban Town Center therefore the existing overhead distribution system must be relocated underground. The services to and within this development are to be installed underground. It is the developer's responsibility to make an application to the respective utilities companies. The utility companies are then required to obtain the City's approval before commencing their works.

8. Street Lights

Street lights must be installed on all roads in accordance as per Bylaws requirements. Design drawings to include level of illumination plan.

9. Design and Construction.

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

10. Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings or reports and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

11. DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgrades are not identified in the current DCC schedules.


12. Bonding and Levies Summary.

a) Performance Bonding

Benvoulin Court frontage upgrade	\$ 42,800.00
Benvoulin Road frontage upgrade	\$ 28,000.00
Springfield Road upgrades	\$110,000.00
Total performance bonding	<u>\$180,800.00</u>

b) Levies

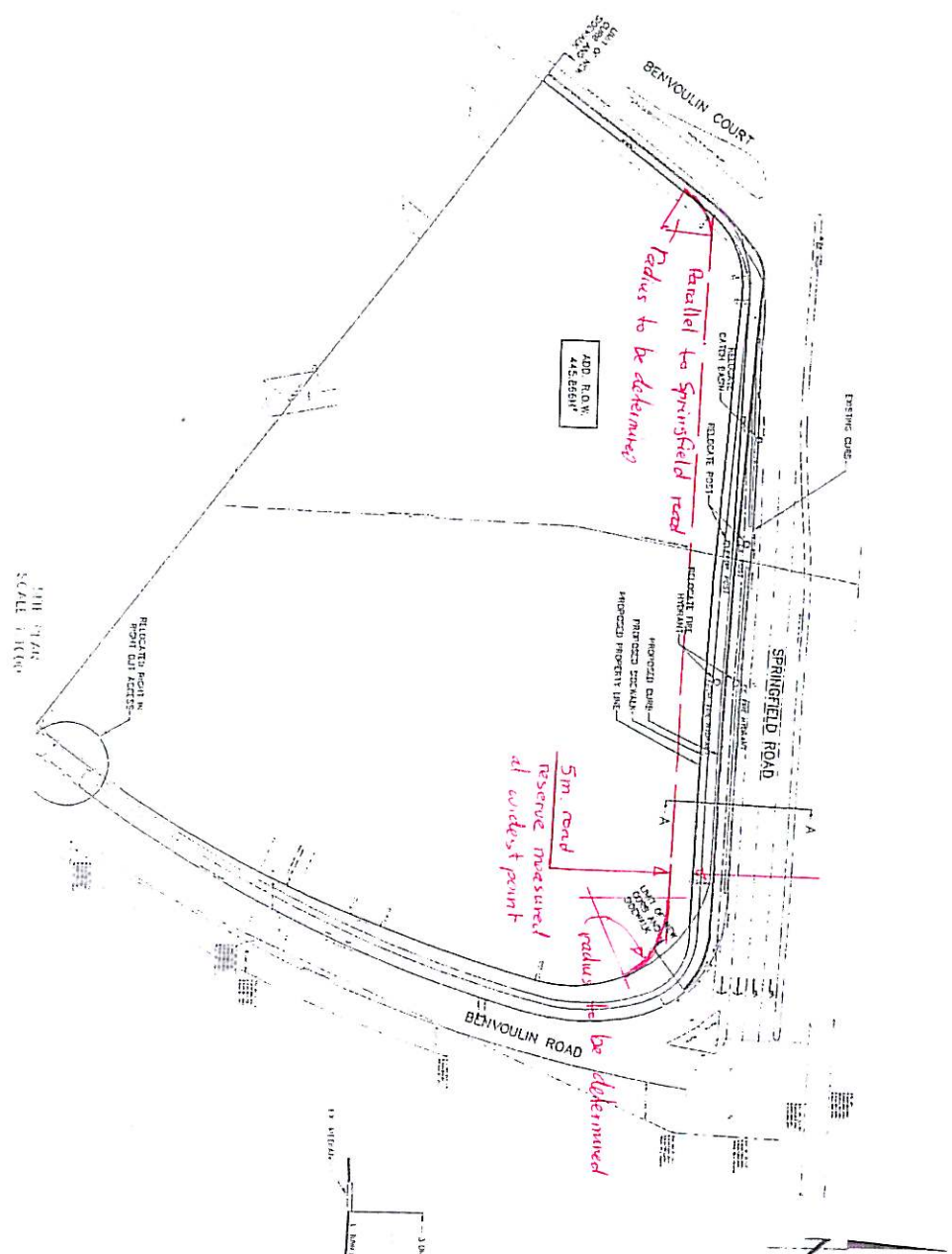
Specified Area inclusion fee	\$250.00
Contribution to Springfield road upgrades	To be determined



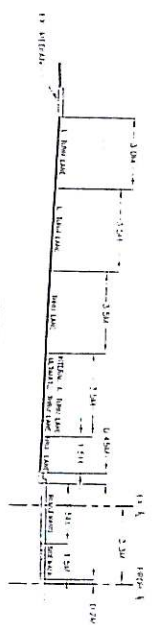
Steve Muenz, P. Eng.
Development Engineering Manager

BB

NOTE
 1. THE DESIGN IS BASED ON 0.75% MIN. ADVERSE
 2. THE DESIGN IS BASED ON 0.75% MIN. ADVERSE
 3. THE DESIGN IS BASED ON 0.75% MIN. ADVERSE



SECTION A-A
 SCALE 1:200



PROJECT: EGRESS
 PROJECT # 06035
 DRAWN BY: S. 200
 REV. 1
 SCALE: AS NOTED

CTQ
 Consulting Ltd

The PORTRAITS

Off Site Civil Costs



08034
14-Oct-08

SCHEDULE OF QUANTITIES

2.0 Roads (Offsite)							
1.1	Sub grade Preparation						
1.2	Asphalt (100mm)	sqm	700		\$1.25		\$875.00
1.3	Base Gravel (150mm)	sqm	388		\$322.00		\$80,336.00
1.4	Sub base Gravel (300mm)	sqm	388		\$14.00		\$5,432.00
1.5	Barrier Curb (includes sub-grade prep and base gravels)	sqm	388		\$12.00		\$4,656.00
1.6	Sidewalk - 1.5m Wide	m	220		\$75.00		\$16,500.00
1.7	Commercial Laidowns	lm	215		\$75.00		\$16,125.00
1.8	Saw cut Existing Asphalt	lm	9		\$100.00		\$900.00
1.9	Asphalt removal (Offsite)	lm	9		\$10.00		\$90.00
1.10	Remove existing curb/sidewalk and dispose offsite	sqm	37		\$6.00		\$222.00
1.11	Remove existing commercial hellowdown on Loseth and dispose off site. (includes boulevard restoration)	ls	1		\$10,000.00		\$10,000.00
1.12	Boulevard - 2.5m Wide	ls	1		\$2,500.00		\$2,500.00
	Sub Total	lm	163		\$50.00		\$8,150.00
2.0	Water (Offsite)						\$73,986.00
2.1	Relocate Existing Hydrant (includes 250x250x150 Tee and lead)	ls	1		\$2,000.00		\$2,000.00
	Sub Total						\$2,000.00
3.0	Storm Sewer (Offsite)						\$2,000.00
3.1	Remove & Relocate Existing Catch Basin c/w Leaf	ls	1		\$2,000.00		\$2,000.00
	Sub Total						\$2,000.00
	Sub-Total						\$2,000.00
	Engineering (10%)						\$77,986.00
	Contingency (10%)						\$7,798.60
	Sub Total						\$7,798.60
	GST (5%)						\$93,583.20
	Total						\$4,679.16
							\$98,262.36

78,000
x 140%
110,000 -
10,000