

# City of Kelowna Public Hearing AGENDA



Wednesday, October 22, 2014  
6:00 pm  
Council Chamber  
City Hall, 1435 Water Street

Pages

## 1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030 - Official Community Plan* Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after October 7, 2014 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

## 2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

## 3. Individual Bylaw Submissions

- 3.1 Bylaw No. 10998 (TA14-0003) and Bylaw No. 11016 (Z12-0056) - 1755 Capri Street, 1835 Gordon Drive and 1171 Harvey Avenue, RG Properties Ltd. 5 - 60

To consider a Text Amendment to add the proposed CD25 - Capri Centre Comprehensive Development zone to Zoning Bylaw No. 8000 and to rezone the subject properties to the newly created CD25 - Capri Centre Comprehensive Development zone in order to accommodate the development of a large scale, mixed-used development project.

- 3.2 Bylaw No. 11017 (OCP14-0022) and Bylaw No. 11018 (Z14-0047) - 984 DeHart Road, Sherwood Mission Developments & Dr. Alexander Rezansoff 61 - 141

The applicant is proposing to rezone a portion of the land from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing and RU2 - Medium Lot Housing zones to facilitate a future 110 lot residential subdivision. The proposal also requires an OCP amendment to extend the Single/Two Unit Residential future land use designation north into the area designated for Multi-Unit Residential - Low Density.

- 3.3 Bylaw No. 11019 (Z14-0029) - 801 Francis Avenue, D Squared Enterprises Inc. 142 - 150

To rezone the subject property from the RU6 - Two Dwelling Housing zone to the RU2 - Medium Lot Housing zone in order to allow for a two (2) lot subdivision.

- 3.4 Bylaw No. 11020 (Z14-0026) - 1280 Glenmore Road, 561655 BC Ltd. 151 - 172

To rezone the subject property from the RU1 - Large Lot Housing zone to the RM2 - Low Density

Row Housing zone in order to develop a freehold five (5) unit townhouse and a freehold four (4) unit townhouse.

3.5 Bylaw No. 11021 (Z14-0035) - 2271 Harvey Avenue, Orchard Park Shopping Centre Holdings Ltd.

173 - 178

To consider a proposal to rezone a portion of the subject property to allow for licensed manufacturers of liquor to sell products and offer samples at the Kelowna Farmers' and Crafters' Market.

4. Termination

5. Procedure on each Bylaw Submission

(a) Brief description of the application by City Staff (Land Use Management);

(b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes

maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

# REPORT TO COUNCIL



**Date:** 10/21/2014  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Urban Planning Department (AW)  
**Application:** TA14-0004 / Z12-0056      **Owner:** RG Properties Ltd.  
**Address:** 1755 Capri St, 1835 Gordon Dr & 1171 Harvey Avenue      **Applicant:** Dialog  
**Subject:** Text Amendment / Rezoning Applications  
**Existing OCP Designation:** Commercial & Mixed Use (Commercial / Residential)  
**Existing Zones:** C4LP, C4LR & C4 - Urban Centre Commercial  
**Proposed Zone:** CD25 - Capri Centre Comprehensive Development Zone

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## 1.0 Recommendation

THAT Text Amendment No. TA14-0004 to add the proposed CD25 - Capri Centre Comprehensive Development zone to Zoning Bylaw No. 8000 as outlined in Schedule "A" of the Report of the Urban Planning Department dated October 21<sup>st</sup>, 2014 be considered by Council;

AND THAT Rezoning Application No. Z12-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, D.L. 137, ODYD, Plan KAP64836, located at 1835 Gordon Drive; Lot B, D.L. 137, ODYD, Plan KAP64836, located at 1171 Harvey Avenue, Lot C, D.L. 137, ODYD, Plan KAP64836, located at 1755 Capri Street Kelowna B.C. from C4 - Urban Centre Commercial, C4rls - Urban Centre Commercial (Retail Liquor Sales) and C4lp - Urban Centre Commercial (Liquor Primary) to CD25 Capri Comprehensive Development Zone be considered by Council;

AND THAT the Text Amendment Bylaw and the Zone Amendment Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Bylaw No. 10999 being Amendment No. 22 to Sign Bylaw No. 8235 be forwarded for reading consideration

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit for the design guidelines on the subject properties;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of Fortis BC Electric being completed to their satisfaction;

## 2.0 Purpose

To consider a Text Amendment to add the proposed CD25 - Capri Centre Comprehensive Development zone to Zoning Bylaw No. 8000. Accordingly, the applicant is proposing that the subject properties be rezoned to the newly created CD25 zone in order to accommodate the development of a large scale, mixed-use development project. An overarching Form and Character Development Permit for the entire site will be forwarded to Council at a later date.

## 3.0 Urban Planning

The applicant has advanced a comprehensively planned development for the 'Capri Mall' properties. There are a number of elements that will benefit this Urban Centre, while there are also a few components that do not fit within current City policy. The benefits of the project include the comprehensive planning of the subject properties, design guidelines ensuring consistency and quality, a range of housing options, maintaining the existing commercial areas at a minimum, a Transit Oriented Development, and a public park feature with a skating rink. The components that do not fit within the current policy and regulatory framework are related to the increased height and densities being requested by the applicant. On balance, Staff are supportive of the proposed development concept as it fulfils the Urban Centre objectives and creates a true Transit Oriented form of Development (TOD).

### Land Use

The proposed land uses are consistent with the C4 zone and fit within the Urban Centre location. This proposal includes significant hotel, apartment hotel and retail commercial uses in addition to the multiple family residential units. Staff worked with the applicant ensure that at a minimum an equal amount of commercial space is provided as exists today (approximately 18,581m<sup>2</sup>) to ensure that the Capri Urban Centre retains its vibrancy as an important commercial district. While ensuring that a significant commercial component is retained the applicant is also proposing apartment and ground oriented housing units on the south end of the site.

### Height

The main impact of the proposal is an overall increase in density and height over the balance of the site. The OCP supports structures up to 12 stories in height upon consideration of a comprehensive development plan. The development scheme results in a height transition from 6 storeys at Harvey Avenue stepping up to a maximum of 22 storeys adjacent to Sutherland Avenue at the south end of the site. The tallest building will be 26 storeys which is shown at the centre of the site. While height has persisted as the principle discussion item, the evolution of the development concept has successfully addressed the transition of height from north to south with the tallest structure in the core of the property. The proposed height is higher than anticipated but by allowing higher structures more publicly accessible open space can be created at grade.

### Density

Under the C4 zone the subject properties could be built out with an FAR of 2.35 with underground parking, at grade plaza space & green roofs. The proposal contemplates and FAR of 2.60 and is requesting a 0.25 FAR bonus. This equals approximately 19,788m<sup>2</sup> of additional developable floor area. In total, the applicant anticipates building approximately 179,817m<sup>2</sup>, with 22,297m<sup>2</sup> of commercial space and 157,520m<sup>2</sup> of residential space.

### Public Consultation

The applicant hosted a Public Information Meeting on November 13<sup>th</sup>, 2013 in accordance with *Council Policy #367 Public Notification & Consultation for Development Applications*.

### Transit & Transportation Details

The applicant worked with BC Transit and City Staff to secure land for the BRT station at Harvey Avenue. This will help the Capri become a transit oriented form of development with connections to the BRT network and the new Gordon Drive Rapid Bus network, which will have a Capri Mall stop with a pull out on Gordon Drive near Harvey Avenue. The subject properties also front onto the future Sutherland Avenue multi-modal corridor, the applicant will be dedicating land and building a portion of this future corridor from Gordon Drive to Burtch Road along their property frontage.

### Open Space

The entire road network will be maintained by the developer and they have committed to creating high quality pedestrian streetscapes throughout the project. They will be securing various types of open space during different phases of the project. In the end the applicant has committed to creating a pedestrian oriented connection between the Harvey Avenue BRT Station and the Gordon Drive Rapid bus stop. The main public open space (5,000m<sup>2</sup>) will be located in the core of the property and will include an outdoor skating rink which can be converted to other uses outside of winter. A pocket park is also planned for the corner of Gordon Drive & Sutherland Avenue. Public Access to these developments will be secured via Statutory Right of Way as they are built, as such the applicant will also be responsible for maintenance of these open spaces.

### Overarching Site Development Permit - Form & Character

The applicant has proposed underground parking for a significant portion of the development, while underground parking in Kelowna can be challenging the owner has indicated that the scale of the project will make it a feasible and an important component of the project from an urban design perspective. Design Guidelines have been created to provide assurance that the objectives and principles of the development will be incorporated, while allowing flexibility for viable and innovative development proposals. By adhering to this framework, the development team will create proposals that are consistent with the vision for the redevelopment of the 'Capri Mall' properties.

In summary, while the proposed height and form of density is a departure from the vision of OCP for this Urban Centre location, there are merits to the long-term comprehensive plan of this significant land assembly. The subject property is currently zoned C4 - Urban Centre Commercial and the City has always anticipated a comprehensive redevelopment of the Capri Mall properties. By providing a comprehensively planned development proposal there is vision for how the project will achieve full build-out in the future. Each street frontage is envisioned to become an animated and active streetscape, while the property will have a north to south height profile. The proposed housing mix will provide a variety of options for a wide demographic profile and the boutique hotel will continue to anchor the Urban Centre. Schematically, the applicant has proposed a total of 15 buildings ranging from 6 to 26 storeys in height. In exchange for the increase in both density and height, the applicant will provide a variety of publicly accessible open spaces throughout the project. With the landmark feature being an urban square that will be operated as an ice rink during winter months. Public access to these amenities will be secured through a Statutory Right of Way. The applicant has worked with Staff to reduce the negative impacts associated with the proposal and has created a development concept that will satisfy the overall Urban Centre objectives outlined in the OCP. As such, Staff are recommending positive consideration of the proposed comprehensive development.

## 4.0 Proposal

### 4.1 Project Description

The applicant has submitted the Official Community Plan amendment, Text Amendment, Rezoning, and Development Permit applications in order to move forward with the redevelopment of the Hiawatha properties, as follows:

#### *a) Text Amendment*

To add the proposed CD25 - Capri Centre Comprehensive Development zone to Zoning Bylaw No. 8000. The purpose of the CD25 zone is to formalize the comprehensively planned development that will contain a mix of residential and commercial uses.

#### *b) Zoning*

The applicant is proposing that the subject properties be rezoned from the existing C4 - Urban Centre Commercial, C4 - Urban Centre Commercial (Retail Liquor Sales) and C4 - Urban Centre Commercial (Liquor Primary) to CD25 Capri Centre Comprehensive Development zone in order to accommodate the phased development of the proposed mixed-use project.

#### *c) Development Permit*

An overarching Form and Character Development Permit will also be under consideration and will apply to the entire Capri development site. The objective of the broad DP is to provide certainty regarding the main objectives and principles of the development. By adhering to this framework, the development team will create proposals that are consistent with the vision for the comprehensively planned site. Separate Development Permits will be required for each stage of development to ensure that Staff and Council are satisfied with the final detail of each phase.

### **Project Overview**

Redevelopment of the Capri Mall presents a noteworthy opportunity to revitalize this important Urban Centre. The main objective of the project is to transform the suburban shopping centre into a vibrant and interesting hub of activity. To satisfy this objective the project proposes a distinctive neighbourhood with connected open space, considers pedestrians as a priority, provides street level retail and includes a diversity of housing and commercial space while maintaining the existing hotel. As noted in the applicant's attached rationale the main components of the project are as follows:

#### *Market Square*

Anchored by a food store and enhanced by street related retail on two sides. The square will be open to Gordon Drive, providing an attractive location for community events such as a farmer's market. It will be distinguished by quality pavers and pedestrian-scale lights. On non-event days, the square will provide ample surface parking for surrounding retail and other neighbourhood attractions.

#### *A Crescent on the Park*

A residential neighbourhood that includes street-oriented townhouses with front and rear-yards, city-homes, and apartments. This residential area is focused around the neighbourhood park along an elegant crescent shaped street, creating a memorable residential address as well as fostering a strong connection between residents and the community park.



### *A Community Park*

With both seasonal and year round events and activities for the public to enjoy. Opportunities include an informal summertime play space that becomes a community ice rink during the winter. The park is accented by a small retail building, which may become a cafe or restaurant.

### *An Urban Edge to Harvey Avenue*

The new Capri Centre envisions commercial / office buildings along Harvey Avenue, with six a storey massing contemplated. These buildings will create a strong street-wall condition along Harvey Avenue, helping to define Kelowna's main thoroughfare. The Capri Centre's other edges will also contribute to a higher quality public realm through a strong street relationship and a land-use plan that fits the local context. For example, mixed-use buildings along Gordon Drive will have a similar effect on the Gordon Drive streetscape. On Capri Street, residential uses will transition to the residential neighbourhood directly to the east of the centre.

### *A people friendly place*

The concept for the Capri Centre includes numerous pedestrian linkages and pedestrian / cyclist only pathways, helping to enhance the quality of public life for residents and visitors to this new village centre.

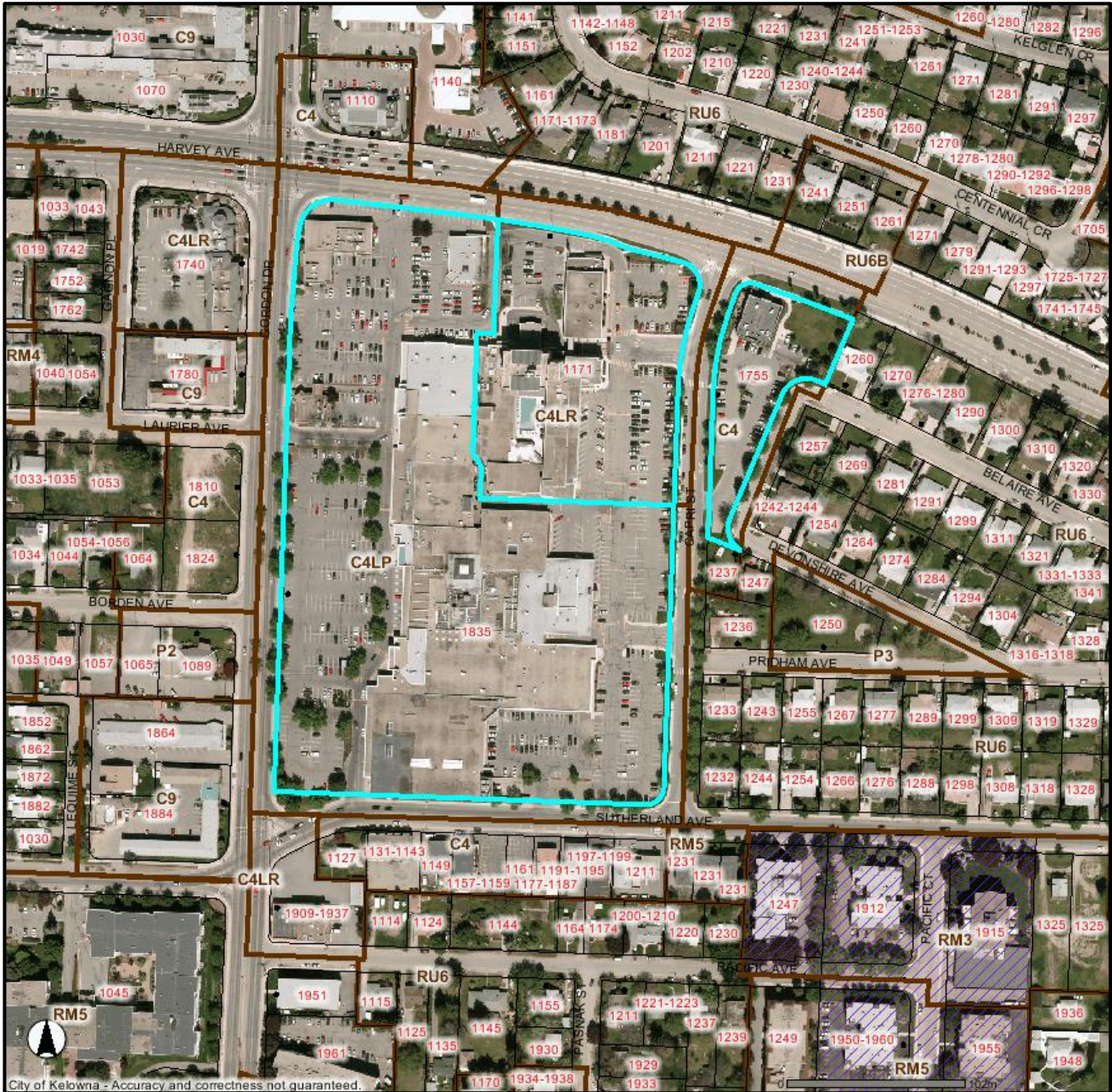
### *A mixed-use neighbourhood village centre*

Although new land-uses and community amenities are contemplated for the Capri Centre, commercial uses will remain an important component of the vision. In fact, this development includes the possibility of keeping the current hotel intact and, in a phased manner, redevelop the mall and other on-site commercial uses. Phasing the development will accommodate current tenants by allowing them to stay open during construction and move into their new locations as they are built, with minimal disruption to current business.

**Zoning Analysis Table**

<b>CRITERIA</b>	<b>CD25 ZONE</b>	<b>C4 Zone</b>	<b>C7 Zone</b>
<b>Development Regulations</b>			
Floor Area Ratio	2.60	2.35 (including bonuses)	9.0
Height	26 storeys / 82m - 1 landmark building Within 40m of Harvey - 6 storeys / 22m Beyond 40m of Harvey - 22 storeys / 70m	7 storeys / 25m	44m - Zoning Bylaw OCP allows up to 76.5m (26 storeys)
<b>Setbacks</b>			
Harvey Ave	4.5m	3.0m	3.0
Gordon within 40m of Hwy	0.0m	0.0m	0.0m
Gordon beyond 40m of Hwy	3.0m		
Gordon within 40m of Hwy	0.0m	0.0m	0.0m
Gordon beyond 40m of Hwy	3.0m		
Sutherland Avenue	3.0m	3.0m	0.0m
Portions above 6 storeys	6.0m	N/A	3.0m
<b>Tall Buildings</b>			
Building Separation	Above 12 storeys - 30.0m	N/A	30.0m
Max. Floor Pate	Above 12 storeys - 650m <sup>2</sup> Landmark bldg above 12 storeys - 692m <sup>2</sup>	N/A	676m <sup>2</sup>
<b>Other Regulations</b>			
Minimum Parking Required	1.0 per dwelling unit 1.75 per commercial space per 100m <sup>2</sup> 1.0 per hotel unit	1.0 per dwelling unit 1.75 per 100m <sup>2</sup> commer. 1.0 per hotel unit	1.0 per dwelling unit 1.3 per 100m <sup>2</sup> commer. 1.0 per hotel unit

4.2 Site Context



Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	N/A	Harvey Avenue (Hwy 97)
East	Ru6 - Two Dwelling Housing	Residential
South	C4 - Urban Centre Commercial	Commercial
West	C4, C9, P2	Various

## 5.0 Current Development Policies

Staff recommends that the applicant's November 13<sup>th</sup>, 2013 Public Information Meeting 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 is not required in this case.

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

### 5.1 Kelowna Official Community Plan (OCP)

#### 5.1.1 Development Process (Chapter 5) - Considerations in Reviewing Development Applications

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Ground-Oriented Housing.**<sup>2</sup> Encourage all multi-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms to provide a family housing choice within multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.'

#### **Ensure appropriate and context sensitive built form (Objective 5.5)**

**Building Height (Policy .1).** Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storey's at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.

**Capri/Landmark:** Generally 4 storeys. Greater height (up to 12 storeys) may be supported on the Capri Shopping Centre site and in the area bordered by Dickson Avenue, Dayton Avenue, Springfield Road and Kirschner Road upon approval of a Council endorsed comprehensive development plan for the site that provides for a variety of housing types (including but not limited to ground-oriented and rental apartment housing) and the provision of commercial space that is of an amount that, at minimum, equals that which existed in 2010.

#### **Objective 5.8 Achieve high quality urban design.**

**Streetscaping (Policy 2).** Urban Centre roads should be considered as part of the public space and streetscaped with full amenities (i.e. sidewalks, trees and other planting, furniture, bike facilities, boulevards, etc.).

**Ensure opportunities are available for greater use of active transportation and transit to: improve community health; reduce greenhouse gas emissions; and increase resilience in the face of higher energy prices (Objective 5.10)**

**Maximize Pedestrian / Cycling Connectivity.** Require that pedestrian and cyclist movement and infrastructure be addressed in the review and approval of all City and private sector

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter).

developments, including provision of sidewalks and trails and recognition of frequently used connections and informal pedestrian routes.

**Transit Infrastructure.** Require that transit service needs to be integrated into community designs and development proposals to optimize access to transit service and incorporate essential infrastructure on transit routes identified.

**Active Transportation Networks.** As redevelopment occurs within and around Urban Centres, seek public pathways that would complement linear parks, multi-use trails, parks, plazas, greenways or sidewalks to form continuous pedestrian and bicycle networks and/or connections between centres where possible.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. These concept buildings may be designed to low, which may affect the form and character of the site.

### 6.2 Development Engineering Department

See Attached.

### 6.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 150ltr/sec flow. Access to all commercial premises is not available through the required access roads. A 3-15m access to all major buildings is required as per the BC Building Code. Additional comments will be required at the building permit application.

### 6.4 Fortis BC (Gas)

FortisBC operates and maintains several gas mains and one gas header on the subject land that will be in the way of the new building. We have existing Rights of Way in place (plans KAP52247, KAP52248 and KAP64840) that the developer can plan around or FortisBC can relocate the highlighted sections of main as necessary at their cost.

### 6.5 Fortis BC (Electric)

FortisBC (electric) reviewed the attached referral and based on the information received, the developer would be subject to all the terms and conditions outlined in the Fortis Tariff for service connection and likely given the size of the development, be responsible for some cost of upgrading the electrical distribution system for extra capacity to serve the proposed needs. Upon application for power, a Fortis designer would work with the developer to determine electrical requirements and then determine what, if any, further upgrades are needed. Any changes to this application which will require further review and comment by Fortis. At present, Fortis has identified one location we presently provide service to at the northwesterly corner of the property (DeDutch restaurant) where Fortis have underground and transformer facilities which require SRW protection. (See facilities highlighted in attachments). Also noted in attachment, Fortis has recently installed new electrical facilities at the south end of these properties adjacent to Sutherland

Avenue which we have been working with Capri Mall Manager Gavin Parry and RG Properties lawyer D. McIntyre to secure SRW at this location and will require closure of this for protection of these facilities,

Prior to final approval of this application, the applicants must contact FortisBC at 1-866-436-7847 and quote their file Z12-0056, OCP12-0011, to initiate all necessary arrangements for electrical service requirements with this proposal. It is the developer's responsibility to ensure that all of FortisBC's requirements including construction fees and any SRWs that may be required for this proposal, have been addressed prior to receiving final approval.

## 7.0 Application Chronology

Date of Application Received: July 25<sup>th</sup>, 2012  
Public Information Meeting: November 13<sup>th</sup>, 2013  
TIA Endorsed by MoT: September 19<sup>th</sup>, 2014

### Report prepared by:

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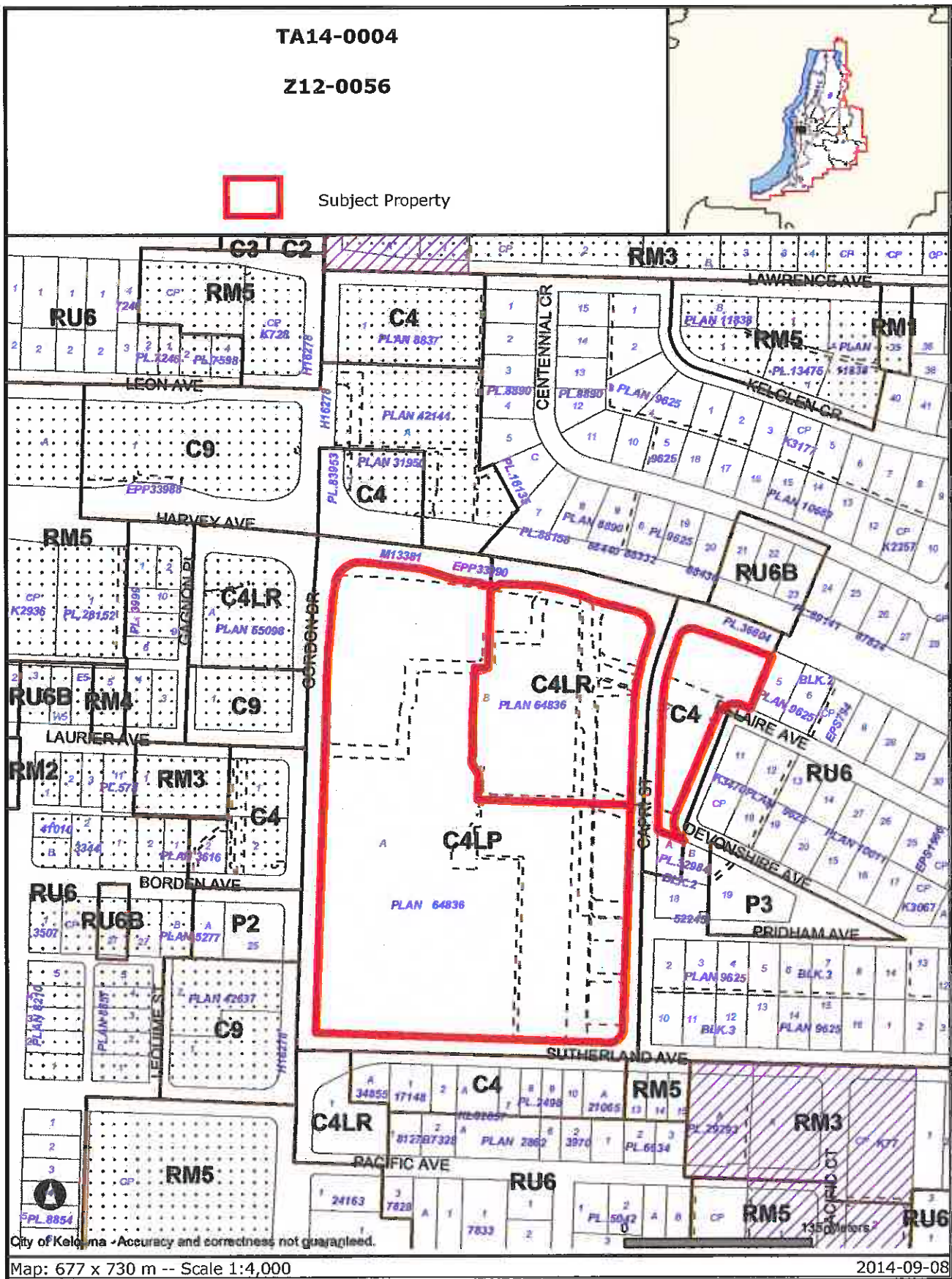
Alec Warrender

Reviewed by:  Ryan Smith, Manager, Urban Planning Manager

Approved Inclusion:  D. Gilchrist, Community Planning & Real Estate Divisional Director

### Attachments:

Schedule 'A'  
Subject Property Map  
Project Rationale  
Proposed CD25 Zone  
Design Guidelines  
Public Information Meeting Summary  
Development Engineering Requirements



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.

Schedule "A" - Text Amendment No. TA14-0003 - Proposed Text Amendments

Zoning Bylaw No. 8000		Zoning Bylaw No. 8235		
No.	Section	Existing Text	Proposed Text	
1	Section 1 - General Administration Section 1.3.1	Section 17 - Comprehensive Development Zones	Section 17 - Comprehensive Development Zones	
		CD1	Comprehensive Development One	
		CD2	Kettle Valley Comprehensive Residential Development	Kettle Valley Comprehensive Residential Development
		CD3	Comprehensive Development Three	Comprehensive Development Three
		CD4	Comprehensive Small Lot Residential	Comprehensive Small Lot Residential
		CD5	Multi-Purpose Facility	Multi-Purpose Facility
		CD5lp	Multi-Purpose Facility (Liquor Primary)	Multi-Purpose Facility (Liquor Primary)
		CD6	Comprehensive Residential Golf Resort	Comprehensive Residential Golf Resort
		CD6lp	Comprehensive Residential Golf Resort (Liquor Primary)	Comprehensive Residential Golf Resort (Liquor Primary)
		CD8	Heritage Industrial	Heritage Industrial
		CD8/lp/rls	Heritage Industrial (Liquor Primary/Retail Liquor Sales)	Heritage Industrial (Liquor Primary/Retail Liquor Sales)
		CD9	Heritage Commercial	Heritage Commercial
		CD10	Heritage Cultural	Heritage Cultural
		CD12	Airport	Airport
		CD12lp/rls	Airport (Liquor Primary/Retail Liquor Sales)	Airport (Liquor Primary/Retail Liquor Sales)
		CD14	Comprehensive High Tech Business Campus	Comprehensive High Tech Business Campus
		CD15	Airport Business Park	Airport Business Park
		CD16	Bingo and Gaming	Bingo and Gaming
		CD17	Mixed Use Commercial - High Density	Mixed Use Commercial - High Density
		CD18	Vintage Landing Comprehensive Resort Development	Vintage Landing Comprehensive Resort Development
		CD20	Comprehensive University Development	Comprehensive University Development
		CD21	(Intentionally Blank)	(Intentionally Blank)
		CD22	Central Green Comprehensive Development	Central Green Comprehensive Development
		CD23	(Intentionally Blank)	(Intentionally Blank)
		CD24	Comprehensive Development Zone 24	Comprehensive Development Zone 24
CD25	Capri Centre Comprehensive Development Zone	Capri Centre Comprehensive Development Zone		
2	Table 7.1 Minimum Landscape Buffer Treatment Schedule	Commercial Zones	Commercial Zones	
		C1, C2, C3, C4, C5, C6, C7, C8, C9, C2rls, C3lp, C3rls, C3lp/rls, C4lp, C4rls, C4lp/rls, C6lp, C6rls, C6lp/rls, C7lp, C7rls, C7lp/rls, C8lp, C9lp, C9rls, C9lp/rls, C10, C10lp, C10rls, C10lp/rls, CD22 Sub-Areas A&B, CD24 Sub Area A	C1, C2, C3, C4, C5, C6, C7, C8, C9, C2rls, C3lp, C3rls, C3lp/rls, C4lp, C4rls, C4lp/rls, C6lp, C6rls, C6lp/rls, C7lp, C7rls, C7lp/rls, C8lp, C9lp, C9rls, C9lp/rls, C10, C10lp, C10rls, C10lp/rls, CD22 Sub-Areas A&B, CD24 Sub Area A, CD25	
Sign Bylaw No. 8235				
No.	Section	Existing Text	Proposed Text	
1	Section 6.1	Major Commercial (C3, C4, C6, C7, C8, CD22 Sub-Areas A&B and CD24 Sub Area A)*	Major Commercial (C3, C4, C6, C7, C8, CD22 Sub-Areas A&B and CD24 Sub Area A, CD25)*	

September 12, 2014

**DIALOG**

Mayor and Council  
(care of Alec Warrender, Urban Planning)  
City of Kelowna  
1435 Water Street  
Kelowna, BC V1Y 1J4

Dear Alec,

On behalf of RG Properties, we are pleased to have developed and submitted the Capri Centre Rezoning Application. This application represents years of effort and reflects input from our team of architects, urban planners, transportation planners, landscape architects, geotechnical engineers, property development specialists, the Kelowna community, the Ministry of Transportation and Infrastructure, BC Transit, and Kelowna City staff. Broadly consistent with Kelowna's OCP, this proposal for a vibrant, mixed-use community is located in one of Kelowna's designated Urban Centre Areas and along Kelowna's major transit corridor. The project will positively contribute to Kelowna by offering a vibrant and exciting new mixed-use village centre.

The application seeks to create zoning which will allow for the re-envisioning of the suburban style mall and hotel into a vibrant and interesting hub of activity. To meet this objective, the development will create a distinctive neighbourhood with connected open space, consider pedestrians as a priority, provide street related retail, and include a diversity of housing typologies while possibly maintaining the existing hotel function currently on-site.

The Capri Centre concept plan was developed through the following guiding principles:

1. A Distinctive Neighbourhood;
2. Connected Open Space;
3. Pedestrian Priority;
4. Street Related Retail;
5. A Diversity Of Housing Types;
6. Memorable Place Making;
7. Seasonal Excitement;
8. Year-Round Activities;
9. A Phased Development;
10. A Sustainable Place.

Highlights of the concept include:

- **A MARKET SQUARE:** anchored by a food store and enhanced by street related retail on two sides. The square will be open to Gordon Drive, providing an attractive location for community events such as a farmer's market. It will be distinguished by quality pavers and pedestrian-scale lights. On non-event days, the square will provide ample surface parking for surrounding retail and other neighbourhood attractions.
- **A CRESCENT ON THE PARK:** a residential neighbourhood that includes street-oriented townhouses with front and rear-yards, city-homes, and apartments. This residential area is focused around the neighbourhood park along an elegant crescent shaped street, creating a memorable residential address as well as fostering a strong connection between residents and the community park.
- **A COMMUNITY PARK:** with both seasonal and year round events and activities for the public to enjoy. Opportunities include an informal summertime play space that becomes a community ice rink during the winter. The park is accented by a small retail building, which may become a cafe or restaurant.
- **AN URBAN EDGE TO HARVEY AVENUE:** the new Capri Centre envisions mixed-use buildings along Harvey Avenue, with lower level retail or office uses and residential uses above. These buildings will create a strong street-wall condition along Harvey Avenue, helping to define Kelowna's main thoroughfare. The Capri Centre's other edges will also contribute to a higher quality public realm through a strong street relationship and a land-use plan that fits the local context. For example, mixed-use buildings along Gordon Drive will have a similar effect on the Gordon Drive streetscape. On Capri Street, residential uses will compliment the residential neighbourhood directly to the east of the centre.
- **A PEOPLE FRIENDLY PLACE:** the concept for the Capri Centre includes numerous pedestrian linkages and pedestrian / cyclist only pathways, helping to enhance the quality of public life for resident's and visitors to this new village centre.



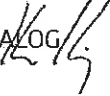
- **A MIXED-USE NEIGHBOURHOOD VILLAGE CENTRE:** Although new land-uses and community amenities are proposed for the Capri Centre, commercial uses will remain an important component of the vision. In fact, this development includes the possibility of keeping the current hotel intact and, in a phased manner, redevelop the mall and other on-site commercial uses. Phasing the development will accommodate current tenants by allowing them to stay open during construction and move into their new locations as they are built, with minimal disruption to current business.

For references, we have attached to this letter a series of graphics and diagrams to help illustrate the application. These include:

1. "The Capri Centre in Context" which illustrates the site location within the context of the City of Kelowna, the OCP, and the Bus Rapid Transit corridor along Harvey Avenue.
2. The Capri Centre Vision
3. Circulation
4. Renderings / Overview of Community Benefits.

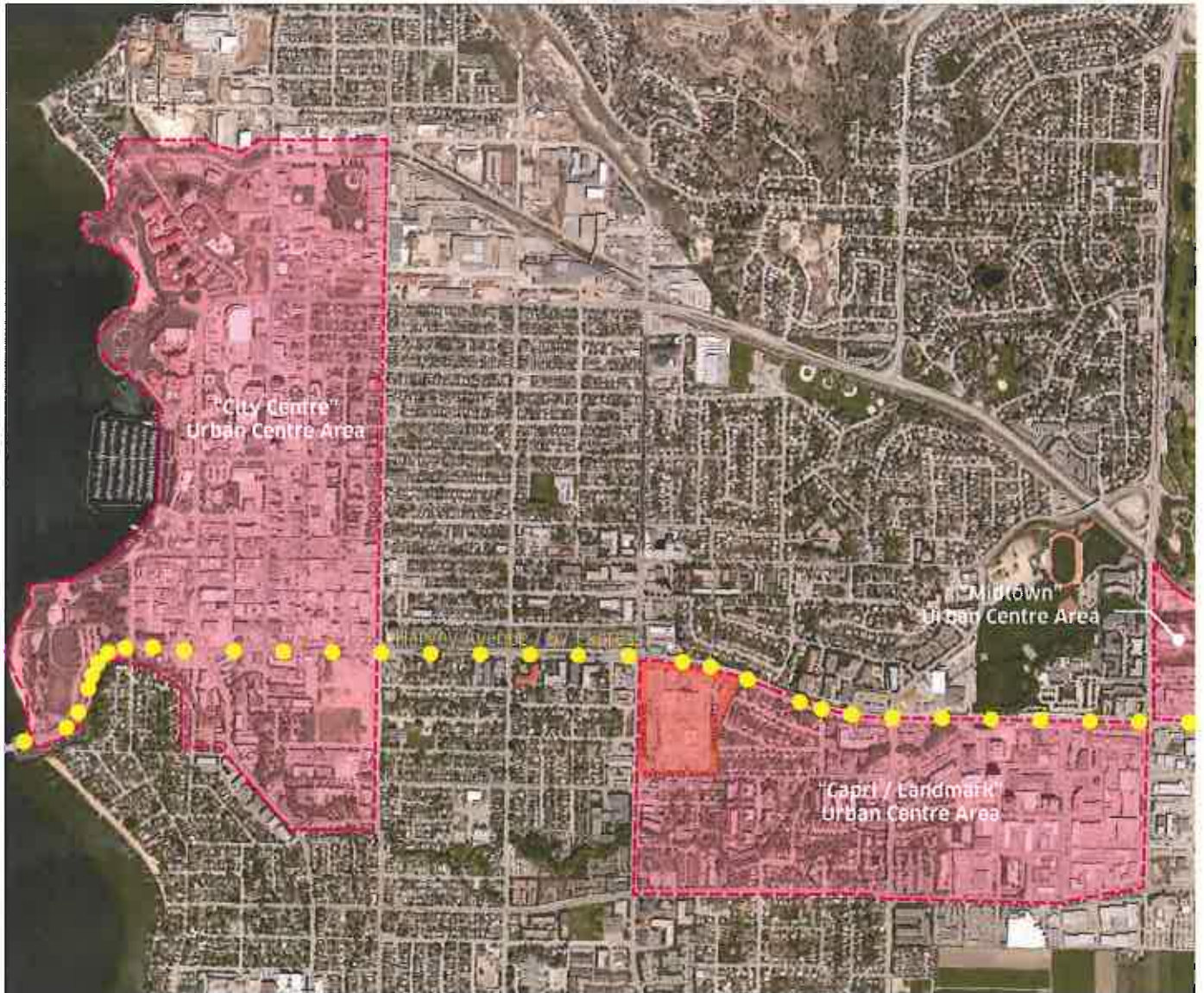
We would be pleased to further articulate the Capri Centre Vision and answer any questions you may have regarding the proposal.

Yours truly,

DIALOG  


Kevin King  
Urban Planner

Attachment 1: The Capri Centre in Context



The Capri Centre is located in an area described as the "Capri Centre / Landmark Urban Centre Area" in Kelowna's OCP along Kelowna's major transit route (shown in yellow dots).

Attachment 2: The Capri Centre Vision



### Attachment 3: Circulation



A key tenet of the proposed redevelopment is to include a variety of pedestrian access points and circulation routes in addition to generous sidewalks provided along vehicular streets. The plan above outlines these paths, linkages, and passages within the site relative to the illustrative concept plan. The actual linkages and their locations may ultimately vary, but conceptually illustrate the intention of developing a strong and accessible pedestrian/ cyclist network with a high level of connectivity to the surrounding neighbourhood.

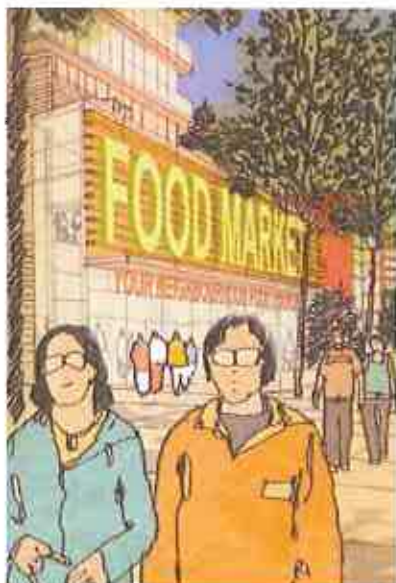
Attachment 4: Renderings / Overview of Community Benefits



An outdoor community ice rink that is convertible to other uses outside of winter will enhance community life in and around the Capri Centre neighbourhood.



Linkages and pathways ensure that the site is permeable for pedestrians and cyclists and connects well with the surrounding community.



A mix-of-uses contribute to the vibrancy and sustainability of this neighbourhood village centre. Additionally, a development model with sufficient density and variety of uses enable enhanced transit service and minimize the need for daily trips outside of the neighbourhood.

**Capri Centre Zoning Bylaw**  
**August 1, 2014**

**1.1 Purpose**

The purpose is to provide the framework for the existing uses and for the redevelopment and use of the Capri Centre in stages, over time, with a mixture of commercial and residential uses that serve more than one neighbourhood.

**1.2 Capri Centre Lands**

The Capri Centre Lands consist of 3 legal lots as shown in Figure 1.2. Character-area designations indicated in Annexure "1" are for the purpose of the application of guidelines only. The application of the zoning regulations applies for all areas within the Capri Centre Lands irrespective of character area.



**Figure 1.2: Capri Centre Lands**

### 1.3 Design Guidelines

The CD 25 - Capri Comprehensive Development 25 Zone has been designated as a Development Permit Area by "Kelowna 2030 - Official Community Plan Bylaw No. 10500" for the purpose of guiding the form and character of development. The guidelines applicable to the CD 25 - Capri Comprehensive Development 25 Zone are annexed to this Bylaw as Annexure "1" and entitled "CD 25 Development Area Guidelines."

### 1.4 Principal Uses

Principal uses in this zone are:

- (a) amusement arcades, major
- (b) animal clinics, minor
- (c) apartment hotels
- (d) apartment housing
- (e) boarding or lodging houses
- (f) business support services
- (g) care centres, major
- (h) Child Care
- (i) commercial schools
- (j) commercial use
- (k) congregate housing
- (l) emergency and protective services
- (m) financial services
- (n) food primary establishment
- (o) gas bars
- (p) government services
- (q) group homes, major
- (r) health services
- (s) hotels
- (t) insurance services
- (u) liquor primary establishment, major
- (v) liquor primary establishment, minor
- (w) non-accessory parking
- (x) offices
- (y) participant recreation services, indoor
- (z) personal service establishments
- (aa) private clubs
- (bb) public education services
- (cc) public libraries and cultural exhibits
- (dd) recycled materials drop-off centres
- (ee) religious assemblies
- (ff) retail liquor sales establishment
- (gg) retail stores, convenience
- (hh) retail stores , health products
- (ii) retail stores, general
- (jj) shopping centre
- (kk) spectator entertainment establishments
- (ll) supportive housing
- (mm) temporary shelter services
- (nn) utility services, minor impact
- (oo) rowhousing
- (pp) townhouses

### **1.5 Secondary Uses**

The secondary uses in this zone are:

- (a) amusement arcades, minor
- (b) care centres, minor
- (c) home based businesses, minor

### **1.6 Conditional Uses**

The following uses are permitted subject to being located within 40m of Harvey Road:

- (a) drive-in food services

### **1.7 Subdivision Regulations**

- (a) The minimum lot width is 13.0 m.
- (b) The minimum lot depth is 30.0 m.
- (c) The minimum lot area is 460 m<sup>2</sup>.
- (d) air space parcels will be allowed where appropriate

### **1.8 Density**

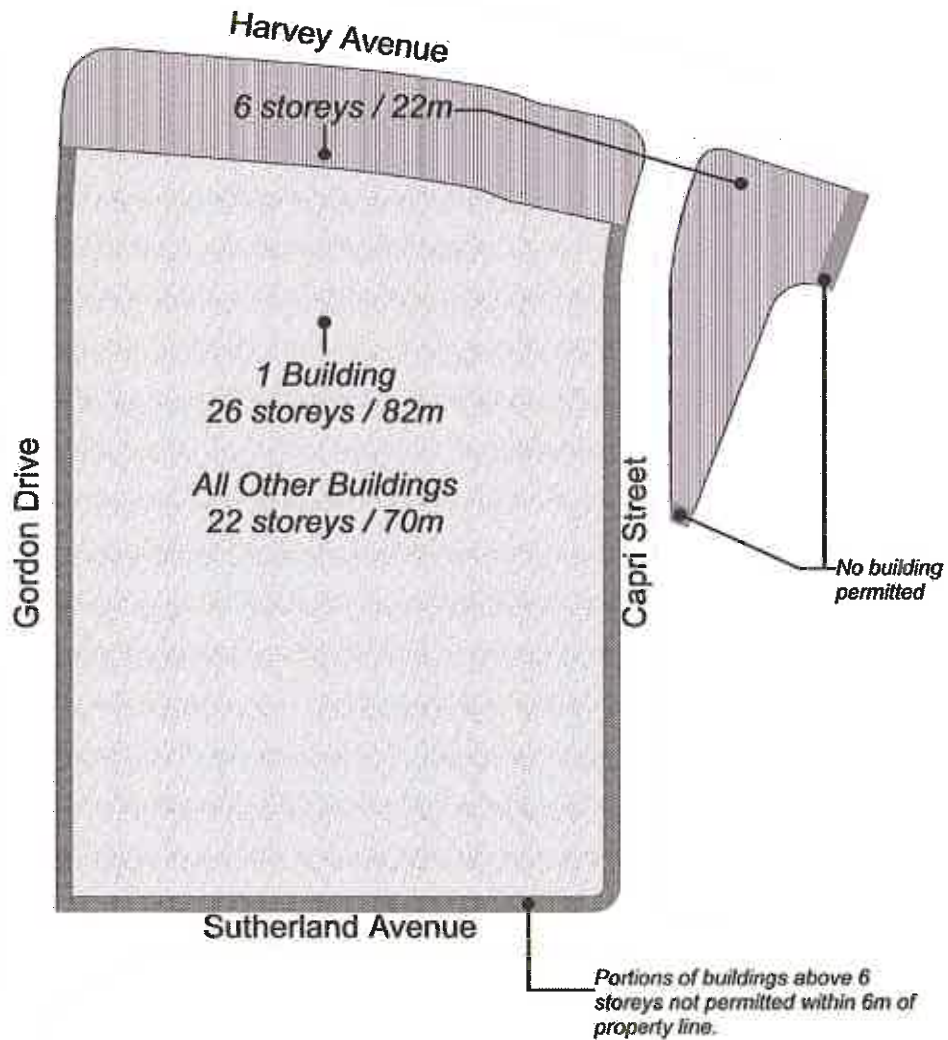
- (a) The maximum allowable built area of buildings in this Capri Centre Zone is 205,807m<sup>2</sup> (2,215,287 ft<sup>2</sup>) or 2.60 FAR.
- (b) The maximum site coverage is 75% to be calculated on a net basis on the Capri Centre Lands
- (c) The minimum commercial area (to be calculated by combining the total commercial area constructed plus commercial area under approved permit) is 18,581 m<sup>2</sup> (200,000 ft<sup>2</sup>) net floor area.

### **1.9 Height**

Height requirements are as indicated in Figure 1.9 and as described below:

- (a) In the area located within 40 meters of the property line abutting Harvey Avenue and in all areas east of Capri Street the maximum height of all buildings and structures shall be 6 storeys or 22 meters.
- (b) In the area located beyond 40 meters of Harvey Avenue the maximum height of all buildings and structures shall be 22 storeys or 70 meters with one exception as described in 1.9(c)
- (c) In the area located beyond 40 meters of Harvey Avenue the maximum height of one landmark building or structure shall be 26 storeys or 82 meters.





**Figure 1.9: Height**

**1.10 Setbacks**

- (a) The minimum setback to Harvey Road is 4.5 m
- (b) The minimum setback to Gordon Drive for all buildings or portions of the building located within 40m of Harvey Avenue is 0.0 m.
- (c) The minimum setback to Gordon Drive for all buildings or portions of the building located beyond 40m of Harvey Avenue is 3.0 m, excluding decks and patios.
- (d) The minimum setback to Capri Street for all buildings or portions of the building located within 40m of Harvey Avenue is 0.0 m.
- (e) The minimum setback to Capri Street for all buildings or portions of the building located beyond 40m of Harvey Avenue is 3.0 m, excluding decks and patios.

(f) The minimum setback to Sutherland Drive is 3.0 m, excluding decks and patios.

(g) All portions of buildings above 6 storeys shall be setback a minimum of 6m from Gordon Drive, Sutherland Avenue, and Capri Street.

(h) The minimum setback to lands abutting the Capri Centre Lands is 7.5m.

### **1.11 Tall Buildings**

(a) The minimum separation distance between portions of buildings above 12 storeys is 30m.

(b) The maximum floor plate for portions of buildings above 12 storeys is 650 m<sup>2</sup> (7,000 ft<sup>2</sup>) with one exception as described in 1.11(c)

(c) The maximum floor plate for portions of one landmark building above 12 storeys is 696 m<sup>2</sup> (7,500 ft<sup>2</sup>)

### **1.12 Public Open Space**

(a) A minimum of 1.5 acres of publicly accessible open space shall be provided.

### **1.13 Amenities**

Amenities shall be phased and provided concurrent with substantial new construction in a development stage and will be secured via Statutory Right of Way being registered on title securing public access. Amenities are:

#### *Within Amenity Area A*

(a) one north-south pathway linkage extending from Harvey Road to the north face of the existing hotel;

(b) an additional north-south pathway linkage located approximately near the bus station extending from Harvey Avenue to an internal drive aisle;

(c) a surface parking area that includes landscape elements, trees, and electric hook-ups for occasional events.

(d) all surface treatments pertaining to drive aisles , sidewalks, and landscape areas.

#### *Within Amenity Area B*

(e) one north- south pathway linkage extending the full length of Amenity Area B, ensuring that the site is accessible for pedestrians and cyclists and connects the private drive aisle with Harvey Road;

(f) all surface treatments pertaining to private drive aisles , sidewalks, and landscape areas.

#### *Within Amenity Area C*

(g) all surface treatments pertaining to private drive aisles , sidewalks, and landscape areas.

#### *Within Amenity Area D*

(h) one publicly accessible open space that is flanked on at least one side by an internal drive aisle for a distance no less than 20m and has an area of 5,000 m<sup>2</sup> and includes an outdoor ice surface that is convertible to other uses outside of winter:

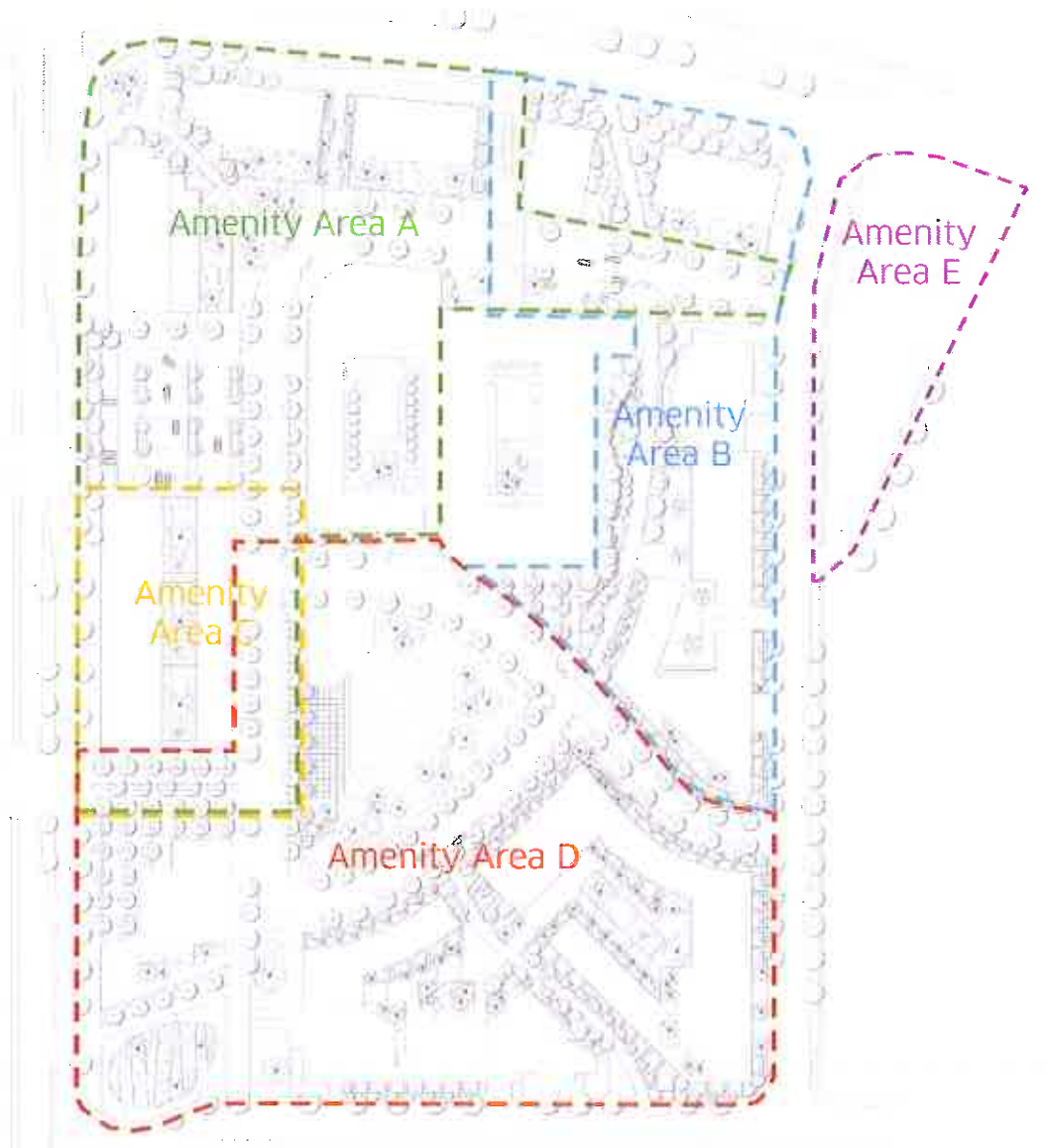
(i) in addition to the accessible open space identified in 1.11(h), one publicly accessible open space that is flanked on at least one side by an internal drive aisle or public street for a distance no less than 20m and has an area of 1,250 m<sup>2</sup>

(j) two pathway linkages, ensuring that the site is accessible for pedestrians and cyclists and connects well with the surrounding community;

(k) all surface treatments pertaining to drive aisles, sidewalks, and landscape areas.

*Within Amenity Area E*

(l) none



**1.14 Parking and Loading**

(a) Parking spaces shall be designed in accordance with the parking regulations of Section 8 - Parking and Loading of this bylaw, with the exception that the minimum number of parking spaces required must be in accordance with Table 1.14.1 of this CD25 Zone.

(b) Loading facilities shall be designed in accordance with the loading regulations of Section 8 - Parking and Loading of this bylaw, with the exception that the minimum number of parking spaces required must be in accordance with Table 1.14.2 of this CD23 Zone.

(c) Bicycle parking shall be provided in accordance with the bicycle parking regulations of Section 8 - Parking and Loading of this bylaw.

**Table 1.14.1: Parking Requirements**

<b>Residential Uses</b>	
Residential	1.0 space per 1 dwelling unit
Visitor	Of the required parking for residential uses, 1.0 space per 7 dwelling units
<b>Commercial Uses</b>	
Commercial Uses	1.75 parking spaces per 100m2 GFA
<b>Hotel Uses</b>	
Hotel	1.0 space per 1 sleeping unit

**Table 1.14.2: Loading Requirements**

<b>Commercial Uses</b>	
Commercial Uses, excluding retail liquor sales establishments and grocery stores exceeding 1,858m2 (20,000 ft2)	1.0 space per building with a commercial use
Retail liquor sales establishment	1.0 space per retail liquor sales establishment
Grocery store exceeding 1,858m2 (20,000 ft2)	2.0 spaces per grocery store exceeding 20,000 ft2
<b>Hotel Uses</b>	
Hotel	2.0 spaces per hotel

**1.15 Other Regulations**

(a) Apartment housing and major group homes require access to grade separate from the commercial uses. In the case of elevator equipped buildings, uses can share elevators provided security measures are in place to restrict access to residential areas.

(b) A minimum area of 6.0 m<sup>2</sup> of **private open space** shall be provided per **bachelor dwelling**, 10.0 m<sup>2</sup> of **private open space** shall be provided per 1 **bedroom dwelling**, and 15.0 m<sup>2</sup> of **private open space** shall be provided per **dwelling** with more than 1 **bedroom**.

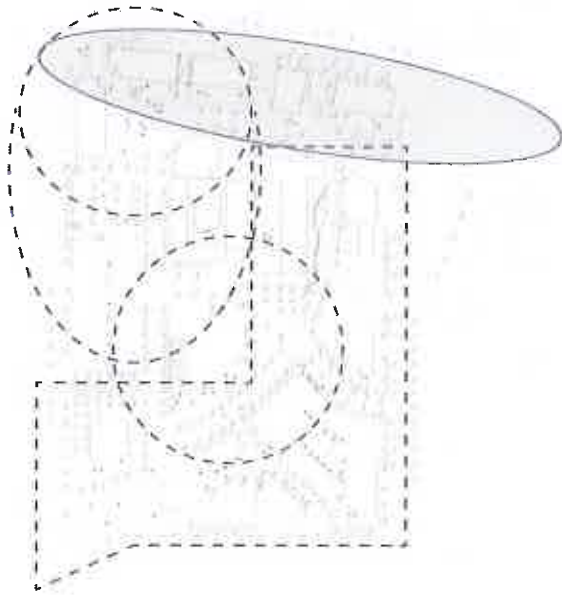
(c) The development of new drive-in food services is not a permitted form of development in this zone in areas located more than 40m from Harvey Avenue.

(d) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6 (accessory **development**, **yards**, projections into **yards**, accessory **development**, lighting, stream protection, etc.), the **landscaping** and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific **use** regulations of Section 9.

(e) **Financial services** shall have a maximum total **gross floor area** of 500 m<sup>2</sup> unless a larger branch of the **financial services** establishment is located within the Downtown Urban Centre.

Annexure 1  
CD 25 Development Area Guidelines

# Harvey Avenue Urban Edge



The above sketch indicates the general location of the "Harvey Avenue Urban Edge" area. The 3D view provides an illustrative example of where - based on this concept plan - the Harvey Avenue Urban Edge guidelines would apply. The actual boundary may vary by 20 to 30m but should include all buildings immediately adjacent to Harvey Avenue.

The "Harvey Avenue Urban Edge" character area creates an important urban interface between the Capri Centre and Harvey Avenue. A continuous streetwall condition will provide an edge to Harvey Avenue, helping to create a sense of enclosure along this broadly dimensioned corridor and define the public space. This character area will include lower form buildings and a range of retail, office, and residential uses. A portion of this area overlaps with the "Transit-Oriented Commercial Focus" character area.

## DESIGN GUIDELINES

### Public Realm

- 1 The Harvey Avenue streetscape should be defined by generous sidewalks (approximately 3m) and broad landscape areas (approximately 5m - 8m).
- 2 North / south pedestrian connections shall be provided between buildings to provide visual and physical connections between Harvey Road and the interior portions of the site. Particular emphasis should be placed on a connection located approximately mid-block that provides a direct link to the entry of the hotel. Connections located closer to Gordon Drive should emphasize ease of pedestrian movement, anticipating high pedestrian volumes moving between transit services. Connections located further east on the site closer to Capri Street should emphasize landscape elements and serve as an initial component of a green link towards the Central Park.

- 3 Parking shall be located underground and driveway access shall be located off of an internal street (not Harvey Road) and care should be taken to minimize the visual impact of access points from the public realm.

### Occupancies

- 4 Street level and second level units should include commercial uses such as retail or office. An emphasis should be placed on providing retail at street level to contribute to a more interesting streetscape. Above level 2, buildings may include office or residential uses.

### Buildings' Relationship to the Street

- 5 All buildings should emphasize a high level of transparency at ground level achieved through extensive use of windows. Facades should incorporate - through articulation or change in materials - vertical delineation every 8m to 12m in order to facilitate the inclusion of small-scale retail tenants. Residential entries should be lit and well-signed.
- 6 Weather protection shall be provided along the face of buildings where retail is present. This cover may take the form of fabric awnings or fixed, metal and glass canopies. The minimum width of weather protection should be 1.5 to 2.0 metres with a ground clearance of 2.75 metres to the underside of the structure.

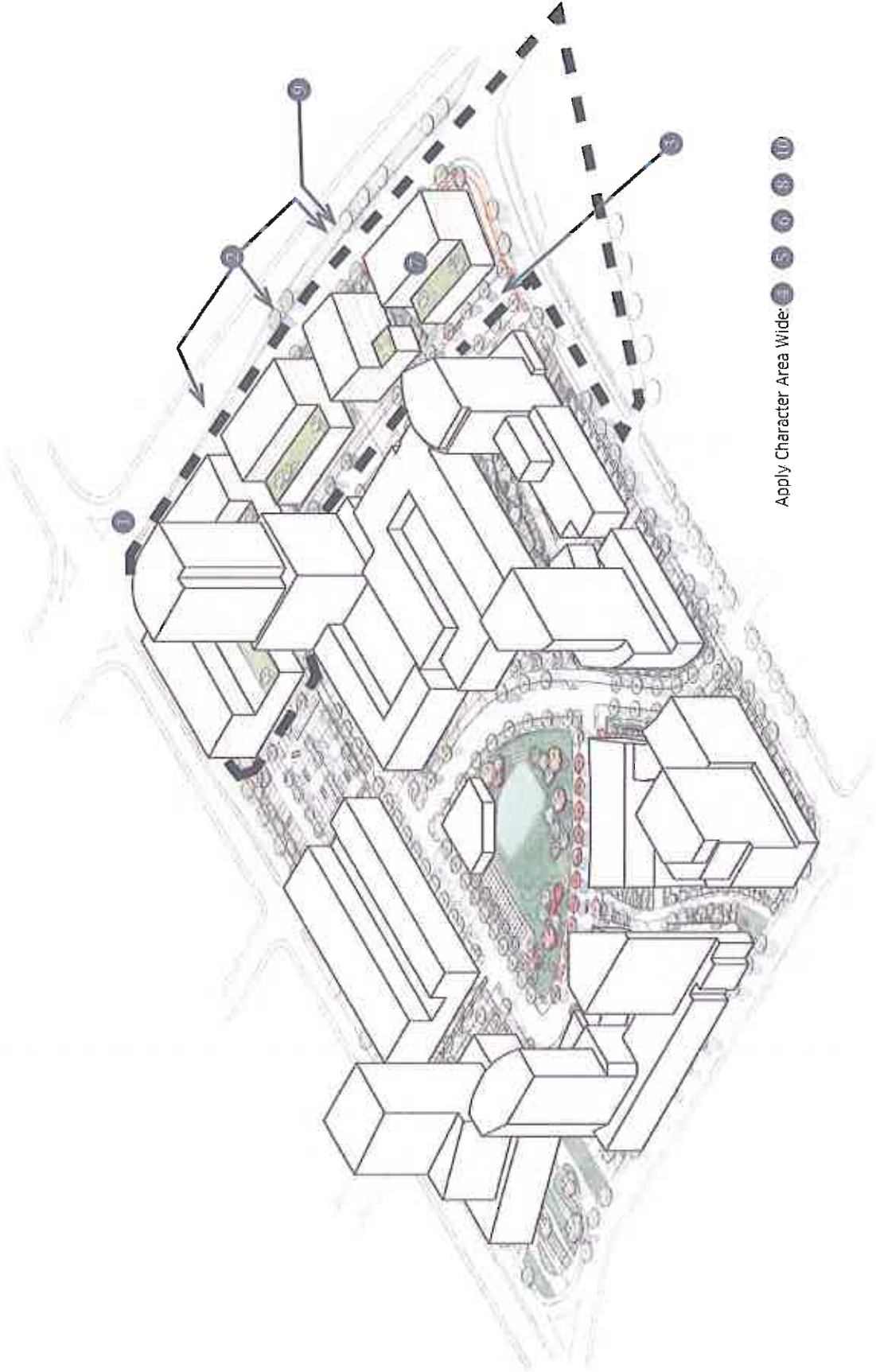
### Building Massing

- 7 Buildings up to 6 stories are anticipated in this character area. To create a strong streetwall condition, upper level step backs are not required on the north-side of the buildings, though buildings should incorporate some articulation or texture through the use of recessed patios, balconies, vertical articulation of the facade. Upper level step backs are encouraged on the south side of the building providing an opportunity for rooftop access and open space.

### Landscape

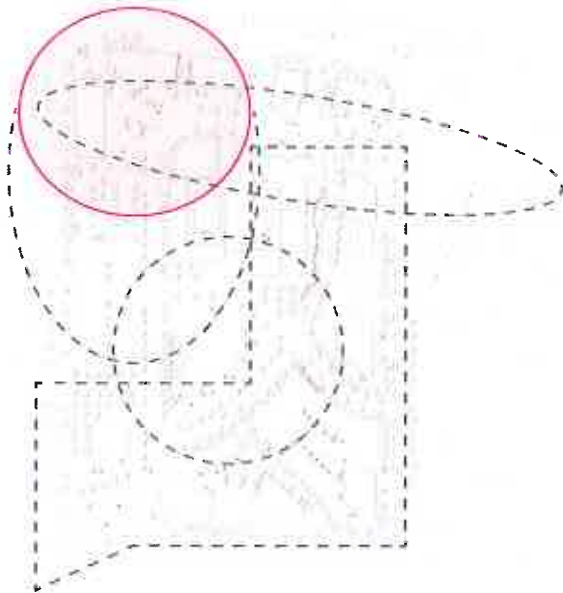
- 8 Landscape design in this area should recognize the high volumes of pedestrian circulation. A range of surface materials may be deployed to signal traffic calm areas internal to the site where pedestrian and vehicle movements occur in close proximity. Sight lines between Harvey Avenue and the hotel as well as between Harvey Avenue and the proposed landmark tower should be retained, if possible, through the use of low-level landscaping or columnar - rather than large canopy - trees.
- 9 The pedestrian pathway linking Harvey Road to the "Central Park" along the crescent should include landscape elements that unite the park space with the crescent throughout the neighbourhood. Fruit trees are suggested.
- 10 Continuous street tree planting shall be provided.

# Harvey Avenue Urban Edge





# Transit-Oriented Commercial Focus



The above sketch indicates the general location of the "Transit-Oriented Commercial Focus" area. The 3D view provides an illustrative example of where - based on this concept plan - the Transit-Oriented Commercial Focus guidelines would apply. The actual boundary may vary by 20 to 30m

*The "Transit-Oriented Commercial Focus" character area overlaps with both the Harvey Avenue Urban Edge and the "Commercial Core" areas. The guidelines outlined in each of those character areas apply but these additional guidelines are meant to encourage finer grained retail and enhanced pedestrian circulation at a level commensurate with being a transit interchange between two significant bus / bus rapid transit routes. In the case of conflict between guidelines, these guidelines supersede.*

## DESIGN GUIDELINES

### Public Realm

- 1 The Harvey Avenue and Gordon Drive streetscape should be defined by generous sidewalks capable of handling both pedestrian movements and transit stations (approximately 4m to 5m). Broad landscape areas are proposed further east along Harvey Avenue, but are of secondary importance within this area. Maintaining ease of pedestrian movement - both connecting transit riders, local residents, employees, and shoppers - is of primary importance. Consequently, large areas of hard surfaces (such as stone, concrete pavers or concrete) are anticipated, punctuated by landscape elements.
- 2 The prominence of the Harvey and Gordon intersection may warrant the placement of public art in this high visibility location.
- 1 Notwithstanding prioritizing pedestrian movements, space allocated adjacent to storefronts for the outdoor display of commercial products is encouraged.

- 4 The generous provision of seating areas - either as informal seating such as a planter box edges or through the provision of specific street furnishings - is encouraged.
- 5 Pedestrian pathways connecting Gordon Drive or Harvey Avenue to the interior of the site should be designed to have clear site lines and meet CPTED guidelines in terms of lighting.

### Occupancies

- 6 Street level and second level units should include commercial uses such as retail or office. An emphasis should be placed on providing retail at street level and office above to contribute to a more interesting streetscape. Above level 2, buildings may include office or residential uses.

### Buildings' Relationship to the Street

- 7 All buildings should emphasize a high level of transparency at ground level achieved through extensive use of windows. Facades should incorporate - through articulation or change in materials - vertical delineation every 8m to 12m in order to facilitate the inclusion of small-scale retail tenants. Residential entries should be lit and well-signed.
- 8 Robust weather protection shall be provided along building facades facing Harvey Avenue and Gordon Drive.
- 9 In this area, particular care should be given to contribute to a high level of transparency on all sides of buildings.

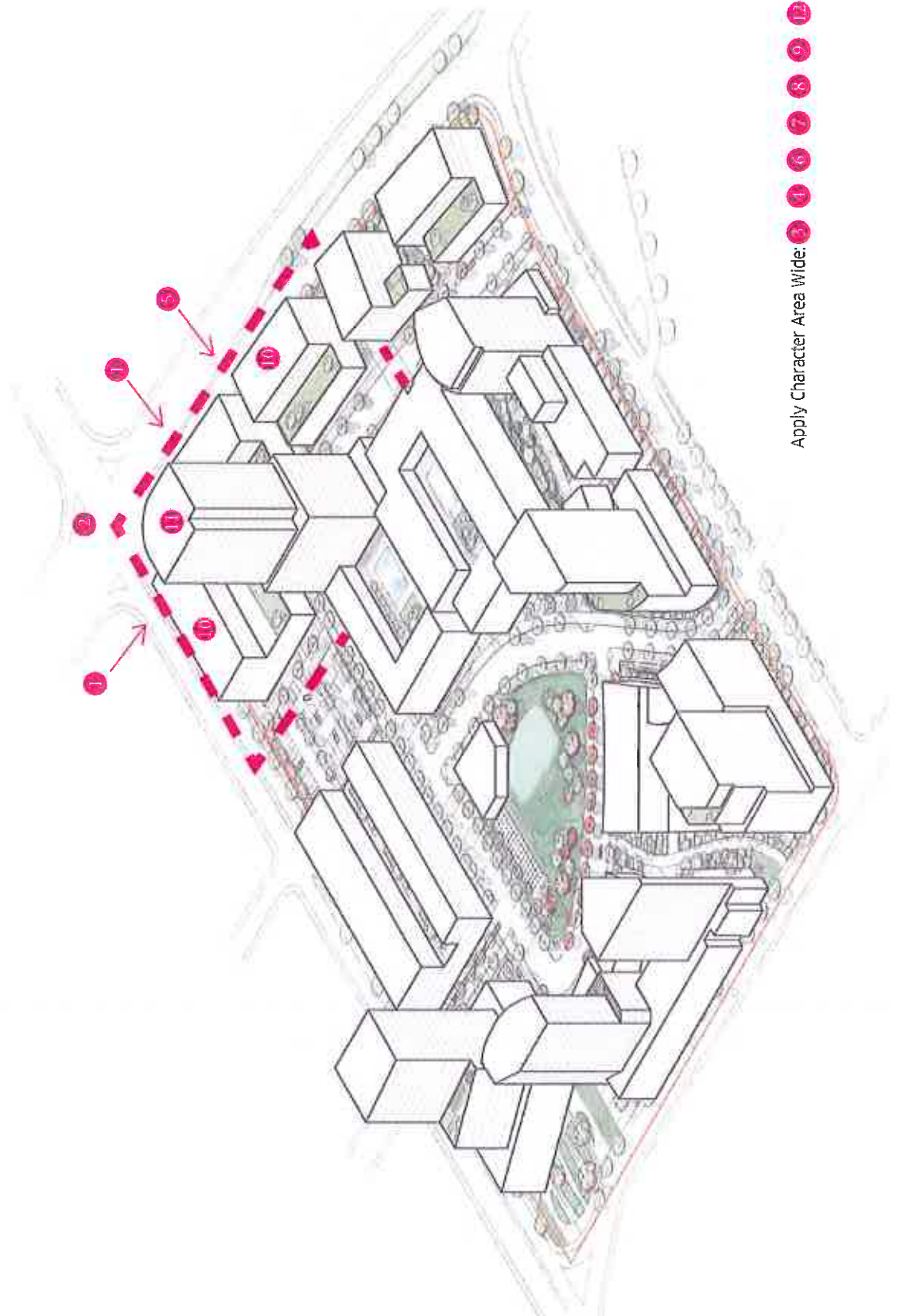
### Building Massing

- 10 Buildings up to 6 stories are anticipated in this character area. To create a strong streetwall condition, upper level step backs are not required on the north-side of the buildings, though buildings should incorporate some articulation or texture through the use of recessed patios, balconies, vertical articulation of the facade. Upper level step backs are encouraged on the south side of the building providing an opportunity for rooftop access and open space.
- 11 One "landmark" tower of up to 26 storeys may be located in this area. The tower should have a strong vertical expression at the upper levels to provide design interest and, given its visual prominence, should include a distinctive "crown".

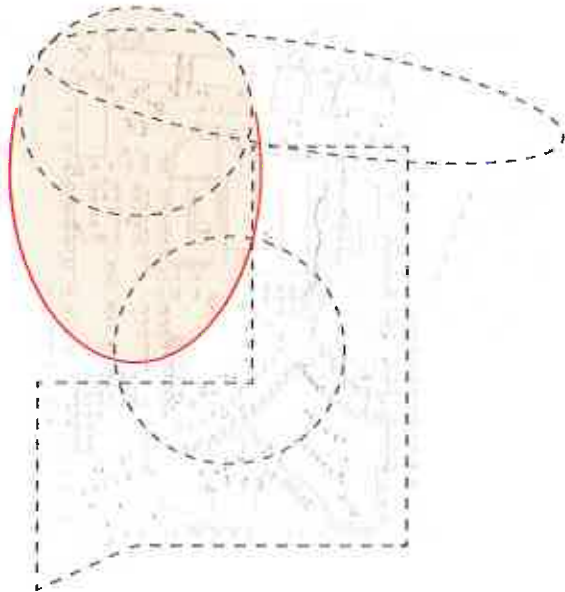
### Landscape

- 12 Continuous street tree planting shall be provided.

# Transit-Oriented Commercial Focus



# Commercial Core



The above sketch indicates the general location of the "Commercial Core" area. The 3D view provides an illustrative example of where - based on this concept plan - the Commercial Core guidelines would apply. The actual boundary may vary by 20 to 30m.

*The "Commercial Core" character area is the primary location for commercial shops and services at the Capri Centre. Commercial units ranging in size from supermarket to small-scale retail may be accommodated. Residential uses will also be present in this character area but, given the emphasis of commercial uses at street level, will largely be located at upper levels only. A portion of this area overlaps with the "Transit-Oriented Commercial Focus" character area.*

## DESIGN GUIDELINES

### Public Realm

- 1 Continuous street tree planting and generous sidewalk space should characterize the public realm. To provide adequate space for sidewalk cafe seating, the outdoor display of commercial goods, and higher volumes of pedestrian traffic, trees may be planted in tree wells and grates rather than boulevards.
- 2 Sidewalk corner bulges, clearly demarcated crosswalks, and other pedestrian safety measures shall be incorporated to contribute to ease of movement for all ages and abilities.
- 3 Parking shall be located underground and driveway access shall be located off of an internal streets (not off of Harvey Road or Gordon Drive). Care should be taken to minimize the visual impact of parkade access points from the public realm.

- 4 Serving a large grocer, the inclusion of one surface parking lot is anticipated in this area. The surface parking lot shall be treed. The use of special materials such as concrete pavers (rather than asphalt) is encouraged. To facilitate the transformation of the space into a weekend or evening public market, electric outlets shall be prevalent.

### Occupancies

- 5 Street level or second level units should include commercial uses such as retail or office. An emphasis should be placed on providing retail rather than office at street level to a more interesting streetscape. Above level 2, buildings may include office or residential uses. For buildings located greater than 60m from Harvey Avenue, street level residential uses are acceptable.

### Buildings' Relationship to the Street

- 6 All buildings should emphasize a high level of transparency at ground level achieved through extensive use of windows. Facades should incorporate - through articulation or change in materials - vertical delineation every 8m to 12m in order to facilitate the inclusion of small-scale retail tenants. Common residential entries should be lit and well-signed. Private residential entries (street level townhouses, for example) should be 3 to 5m away from the sidewalk to allow for patio space or landscape area and 0.75m to 1.25 m above street level.
- 7 Weather protection shall be provided along the face of buildings where retail is present. This cover may take the form of fabric awnings or fixed, metal and glass canopies. The minimum width of weather protection should be 1.5 to 2.0 metres with a ground clearance of 2.75 metres to the underside of the structure.
- 8 Buildings should be oriented towards the street and be located no more than 5m from the street edge to frame the public space and, in particular, create a sense of enclosure around the "market square" and "central park."

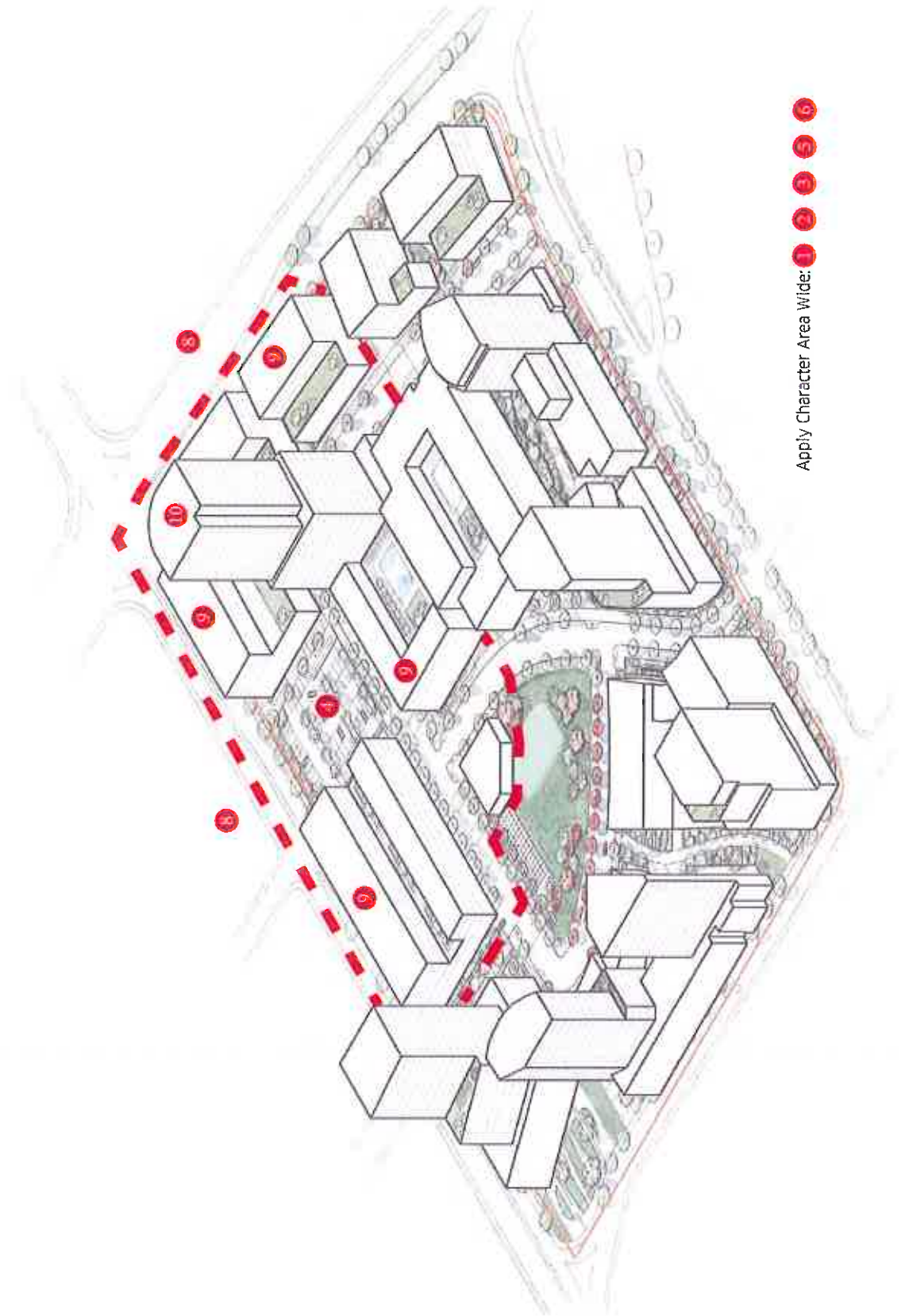
### Building Massing

- 9 Buildings up to 6 stories are anticipated in this character area. To create a strong streetwall condition, upper level step backs are not required on the north-side of the buildings, though buildings should incorporate some of articulation or texture through the use of recessed patios, balconies, vertical articulation of the facade. Upper level step backs are encouraged on the south side of the building providing an opportunity for rooftop access and open space.
- 10 One "landmark" tower of up to 26 storeys may be located in this area, preferably in the overlap area with the "Transit-Oriented Commercial Focus." The tower should have a strong vertical expression at the upper levels to provide design interest and, given its visual prominence, should include a distinctive "crown". An additional tower - lower in height - may also be located in this character area away from Harvey Road.

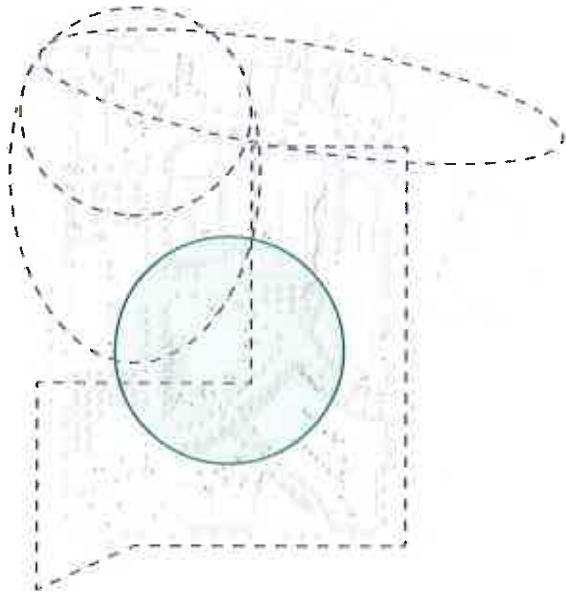
### Landscape

- 11 Landscape design in this area should recognize the high volumes of pedestrian circulation. A range of surface materials may be deployed to traffic calm areas internal to the site where pedestrian and vehicle movements occur in close proximity. Sight lines between Harvey Avenue and the interior portion of the site should be retained, if possible, through the use of low-level landscaping or columnar - as opposed to large canopy - trees.

# Commercial Core



# Capri Central Park



The above sketch indicates the general location of the "Capri Central Park" area. The 3D view provides an illustrative example of where - based on this concept plan - the Capri Central Park guidelines would apply. The actual boundary may vary by 20 to 30m but should include the central park space, portions of the "Crescent" pedestrian linkage, and the front elevation of all podium elements of buildings that face onto the park.

*The "Capri Central Park" character area is the proposed approximate location for a community open space to be used for gatherings and public events at all times of the year.*

## DESIGN GUIDELINES

### Public Realm

- 1 The public realm should be characterized by high quality and abundant landscape elements included in the park and ample pedestrian access.
- 2 The park space shall be designed to accommodate a variety of passive and active uses and give consideration to encouraging use at all times of year. An outdoor ice rink (winter) that doubles as an amphitheatre (summer) or performance space shall be constructed.
- 3 Though the site is currently relatively flat, subtle contours or mounds may be introduced to provide dimension to the space and create informal seating or play spaces.
- 4 The park shall be adjacent to the street on at least two sides to contribute to public access and high visibility.

- 5 A "Crescent" pedestrian linkage, incorporating similar landscape elements such as paving materials, street furnishing, and street trees, should extend from the Central Park north towards Harvey Avenue. Additional visual and pedestrian links will extend to nearby Capri Street, Sutherland Avenue, and Gordon Drive.

### Occupancies

- 6 The "Central Park" area is a neighbourhood scale public space to be used by both residents and visitors to the Capri Centre. As it is expected to be generally surrounded by residential uses, the inclusion of a small-scale commercial retail or community building is encouraged.

### Building's Relationship to the Street

- 7 The only building envisioned entirely within this area is a small scale commercial and / or community building. The primary orientation of the building shall be to the park space, though care should be taken to contribute to an interesting streetscape by minimizing the length of blank walls facing the streets and by providing a main entrance, well-lit and prominently addressed, towards one of the streets. Garbage and recycling facilities should be shared with a nearby building, if possible.
- 8 Residential buildings should be directly oriented to the park. This means that all ground level units should have direct access to the street. Balconies or Juliet balconies are strongly encouraged along all podium elements of buildings that face the park.

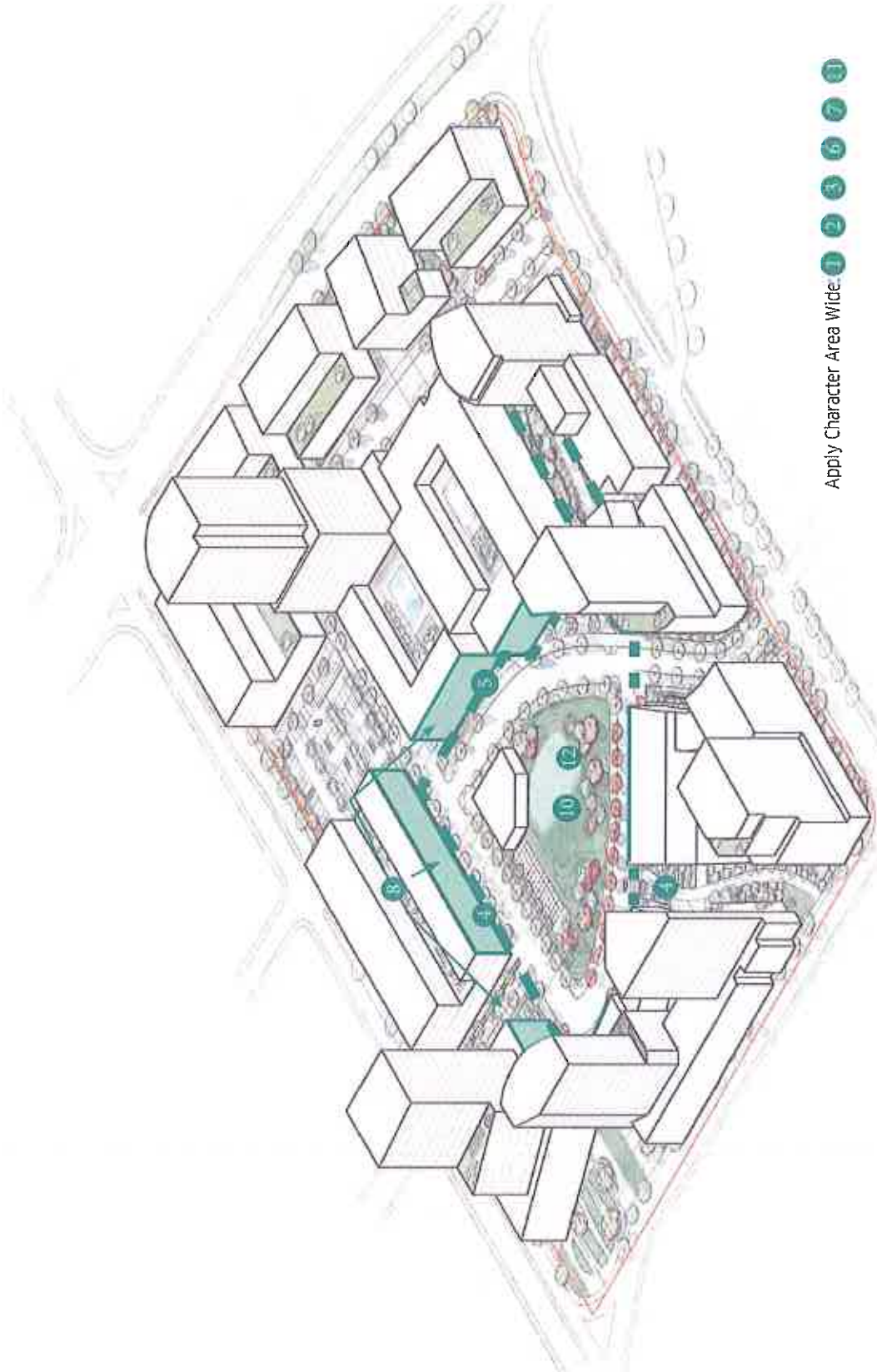
### Building Massing

- 9 The community building within the park shall be no higher than two stories. In a two storey building, a portion of the second storey should be reserved as an outdoor patio.

### Landscape

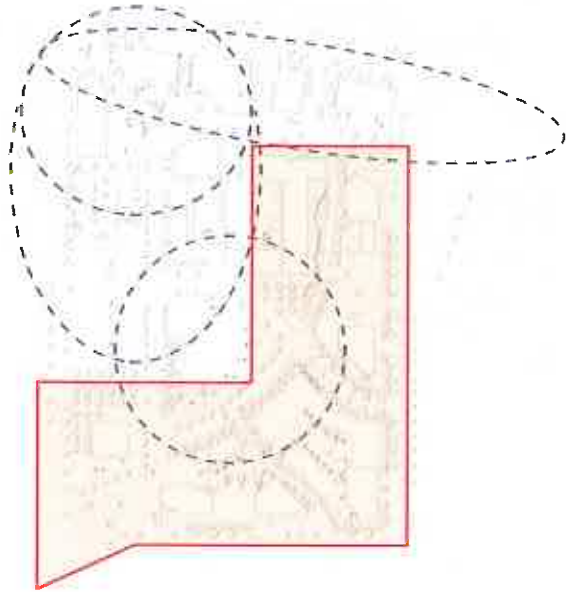
- 10 Landscape should reinforce the role of the central park as a neighbourhood gathering space expected to attract people year round. Seasonal interest shall be considered in plant selection including fruit trees and plants with showy fall foliage. A selection of evergreen plants or plants with winter interest (bold branch structure, striking bark, or winter berries) shall also be incorporated.
- 11 Drought tolerant species are encouraged.
- 12 Though some hard surface areas are expected to facilitate outdoor seating, event space, or the ice rink, the emphasis on the park space should be on lush landscaping.

# Capri Central Park



Apply Character Area Wide: 1 2 3 6 7 8

# Residential Focus



The above sketch indicates the general location of the “Residential Focus” area. The 3D view provides an illustrative example of where - based on this concept plan - the Residential Focus guidelines would apply. The actual boundary may vary by 20 to 30m but is generally those portions of the Capri Centre flanking Sutherland Avenue and Capri Street but excluding those developments adjacent to Harvey Avenue.

The “Residential Focus” character area is the primary location for residential-only development at the Capri Centre. In all cases commercial uses are permitted as part of a mixed-use development, but given the commercial focus at Gordon Drive and Harvey Avenue and the surrounding residential uses, this character area is envisioned as having a strong residential quality.

## DESIGN GUIDELINES

### Public Realm

- 1 Continuous street tree planting and landscaped boulevards should characterize the public realm.
- 2 Additional landscape areas between the sidewalk and building faces shall be provided.
- 3 Through-block pedestrian connections from Sutherland Avenue and Capri Street should have clear sight lines and visual access into the internal areas of the Capri Neighbourhood, particularly towards the park.
- 4 Additional consideration should be given to incorporating bicycle infrastructure along Sutherland Avenue.

### Occupancies

- 5 The majority of space in this area will be for residential uses including street-level “townhouse” style housing and condominium use in podium and tower forms. Allowance for small-scale neighbourhood serving retail along Sutherland Avenue is acceptable.

### Building’s Relationship to the Street

- 6 All buildings should emphasize a high level of transparency at ground level achieved through extensive use of windows. Facades should incorporate - through articulation or change in materials - vertical delineation every 8m to 12m in order to facilitate the inclusion of small-scale retail tenants. Common residential entries should be lit and well-signed. Private residential (street level townhouses, for example) entries should be 3 to 5m away from the sidewalk to allow for patio space or landscape area and 0.75m to 1.25 m above street level.
- 7 Weather protection shall be provided along the face of buildings where retail is present. This cover may take the form of fabric awnings or fixed, metal and glass canopies. The minimum width of weather protection should be 1.5 to 2.0 metres with a ground clearance of 2.75 metres to the underside of the structure.
- 8 Buildings should be oriented towards the street and be located no more than 5m from the street edge to frame the public space and, in particular, create a sense of enclosure around the “market square” and “central park.”

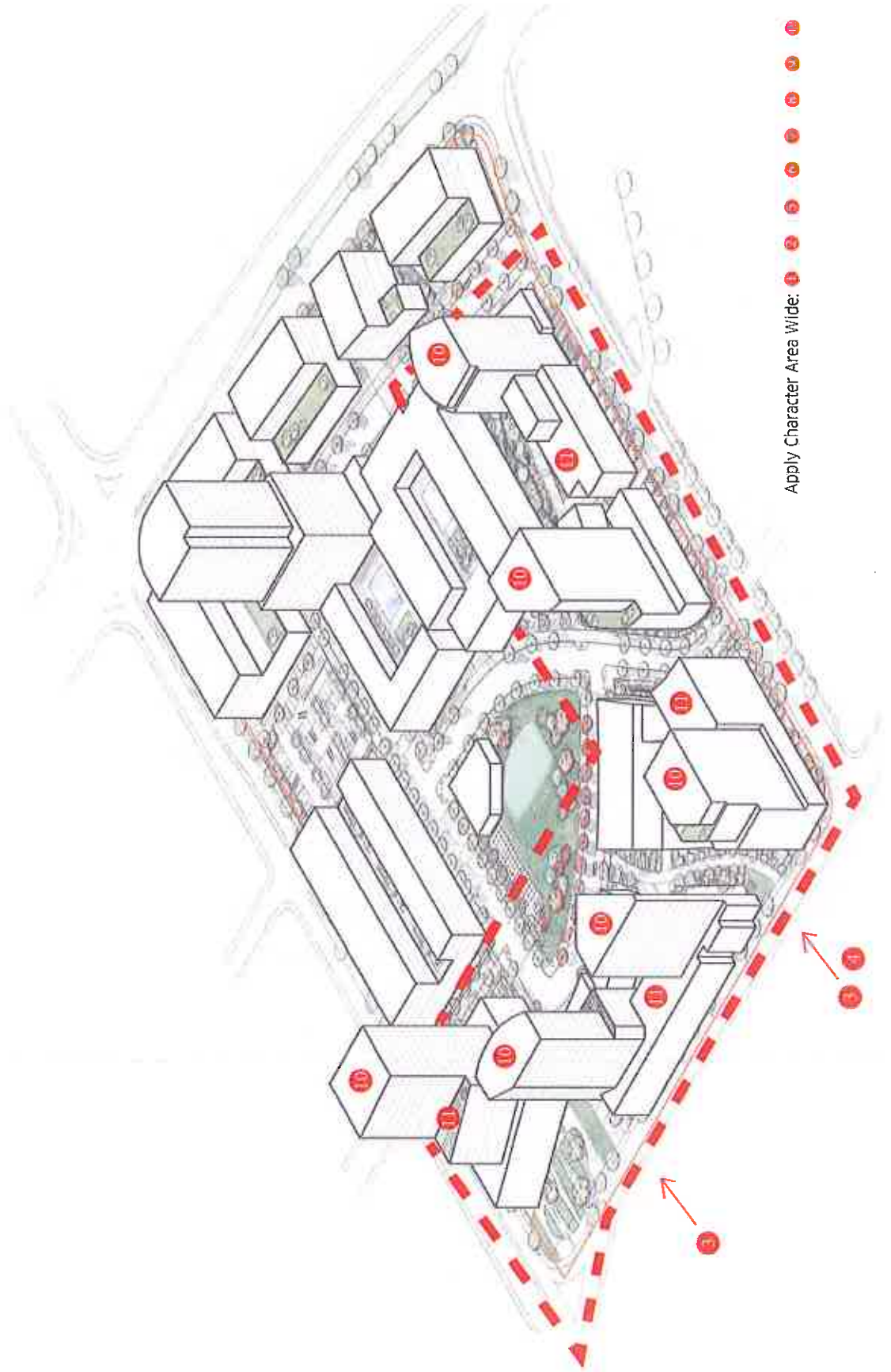
### Building Massing and Design

- 9 Smaller-scaled figurative elements shall be used at lower-levels to break up the massing of the building. Tower forms should have strong vertical elements to define upper levels and extensive glazing. Solar shading devices are acceptable.
- 10 Tower heights should range from 14 to 22 storeys while podium elements will range from 4 to 8 storeys.
- 11 Rooftop spaces of podium elements (less than 14 storeys) shall not be left bare but should be utilized as amenity space for residents of each building or should incorporate a green roof.

### Landscape

- 12 Landscape design in this area should employ a narrow range of species in order to unify the character area as a whole.

# Residential Focus







# Public Input Summary Report

Public Information Session, November 13, 2013

Capri Centre Rezoning

**DIALOG**



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Public Information Session attendees viewing boards

## 1.0 PUBLIC INFORMATION SESSION OVERVIEW

The purpose of this Public Information Session was to provide the public with information on the proposed redevelopment of the Capri Centre Mall. The event was designed to solicit public input on the overall redevelopment, present the proposed concept plan, and determine the plan's strengths, weaknesses, and opportunities as identified by the public. The input received at the Public Information Session will be considered in the refinement of the concept plan as part of the rezoning process. Approximately 175 people attended the event.

This document summarizes the themes that emerged from sticky note comments on the "What Do You Think?" board, comment forms filled out by Public Information Session participants, and conversations between participants and the consultant team.

### Public Information Session Notification

The outreach for the Public Information Session was consistent with the Public Notification & Consultation for Development Applications Policy (Policy 367). This included:

- **Mail Outs (within 50 m)** - a flyer with event information was sent to all mailboxes within a 50 m radius of the site boundary (see Appendix A for a sample mail out).
- **Newspaper Advertisements** - advertisements were placed in local newspapers in the weeks preceding the event: in the Daily Courier on November 6 and 12, and in the Capital News on November 7 and 12 (see Appendix A for a sample advertisement).
- **Signage on Site** - four signs were posted throughout the Capri Centre Mall to inform patrons and tenants about the event (see Appendix A for a sample sign).

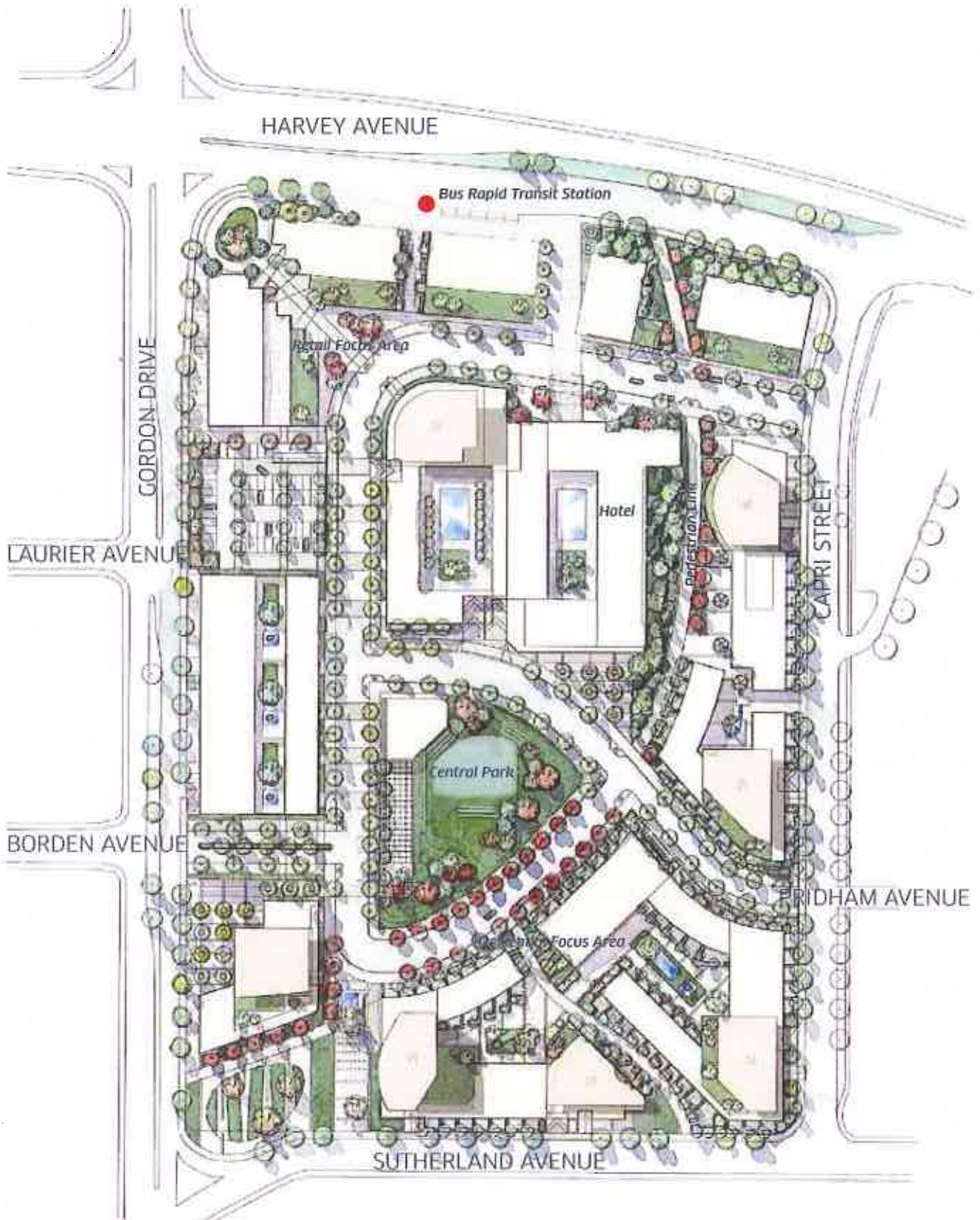
Additionally, the event notification included:

- **Mail Outs (beyond 50 m)** - flyers were also sent beyond the 50 m radius. A total of 2,500 flyers were sent out.
- **Radio Broadcast** - DIALOG was interviewed by CBC Radio 1 "Daybreak South" on October 31 at 7:15 a.m. The interview included discussion about the proposal as well as mention of the Public Information Session date and location.

### Structure

The event, a come-and-go information session, was hosted by DIALOG from 3 - 7 p.m. at the Capri Centre Mall. A highly-visible location (beside the Extra Foods store) was selected to ensure the event was easy to find, and to encourage interested patrons or passers-by to stop and take a moment to learn about the proposed redevelopment.

Participants had the opportunity to review the proposed concept plan, the policy context for the development, and the site's guiding principles, proposed design guidelines, and general design direction. This information was presented using maps, photographs, renderings, and plans. Participants were also invited to provide input via comment forms, sticky notes posted on a "What Do You Think?" board, and informal discussions with staff from the City of Kelowna and the planning consultant team (DIALOG and Bunt & Associates Engineering).



Proposed Concept Plan

## 2.0 INFORMATIONAL BOARDS

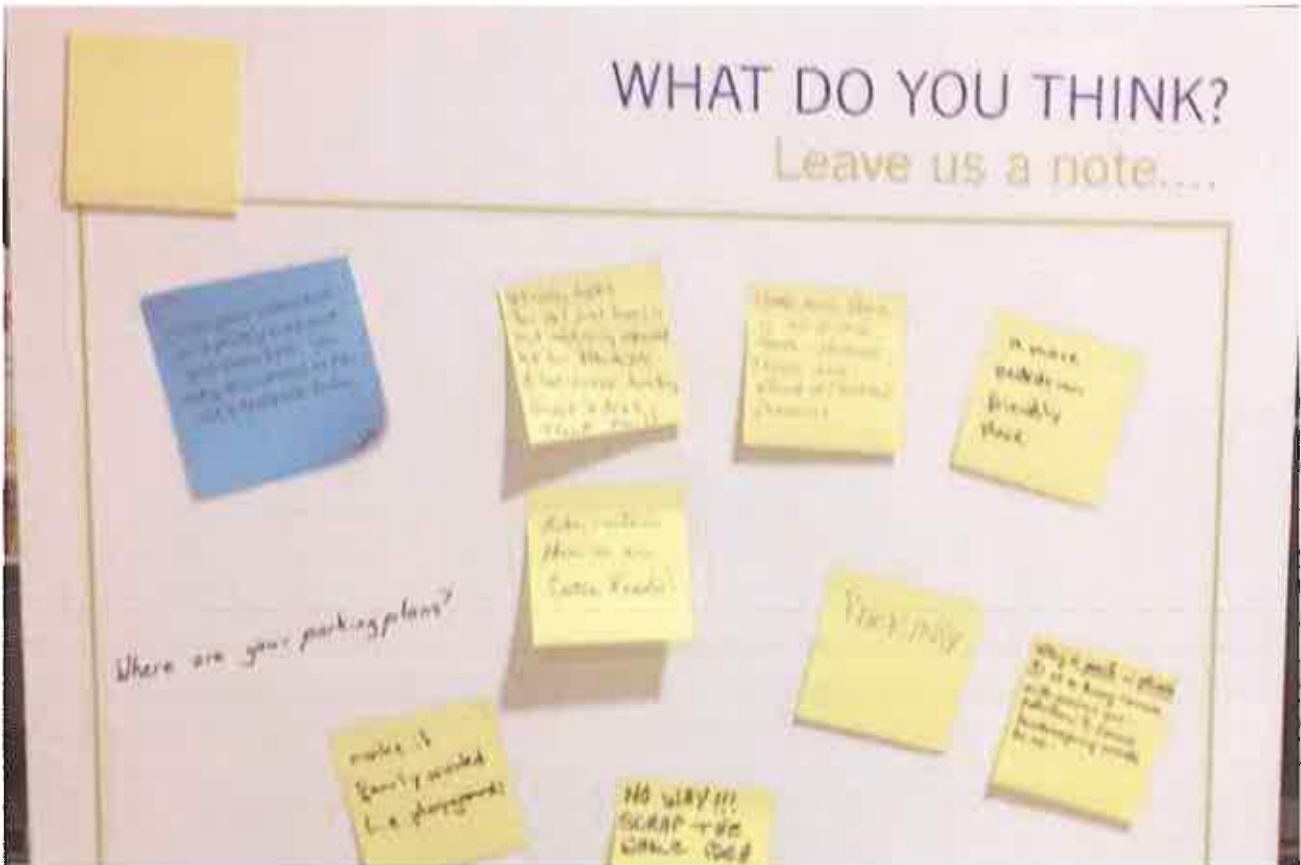
A series of story boards were presented to provide participants with background information, outline the vision and key elements of the plan, and present the concept plan and its components.

The boards outlined the site's vision, guiding principles, community benefits, concept plan, massing, design guidelines, traffic implications, shadow studies, and proposed phasing. These graphic representations were intended to help participants visualize how the concept might look if it was built out and what life might be like in the new neighbourhood. (See Appendix B for all boards).

The Concept Plan (pictured on the opposite page) was presented on a standalone board to allow participants to review the proposed plan, ask questions, and make comments.



Public Information Session attendees viewing boards



TOP: Public Information Session attendees viewing boards  
BOTTOM: What Do You Think? Board



## 3.0 FEEDBACK

Feedback was received via sticky notes posted on the “What Do You Think?” board, the Comment Forms, and through conversations with the consultant team.

### I. “WHAT DO YOU THINK?” BOARD

The “What Do You Think?” board was the last board in the series so that Information Session attendees would have an opportunity to review all informational boards before providing additional comments and feedback.

#### Summary of Comments

Overall, the sticky note comments posted on the “What Do You Think?” board focused on transportation, land use, and site programming. Concerns were raised about the parking and traffic implications associated with the new development, as well as handyDART access. Land use comments were in favour of affordable and family housing on site and pedestrian-oriented design. More specific programming comments addressed keeping the Extra Foods and offered suggestions for recreational opportunities. One comment did not support the project. A total of 13 sticky note comments were posted.

The 13 specific comments posted to the board are:

- Need to make sure there is enough room for handyDART drop off and pick-up.
- Make it family oriented (i.e. playground).
- Definitely hopes for not just a face lift, but continuing to improve help for affordable and low-income housing.
- Great ideas! Thank you!!
- Make sure there is an Extra Foods, medical clinic, and Bank of Montreal remains.
- Make certain there is an Extra Foods!
- No way! Scrap the whole idea.
- I really like the design and focus on residential development, but will it be affordable?
- Sufficient parking is very important.
- A more pedestrian friendly place.
- Why a park in phase 3 at a lousy corner with noise and air pollution? Some landscaping would be okay.
- No traffic for general public on interior roads - only delivery vehicles. No parking on streets. More pedestrian friendly.
- Ice rink should be a kids water park in the summer.



Public Information Session attendees completing comment forms

## II. COMMENT FORM SIT-DOWN STATION

The Comment Form Sit-Down Station was located at two tables surrounded by the informational boards. Comment forms were available for the duration of the event (4 hours). Thirty nine comments forms were completed during the Information Session. It is possible that additional comment forms will be submitted via mail or e-mail. At the time of submitting this report on November 25, no additional comment forms were received. Any new forms or comments will be included in the analysis.

The comment forms were arranged according to 2 questions. Question 1 asked people to identify whether they live in Kelowna, their proximity to the Capri Centre, and their relationship to the Capri Centre. Question 2 was designed to determine which elements of the plan are working, which elements are not working, and which elements the public would like to see change. Together, Questions 1 and 2, provide important insight into community priorities, challenges, wants, and needs. In turn, this information contributes to the refinement of the concept plan.

A detailed breakdown of the Comment Forms is provided below. Scans of the completed Comment Forms can be found in Appendix C.

Thirty-nine comment forms were completed. Overall, they were supportive and participants are generally in favour of the proposed redevelopment. Participants liked the mixed-use approach to design and the central green space. The biggest concerns relate to parking, traffic, affordable housing, and keeping the Extra Foods.

**Question 1:** Do you... *(please check all that apply)*

- Live in Kelowna
- Live near the Capri Centre (within 10 minute walking distance)
- Work at the Capri Centre
- Shop at the Capri Centre
- Own a business at the Capri Centre
- None of the above

This table shows the breakdown of responses to Question 1.

Number of times mentioned	Category
34	Live in Kelowna
30	Live near the Capri Centre (within 10 minute walking distance)
6	Work at the Capri Centre
32	Shop at the Capri Centre
1	Own a business at the Capri Centre
0	None of the above
2	Did not provide a response

The responses indicate that those who completed feedback forms live close to and shop at the Capri Centre, and are regular users of and are familiar with the challenges and benefits of the site.



ALL: Public Information Session attendees viewing boards

**Question 2:** The proposed rezoning for the Capri Centre sets a long term vision for the phased redevelopment of the shopping centre.

- a) What aspects of the concept plan do you like?
- b) What are your concerns?
- c) What can be improved?

This table shows the key themes that emerged in the comment forms. They are:

Number of times mentioned	Category
23	Parking concerns about availability and spillover into surrounding communities.
16	Like the green space
14	Keep the Extra Foods
13	Like the overall concept
10	Like the mix of uses
9	Concerned about traffic
5	Would like to see affordable housing included on site
4	Like the transit access to the site
4	Concerned about a disruption in service at the Capri Centre
2	Like the proposed Farmers' Market
2	Too much density
1	Do not like the overall concept
1	Want to maintain current Capri Centre tenants

This indicates that parking, green space, and Extra Foods are the top three priorities for Public Information Session participants. Parking is the number one concern, particularly in terms of availability and capacity at the Capri Centre, and the potential spillover that may occur in neighbourhoods close by. The large central green space and the potential for both winter and summer activities for people of all ages was well-received. There were also several comments about keeping the Extra Foods. Many participants identified the store as a key tenant and the primary reason they visit the Capri Centre. Lastly, the overall concept of a vibrant, mixed-use, walkable neighbourhood that is transit-oriented received several positive endorsements on the comment forms.



Consultants answering questions

### III. CONVERSATIONS

Four consultant team members and one City of Kelowna staff member were present at the Public Information Session. Observations and themes that emerged during discussions with attendees are as follows:

- Overall, the general tone of the comments at the Public Information Session was generally supportive of the proposed concept.
- Attendees were excited about the redevelopment and its potential to bring more activity into the area.
- Attendees seemed eager to see the plan developed further and were interested to know when it will go to Council.
- Attendees were positive about the pedestrian and bicycle connections to and within the site, and the fact that there were clear paths through the site to key destinations.
- Extra Foods was identified as a key tenant and a very important convenience to the surrounding community, both for accessibility (easy to get to and move around in) and for cost-effectiveness. There was also concern that a more expensive food store will replace Extra Foods in the redevelopment.
- Several attendees were concerned about traffic congestion, but also recognized that the existing site has traffic problems and that the development represents an opportunity to improve the local area transportation network.
- Parking supply was consistently mentioned as a key concern.
- The retail tenants and neighbours were concerned about the construction disturbance and redevelopment.
- Attendees were also curious to know about how the proposed redevelopment may affect their property values.

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

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**Date:** September 18, 2014  
**File No.:** Z12-0056

**To:** Urban Planning (AW & RS)

**From:** Development Engineering Manager(SM)

**Subject:** 1835 Gordon Dr, 1171 Harvey Ave & 1755 Capri St. – Capri Centre  
*REVISED II*

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The Development Engineering Branch comments and requirements regarding this application to rezone from C4L, C4LR & C4 to a Comprehensive Development (CD) zone are as follows:

**.1) General**

- a) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- b) Provide easements as may be required.
- c) These are Development Engineering comments and requirements; they are subject to the review and requirements from the Ministry of Transportation (MOT) Infrastructure Branch.
- d) A report is required to address if the existing utility infrastructure could be relocated to public streets to eliminate the Statutory Right of Ways from the proposed development, in accordance with current City of Kelowna Bylaws and Policies.

**.2) Dedications**

- a) On Gordon Drive provide **3.6m** (approximate) dedication for roadway allowance (bike lanes) for the full frontage of the subject property. Additional dedication may be required to accommodate:
  - Northbound Gordon Drive dual left turns onto Harvey Ave.
  - Northbound Gordon Drive transit layby (see attached)
- b) On Harvey Ave provide additional dedication (to be determined) for roadway allowance (Rapid Bus Station) for the western frontage of the subject property (see attached).
- c) Sutherland Drive is identified as an Active Transportation Corridor as per OCP. Provide additional dedication to be determined based on Transportation Planning's review of the Sutherland Drive study.



- d) Additional dedications may be required subject to the Traffic Impact Assessment (TIA) and MOT comments/requirements.

**.3) Geotechnical Study.**

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulphates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

**.4) Water**

- a) The property is located within the City water service area. Provide an analysis and pre-design for the water system to confirm any upgrades required beyond the site. This development will increase the anticipated number of units used in the 20 Year Servicing Plan and therefore may impact timing and capacities of the system components. Determine if DCC items will be required earlier than the City's schedule and if additional components are required. Components to be reviewed include: Knox reservoir, pump capacity, suction line sizing, PRV capacities, pressure zones for this development and location of connection/tie-in locations and other items that may be identified during the review.

**.5) Sanitary Sewer**

- a) A report is required to address if the existing sanitary infrastructure is sized adequately and determine if it could be relocated to public streets to eliminate the Statutory Right of Ways for/from the proposed development, in accordance with current City of Kelowna Bylaws and Policies.
- b) Provide an adequately sized sanitary sewer connection. Only one service is to be provided per lot.
- c) Decommissioning of the existing small diameter services and the installation of the new service will be at the applicant's cost.
- d) Perform a downstream capacity analysis of the City's Sanitary Sewer system based on the proposed development unit count.

**.6) Drainage**

- a) Provide a detailed Stormwater Management Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- b) Provide a detailed Site Grading Plan including erosion and sedimentation controls required onsite and public roads adjacent to the site.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.

- d) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

**.7) Transportation.**

- a) *The proposed development triggered the requirement for a Traffic Impact Study. Recommendations from the Traffic Impact Assessment (TIA) and City of Kelowna Transportation & Mobility will become requirements of this application.*
- b) *Prior to commencing the TIA, the developer's traffic consultant met with staff from the City of Kelowna to agree on the terms of reference for the study.*
- c) *Recommendations from the Traffic Impact Analysis (TIA);*
  - i. *Full traffic signals at Sutherland/Capri,*
  - ii. *Pedestrian-activated signal at Gordon/Borden,*
  - iii. *Northbound bus pull-out on Gordon Dr for the new Route #5, City will introduce this year;*
  - iv. *A cycling corridor along Sutherland Avenue from Ethel to Burtch to reduce impact by providing alternative modes of travel (given that roadway capacity cannot be expanded any further);*
  - v. *Potential westbound bus pull-out on Sutherland Ave adjacent to the site (to be confirmed based on the bike corridor design);*
  - vi. *Safety mitigation at the Sutherland/Gordon intersection by means of left turn signal and laning improvements.*
- d) *The TDM Monitoring Plan dated September 12, 2014 details the required TDM measures and proposed monitoring plan at prescribed trigger points of the development.*

**.8) Roads**

- a) Gordon Drive Road is designated an urban arterial road. Construction of bike lanes and separate sidewalk is required.
- b) Harvey Ave is designated an urban arterial road.
- c) Sutherland Drive is designated an urban collector road and identified as an Active Transportation Corridor (ATC). Construction of frontage improvements related to the ATC will be required including curb and gutter, separate sidewalk and active (bike) corridor, landscaped boulevard complete with underground irrigation and street lights.
- d) Re-locate existing poles and utilities, where necessary.
- e) Driveway access is not permitted onto Harvey Ave. A restrictive covenant in favour of the City of Kelowna, registrable under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.

- f) The Gordon Drive access as shown on the Illustrative Concept Plan is located mid block between two existing intersections. The access will need to align with one of the two existing streets (Laurier Ave or Borden Ave).

**.9) Power and Telecommunication Services and Street Lights**

- a) Prior to issuance of Building Permit, the applicant must make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

**.10) 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 Development Engineering 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.

**.11) Servicing Agreements for Works and Services**

- a) A Servicing Agreement is required for all offsite 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 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.

**.12) Other Engineering Comments**

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, 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 must be incorporated in the construction drawings submitted to the City's Development Manager.

**.13) Charges and Fees**

- a) Development Cost Charges (DCC's) are payable at the time of Building Permit.
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
  - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - iii) Engineering and Inspection Fee: 3% of construction value (plus GST).

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Steve Muenz, P. Eng.  
Development Engineering Manager

SS

# REPORT TO COUNCIL



**Date:** 10/6/2014  
**RIM No.** 1210-21  
**To:** City Manager  
**From:** Subdivision, Agriculture & Environment Services (MS)  
**Application:** OCP14-0022  
Z14-0047  
**Address:** 984 Dehart Road  
**Owners:** Sherwood Mission Developments Ltd. & Dr. Alexander Rezanooff  
**Applicant:** New Town Planning Services Inc.  
**Subject:** Official Community Plan (OCP) Amendment and Rezoning Application

**Existing OCP Designation:** Single / Two Unit Residential (S2RES)  
Multi-Unit Residential Low Density (MRL)

**Proposed OCP Designation:** Single / Two Unit Residential (S2RES)

**Existing Zone:** A1 - Agriculture 1

**Proposed Zone:** RU1 - Large Lot Housing  
RU2 - Medium Lot Housing

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## 1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP14-0022 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing a portion of the Future Land Use designation of Lot 1, Section 31, TWP 29, ODYD Plan KAP62654, located at 984 Dehart Road, Kelowna, BC, from the Multi-Unit Residential Low Density (MRL) designation to the Single/Two Unit Residential (S2RES) designation, in accordance with 'Map A', be considered by Council;

AND THAT Rezoning Application No. Z14-0047 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 1, Section 31, TWP 29, ODYD Plan KAP62654, located at 984 Dehart Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone and to the RU2 - Medium Lot Housing zone in accordance with 'Map B' be considered by Council;

AND THAT the Official Community Plan Amendment Bylaw and 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 Development Engineering Branch and Parks Services Branch being completed to their satisfaction, as well as, a Farm Protection Development Permit and a Natural Environment

Development Permit being issued to the satisfaction of the Subdivision, Agriculture & Environment Services Branch.

## 2.0 Purpose

The applicant is proposing to rezone a portion of the land from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone and RU2 - Medium Lot Housing zone to facilitate a future 110 lot residential subdivision. The proposal also requires an OCP amendment to extend the Single/Two Unit Residential (S2RES) future land use designation north into the area designated for Multi-Unit Residential - Low Density (MRL).

## 3.0 Subdivision, Agriculture & Environment Services

In the spring of 2014, the applicant had brought forth to Council a multi-family / single/two family residential concept that received First Reading and was sent to Public Hearing on June 10<sup>th</sup>, 2014. The application as proposed was defeated at 2<sup>nd</sup> Reading. Council's subsequent resolution stated:

*Council requested staff work with the applicant to contemplate only single family residential, multiple accesses, and traffic signals or other options for DeHart road in any amendment to the application.*

As directed by Council, the applicant has worked with staff to amend the application. This application includes the following key items:

- Single / Two Family Residential Future Land Use designation for the entire property;
- RU1 - Large Lot Housing and RU2 - Medium Lot Housing Residential proposed zoning;
- Primary access via Dehart Road with secondary access via Turner Road;
- A roundabout constructed at Dehart Road and Bartholomew Court;
- A 15 metre riparian buffer along the west property line;
- A 20 metre riparian buffer along the northeast property line;
- A 15 metre farm protection buffer along ALR lands; and
- A proposed pedestrian connection to Torrs Road.

Staff supports the application subject to the following conditions being fulfilled prior to Final Reading, including requirements of the:

- Development Engineering Branch (memo attached),
- Parks & Building Planning Branch including a blanket Statutory Right of Way over the property, to facilitate a trail network to be established at the time of subdivision;
- Subdivision, Agriculture & Environment Services, including the requirements of the:
  - Covenant #KM084923 (see summary below and attached covenant);
  - Farm Protection Development Permit;
  - Natural Environment Development Permit, including a mitigation/restoration plan (signed off by an QEP/RPBio) for the site, as required by the Settlement and Release Agreement<sup>1</sup> (attached); and a

<sup>1</sup> Rezansoff, A.A. & the City of Kelowna, 2010. Settlement and Release Agreement.

- The registration of a Build/No Disturb Covenant of 20 m along the northeast property line and a 15 m No Build / No Disturb Covenant along the west property line, and 15 m Farm Protection Buffer along the ALR land.

## 4.0 Proposal

### 4.1 Project Description

The proposal is to amend the OCP and rezone the property to accommodate a future 110 unit subdivision at 984 Dehart Road. The Official Community Plan (OCP) Amendment is required to facilitate an extension of the Single / Two Unit Residential future land use designation to the north. This represents a net increase of 43,600 m<sup>2</sup> of Single / Two Unit Residential area than is currently designated in the OCP.

The property includes two watercourses and associated riparian management areas (RMA) and the land use plan identifies a 20 m wide RMA along the northeast boundary and a 15 m RMA along the west boundary. In addition to the RMA, the proposal also includes a farm protection buffer of 15 m area along the boundary of the ALR. Adjacent water licenses with respect to flow and location will also be accommodated within the proposal. A memorandum of understanding for access to Ahern and Cowan Springs has been agreed upon between the water licence holders.

### 4.2 Background

The property at 984 Dehart was removed from the Agricultural Land Reserve (ALR) in 1989.

In the spring of 2013, an application was initiated to amend the OCP and rezone the property. This proposal was to rezone to RU-1 Large Lot Residential included a road access that came through Young and Turner Roads. A Public Information Meeting was held on April 18<sup>th</sup>, 2013, with many of the residents opposed to this access. Based on this public feedback, an alternate plan was developed, with the primary access at Dehart Road. A Traffic Impact Analysis was prepared for this revised road network, which was received by the City in February of 2014.

In the spring of 2014, a revised application was heard by Council and was sent to Public Hearing on June 10, 2014. This application included both multi-family and single/two family residential housing, connections to Turner Road and ingress/egress at Dehart across from Bartholomew Road. The application was defeated by Council and Council directed staff to work with the applicant to investigate a single / two family housing option and traffic options.

The most recent application was initiated in the summer of 2014. This latest proposal is to rezone to both the RU-1 Large Lot Residential and RU-2 Medium Lot Residential with the main road access via a roundabout at Bartholomew Court while the secondary access is via Turner Road. A revised Traffic Impact Analysis was submitted for this revised road network, which was received by the City in August, 2014. A second Public Information Meeting was held on Monday, September 29<sup>th</sup>, 2014. At the time of writing this Council Report, the results of the second Public Information Meeting was unknown.

### 4.3 Site Context

The 9.6 ha subject property is located within the Okanagan Mission Sector of the City (Map 1, below) and is within the Permanent Growth Boundary. The property is currently zoned A1 but is not in the Agricultural Land Reserve. Properties within the Agricultural Land Reserve lie to the north and east (Map 2, below).

The property has a number of water licenses in favour of downstream neighbours. The historical infilling changed water flow patterns which resulted in issues with respect to water licenses and access to the water. As part of this application package, a Memorandum of Understanding has been prepared to address water license and water flow issues. The neighbours have agreed to cooperate in the construction of a proposed conveyance route in order to ensure the water license rights are sustained in the future.

The natural gas line Right of Way (ROW) runs diagonally through the site from the west of the site to the north.

A number of watercourses are present on the site. The project includes riparian areas and details on cross sections of each of these watercourses in the design<sup>2</sup> and riparian planting is proposed as part of the environmental report, but a planting plan has not yet been provided<sup>3</sup>.

### 4.4 Neighbourhood Context

A single / two unit residential subdivision with RU1 zoning lies to the west of the property, and agricultural properties lie to the north and east. Dehart Road borders the property to the south, and single unit and rural residential properties are south of Dehart Road.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Agriculture
East	A1 - Agriculture 1	Yes	Agriculture
South	RU1 - Large Lot Housing RR2 - Rural Residential 2	No	Single Family Residential Rural Residential
West	RU1 - Large Lot Housing	No	Single Family Residential

The subject property is located within a Development Permit Area for Farm Protection given its proximity to ALR land. It is also within a Natural Development Permit Area given the high groundwater and surface water conditions in the area.

### 4.5 Utilities

The sanitary sewer services are within the jurisdiction of the City of Kelowna. Currently water is provided by the South-East Kelowna Irrigation District (SEKID). According to the consulting engineer report<sup>4</sup>, an agreement in principle has been reached between the City of Kelowna and SEKID to accommodate a boundary adjustment, such that the City of Kelowna will become the water purveyor for the subdivision prior to 4<sup>th</sup> reading of the rezoning application, subject to the owner covering the administration costs incurred by SEKID for the boundary adjustment (memo attached).

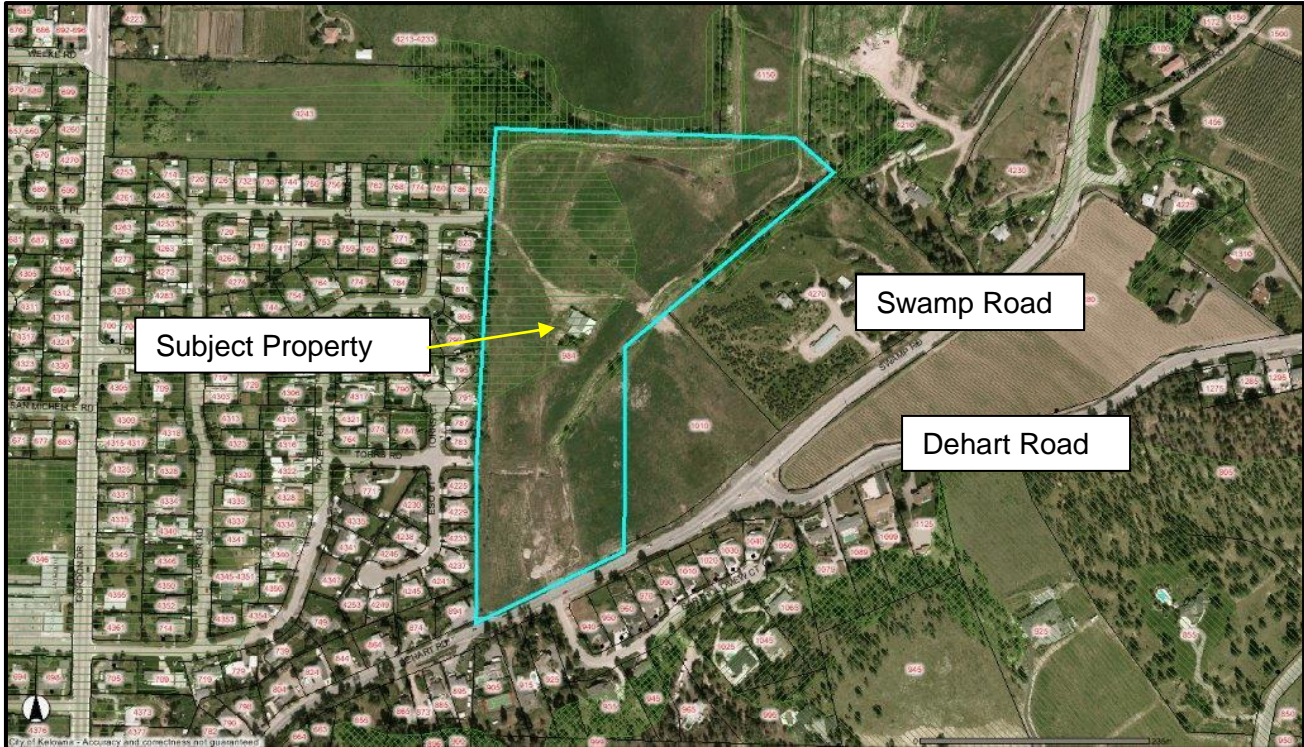
<sup>2</sup> Aplin & Martin, 2013. Civil Engineering Servicing Brief – Proposed Dehart Road Subdivision – 984 Dehart Rd, Kelowna, BC

<sup>3</sup> Makonis, 2013. Dehart Road Environmental Assessment – Submitted to New Town Planning Services Inc.

<sup>4</sup> Aplin & Martin, 2013. Civil Engineering Servicing Brief – Proposed Dehart Road Subdivision – 984 Dehart Rd, Kelowna, BC.



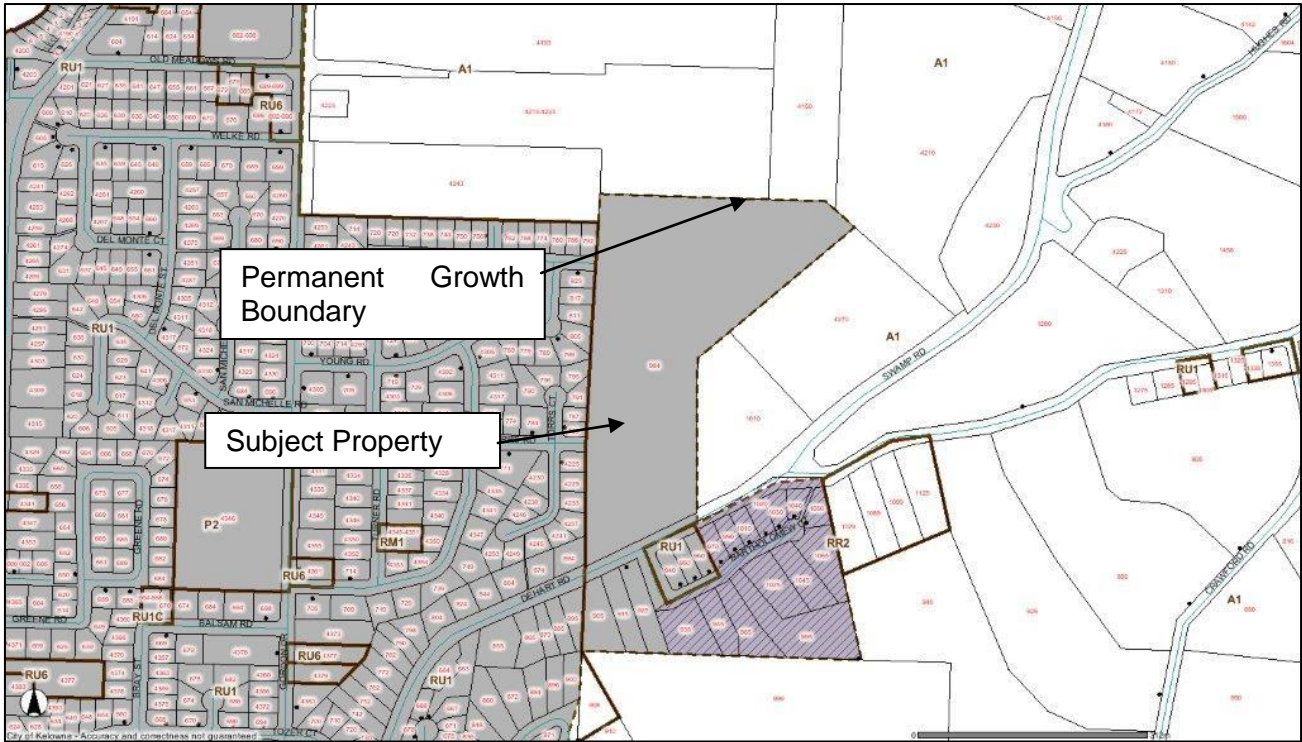
Map 1: Subject Property



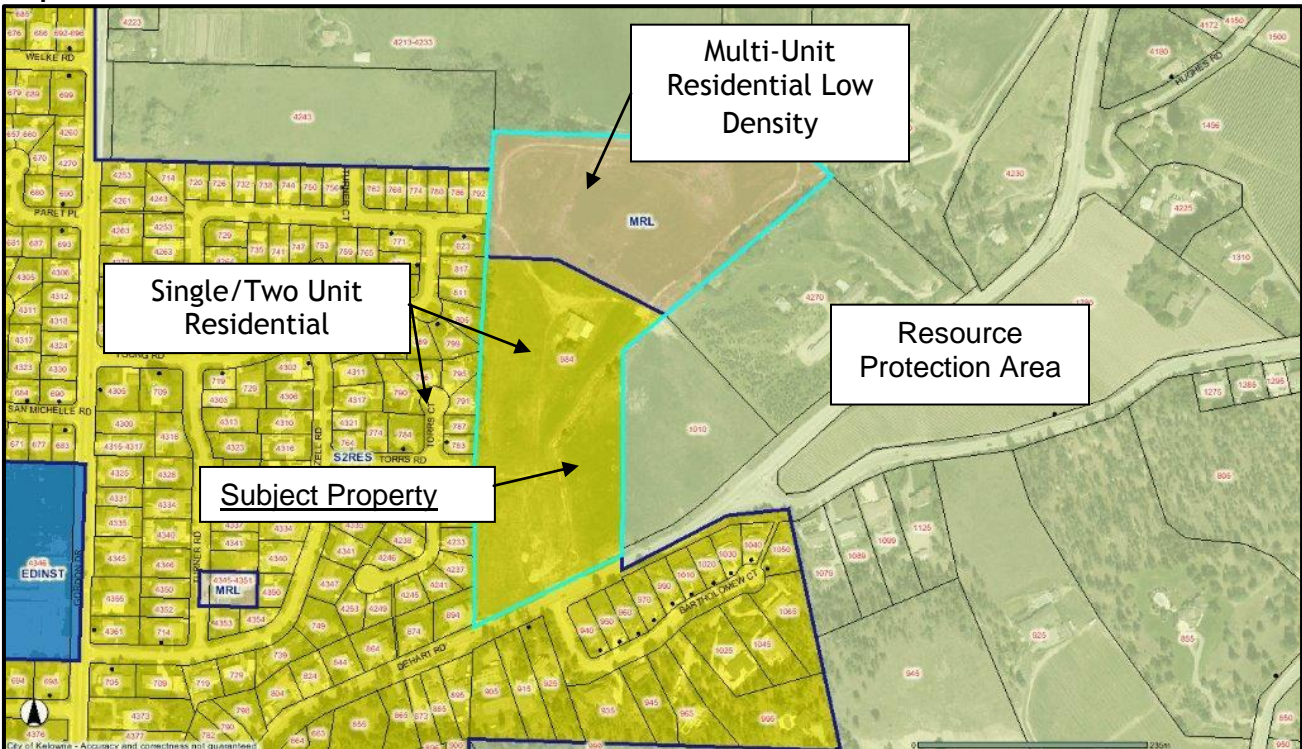
Map 2: Agricultural Land Reserve



Map 3: Permanent Growth Boundary



Map 4: Current Future Land Use



4.6 Traffic Impact Analysis

A Traffic Impact Analysis to assess the current application of 110 single/two family residential units was completed in August, 2014. The results indicate that the proposed road network will accommodate the traffic generated by the development. (See attached report, EYH, August, 2014).

In Consultation with the City of Kelowna Development Services and Transportation and Mobility Branches, the concept includes a roundabout at Dehart Road which intersects at Bartholomew Court. This provides the following:

- Universal access (turns available to all directions);
- Pedestrian crossing; and
- Traffic slowing along Dehart.

The OCP indicates that a sidewalk is required along Dehart between the project and Gordon Drive. The City of Kelowna is willing to take a limited responsibility for the costs, for 50% up to a maximum of \$25,000<sup>5</sup>. Frontage upgrades along Dehart Road would be required in accordance with Bylaw # 7900. The TIA Memo (EYH, date?) indicates that pedestrian access could be provided along the utility easements.

#### 4.7 Public Consultation

Two Public Information Sessions have been held for the project. The first Public Information Session was held for the project on April 18, 2013. There were 51 attendees recorded. An exit questionnaire was prepared with 32 responses received. The road and lot configuration presented included the primary access from Young / Turner Roads. Of the 32 responses, 27 strongly disagreed that the traffic could be accommodated on this route. The results of the April 18, 2013 Public Information Session are attached. The road configuration was changed in response to these results, and that the main access is now from Dehart Road.

The second Public Information Session was held on the evening of Monday, September 29<sup>th</sup>, 2014. No information was available regarding this session given that the Council Report deadline was prior to the public meeting.

#### 4.8 Zoning Requirements

The zoning requirements for RU1 and RU2 developments are included in the table below. Note that the lot current lot illustrated in the application documents illustrates a proposed configuration, but because a subdivision is not currently being applied for, the exact alignment of lots may change. The road network will not change. However, the current configuration demonstrates that 100 RU1 - Large Lot Housing and RU2 - Medium Lot Housing is possible for the site. No variances are necessary with the current configuration.

**Zoning Analysis Table**

<sup>5</sup> Muenz, S. January 21, 2014. Email to K. Funk, Dehart IIA & Sidewalk.

CRITERIA	ZONE REQUIREMENTS	PROPOSAL
<b>Existing Lot/Subdivision Regulations - RU1 - Large Lot Housing</b>		
Lot Area	550 m <sup>2</sup>	Minimum 550 m <sup>2</sup>
Lot Width	16.5 m (17 for a corner lot)	Minimum 16.5 m
Lot Depth	30 m	Minimum 30 m
<b>Existing Lot/Subdivision Regulations - RU2 - Medium Lot Housing</b>		
Lot Area	400 m <sup>2</sup>	Minimum 400 m <sup>2</sup>
Lot Width	13 m (15 for a corner lot)	Minimum 13 m
Lot Depth	30 m	Minimum 30 m

No variances are being requested for this rezoning. Staff notes that subdivision plan is not being applied for at this time. The lot current lot configuration has no variances required.

#### 4.9 Transit

Currently there is a transit stop at the southeast corner of the subject property. This existing bus stop will require upgrading to current standard (UBS2), as per the Development Engineering Department requirements (see attached memo).

#### 4.10 Pedestrian Linkages

The internal roads will be built to a local road standard according to the Subdivision, Development and Servicing Bylaw No. 7900. The current subdivision layout includes a pedestrian connection to Torrs Road. As a subdivision is not currently being applied for and may change, a blanket statutory right-of-way is being requested as a condition of rezoning, with trail connections to be determined during the Preliminary Layout Review of subdivision.

#### 4.11 Geotechnical

Since the mid-1990s, the property has been subject to infilling and watercourse disruption and relocation. In 1998, a Section 219 Restrictive Covenant was placed on the property requiring geotechnical, hydrogeological and drainage investigation and plans prior to development. The covenant outlines investigation and plans required to address these concerns prior to development. In addition, there is a City of Kelowna Settlement and Release Agreement (2010) to address the geotechnical and environmental considerations. Details of these documents are included below.

#### **Section 219 Restrictive Covenant #KM084923**

The owner entered into a Section 219 Restrictive Covenant with the City of Kelowna in 1998<sup>6</sup> that stipulated that no further development occur until certain conditions were provided, including:

- Sanitary sewer and a community water provided with fire protection capability;
- A complete geotechnical report, to address the fill material and remedial actions required to make the property suitable for development, as well as address the surface and groundwater characteristics and a drainage plan, including any items that should be included in a restrictive covenant which would safeguard building sites and utility installations;

<sup>6</sup> BC Agent – Kamloops Registry Service Ltd, Aug. 28, 1998. Land Title Act Form C No 1044 – KM084923 – Covenant.

- Site grading and drainage plan completed to the satisfaction of the Development Engineer;
- A suitable landscape buffer complete with fencing is established along the border of the ALR and non-ALR lands to the southeast and to the north and to the satisfaction of the Approving Officer;
- A prepared geotechnical report prepared by Golder & Associates<sup>7</sup>; and
- A complete inventory of springs, drainage channels and water licenses be identified, complete with a hydrogeotechnical study proposing how water will be handled through culverts and drainage channels.

### City of Kelowna Settlement and Release Agreement - 2010

In 2010, a Settlement and Release Agreement (attached) was signed by the owner and the City of Kelowna, stipulating that the owner undertake the following:

- Ensure that there is no net loss of riparian habitat and function for the Lands;
- To remove all of the drain piping located on the Lands as identified on the photograph of the Lands attached hereto as Schedule "A";
- Prepare a mitigation/restoration plan (signed off by an QEP/RPBio) for the site;
- Ensure that all future works on the site will adhere to applicable provincial acts, including but not limited to: the *BC Water Act* and the *BC Fish Protection Act*; and
- Ensure that all future works on the site will adhere to applicable City of Kelowna policies, plans and policies including but not limited: Kelowna 2020 Official Community Plan (7600), Zoning Bylaw (8000) and Subdivision and Servicing Bylaw (7900).

As part of the grading and site modification, fill was placed over peat in different locations of the property. A geotechnical report in 1998 concluded that buildings constructed over the existing conditions would result in unacceptable total and differential settlements<sup>8</sup>. The report provided a number of potential treatments for the property prior to development, including but not limited to:

- Complete subexcavation of the fills, surficial topsoil layer and peat deposits and replacement with granular fills;
- Pile supports;
- Subexcavation of fill layer, combined with preload fill to compact peat deposits;
- Complete subexcavation of fills, topsoil and peats under proposed roads and replacement with granular fill and/or preloaded;
- Dewatering during excavation due to high groundwater table; and
- The provision of adequate subsurface and surface drainage measures.

#### 4.12 Surface Water

Aplin and Martin Consultants Ltd. have provided plans accommodating overland creek flows at the west and northeast portions of the property (see attached plans). The plans include a 15 m creek and RMA along the west property line, and a 20 m wide channel and RMA / farm protection buffer along the northeast property line. The West Creek cross section indicates that the

<sup>7</sup> Golder & Associates, 1996. Preliminary Geotechnical Investigation Proposed Subdivision, Lot 2, Plan 35773, Sec. 31, TP.29, ODYD Dehart Road, Kelowna, British Columbia

<sup>8</sup> Golder & Associates, 1996. Preliminary Geotechnical Investigation Proposed Subdivision, Lot 2, Plan 35773, Sec. 31, TP.29, ODYD Dehart Road, Kelowna, British Columbia

channel will be lined with riprap, and includes culverts under proposed roadways. The Creek Restoration Plan on the northeast property line will have side slopes of 6:1, transitioning into 3:1 slopes to meet existing grade, and will not have riprap.

#### 4.13 Groundwater

The Section 219 Restrictive Covenant #KM084923 stipulates that a geotechnical report that addresses surface and groundwater characteristics must be and outlines recommendations for an overall drainage plan that safeguards building sites and utility installations must be prepared. The Dehart Road Environmental Assessment indicates that 6 springs are known in close proximity to the subject property<sup>9</sup>.

A Creek Restoration Plan for the northeast drainage channel and a plan for the West Creek Upgrade have been prepared by Aplin & Martin Consultants Ltd. and are attached.

The property is within a Natural Environment Development Permit Area, and the applicant has submitted a Natural Environment Development Permit application for this property with the City. The approximate area of high groundwater is shown in Map 5, below.

#### 4.14 Environmental

According to the Dehart Road Environmental Assessment, a number of rare and endangered ecosystems occur on the site. One of these, the Fd- Water Birch - Douglas Maple ecosystem occurs along the northeast property line, where the creek / riparian reserve is proposed. Another ecosystem, the ActFd - Common Snowberry - Red-osier Dogwood Riparian, is present along the west property line along the open drainage in this location. While the ecosystem is not ranked by the Conservation Data Centre of BC, it is associated with riparian and wetland habitat characteristics and should be protected, according to the assessment. Within the ditches, there are several small isolated occurrences of cattail marsh. These are ranked as 'blue-listed' or vulnerable, by the Conservation Data Centre of BC. Avoidance of these areas is recommended in the assessment<sup>10</sup>. The rest of the ecosystems found on site are anthropogenic, or highly modified, according to the report.

The assessment noted evidence of deer and coyote, and likely provide habitat for mice, voles and shrews, although these species were not specifically inventoried. Bighorn sheep were noted on the property during one site visit.

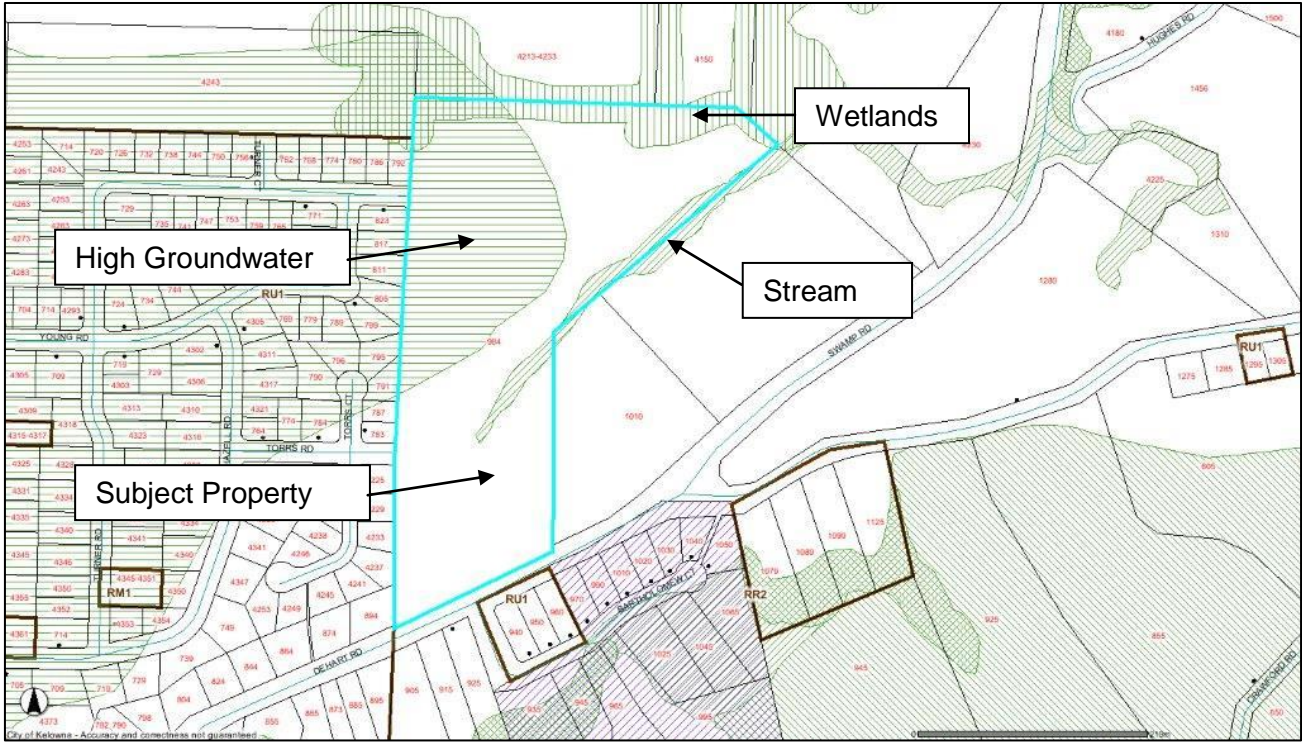
The Dehart Road Environmental Assessment found no rare plants on the property. However the timing and sampling intensity may indicate non-detection rather than absence<sup>11</sup>.

### Map 5: Natural Environment Development Permit Areas

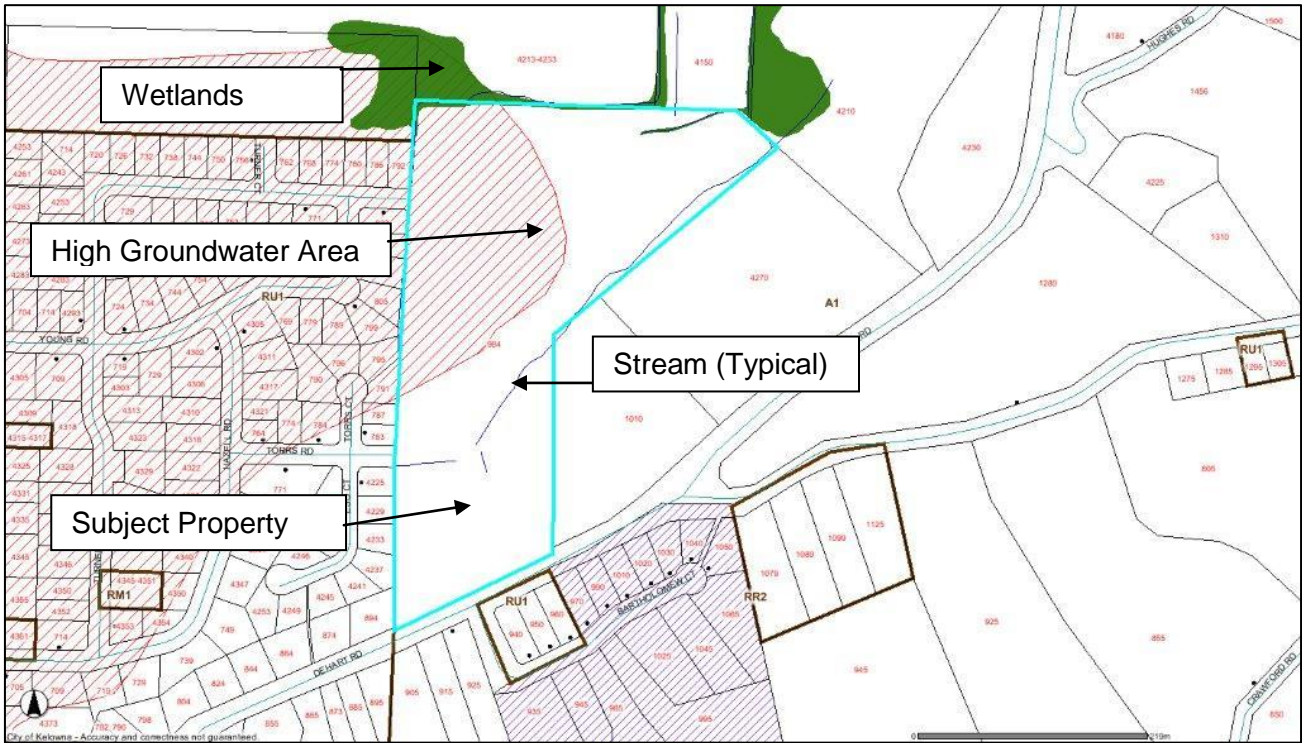
<sup>9</sup> Makonis, 2013. Dehart Road Environmental Assessment – Submitted to New Town Planning Services Inc.

<sup>10</sup> Makonis, 2013. Dehart Road Environmental Assessment – Submitted to New Town Planning Services Inc.

<sup>11</sup> Makonis, 2013. Dehart Road Environmental Assessment – Submitted to New Town Planning Services Inc.



Map 6: Neighbourhood Wetlands, Creeks and Easements



### 5.0 Current Development Policies

## 5.1 Kelowna Official Community Plan (OCP)

### Focus development to designated growth areas<sup>12</sup>.

**Permanent Growth Boundary.** Establish a Permanent Growth Boundary as identified in the OCP. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy.

**Compact Urban Form.** Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs per ha located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres in particular and existing areas as per the provisions of the Generalized Future Land Use.

### Farm Protection DP Guidelines<sup>13</sup>

#### Objectives

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

#### Guidelines

- On properties located adjacent to agricultural lands, design buildings to reduce impact from activities associated with farm operations. Design considerations include, but are not limited to maximizing the setback between agricultural land and buildings and structures, and reducing the number of doors, windows, and outdoor patios facing agricultural land.
- On agricultural and non-agricultural lands, establish and maintain a landscape buffer along the agricultural and/or property boundary, except where development is for a permitted farm use that will not encourage public attendance and does not concern additional residences (including secondary suites), in accordance with guidelines provided by Ministry of Agriculture "Guide to Edge Planning" and the ALC report "Landscape Buffer Specifications" or its replacement.
- Design any subdivision or urban development of land to reduce densities and the intensity of uses gradually towards the boundary of agricultural lands.

### Ensure environmentally sustainable development<sup>14</sup>.

**Environmentally Sensitive Area Linkages.** Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors.

**Protection Measures.** Protect and preserve environmentally sensitive areas (ESAs) using one or more of the following measures, depending on which measures are appropriate to a given situation: Dedication; Return to Crown Land or covenant for conservation purposes with the City

<sup>12</sup> City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.

<sup>13</sup> City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.

<sup>14</sup> City of Kelowna 2030 Official Community Plan (2011) - Development Process Chapter 5; p. 5.17



or other government body; and Ensure setbacks on adjacent developments on adjacent developments are adequate to maintain the integrity of the ESA.

## 5.2 City of Kelowna Agriculture Plan

**New Growth Areas**<sup>15</sup>. Discourage the establishment of new growth areas within or beyond agricultural areas that create additional traffic pressure on the local rural road network.

**Farmland Preservation**<sup>16</sup>. Direct urban land uses to areas within the permanent growth boundary, in order to reduce development and speculative pressure. This is to encourage the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands.

**Urban Buffers**. Require new development, adjacent to agricultural areas, to establish setbacks, fencing and landscape buffers on the urban side of the defined urban - rural/agricultural boundary.

## 6.0 Technical Comments

### 6.1 Building & Permitting Services

A geotechnical report will be required to define building requirements / limitations.

### 6.2 Development Engineering Services

A full list of Development Engineering Services requirements is included in the revised memo, attached. A summary includes:

- Prior to final adoption of the zoning bylaw, a pre-design report must identify all the offsite servicing needs in accordance with the Subdivision, Development and Servicing Bylaw No. 7900.
- The high water table may impact site and building design, and should be determined by an engineer and detailed on a Lot Grading Plan.
- A report by a Geotechnical Engineer in the field of hydro-geotechnical engineering to identify ground water characteristics and limitations, as well as soil conditions and potential requirements or restrictions regarding slope stability, soil suitability and drainage requirements.
- Provide an adequate domestic and fire water system with adequate water pressure, in accordance with Bylaw No. 7900.
- Provide an adequately sized sanitary sewer system complete with individual lot connections.
- Provide an adequately sized drainage system and a detailed Lot Grading Plan, complete with dedications, rights of way, setbacks and non-disturbance areas, a Stormwater Management Plan, and an Erosion and Sediment Control Plan.
- Upgrades to Dehart Road to an urban standard, including all fronting improvements.
- Construction of a roundabout at the Dehart Road / Bartholomew Court intersection.
- Construction of a concrete sidewalk from Gordon Drive to the development frontage. The City of Kelowna will cost share this work to a maximum of \$25,000.

<sup>15</sup> City of Kelowna Agriculture Plan (1998); p. 99.

<sup>16</sup> City of Kelowna Agriculture Plan (1998); p. 131 & 132.

- Driveway access is not permitted onto Dehart Road.
- Provide underground service connections and street lights.
- Design and construction must be prepared and inspected by a Consulting Civil Engineer in accordance with Bylaw No. 7900.
- Provide a Servicing Agreement in accordance with Bylaw No. 7900, including the preparation of adequate drawings and estimates prior to the preparation of the Servicing Agreement.
- Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

### 6.3 Bylaw Services

The property was subject to nine bylaw complaints between 2008 and 2011. The complaints varied, but included noise, unsightly premises, nuisance trees and shrubs and altering the land without a development permit. All bylaw incidents were concluded.

### 6.4 Parks & Building Planning Branch

The Parks & Building Planning Branch have concerns with the ground and surface water conditions of the site, and potential impacts to Thomson Marsh and Mission Recreation Park. They recommend that any creek restoration be done by the developer and that a three year maintenance requirement by the developer.

Infrastructure Planning, in consultation with Parks Services, have determined that there is no need for park dedication within this subdivision, based on the Linear Park Master Plan, the OCP, and that the number of units is not high enough to justify the provision of a park at this time.

However, Parks Services has identified a need for a pedestrian walkway through the development, and across Dehart Road from Bartholomew Court. This would provide access for high school students going to Okanagan Mission High School, and a pedestrian access to Dehart Road at the mid-point of the property. These should be constructed to the Bylaw No. 7900 standard. In addition, a pedestrian path access location to the north should be kept available to the north of the property, should a pathway alignment become available in the future.

Parks Services recommends that any environmental areas are protected with a No Build / No Disturb Covenant on private lands.

### 6.5 Policy & Planning Department

This application is to amend the OCP designation for the northern portion of the subject property from MRL to S2RES and to rezone the southern portion of the property to RU1 - Large Lot Housing, and the northern half to RU2 - Medium Lot Housing. Furthermore, the applicant says there will be protection of a 15m riparian zone along the westerly boundary and a 20m riparian protection zone along the north easterly boundary, and a 15 buffer from agricultural lands.

RU1 and RU2 zonings are permitted within the S2RES designation. Although the northern portion of the lot is designated for multi-unit development, removal of this density from the site is not a significant concern, as the overall objective of the OCP is to concentrate multi-unit development in locations where services and amenities are already in place. Subject to both ALR and

environmental protection measures, including appropriate buffers in accordance with standards outlined in the OCP, Policy & Planning staff support this application.

#### 6.6 Subdivision Approving Officer

The Subdivision Approving Officer notes that fill has been brought to the site for years without geotechnical investigation, and that Development Cost Charges (DCCs) will be payable at final subdivision stage.

#### 6.7 Fire Department

Fire Department access, fire flows, and hydrants must be in accordance with the BC Building Code and the City of Kelowna Subdivision Bylaw #7900. This bylaw requires a minimum of 60 ltr/sec fire flows. Additional comments will be required at the time of the building permit application.

#### 6.8 Fortis BC (Electric)

The subject property is currently serviced by a primary electrical distribution extension from Dehart Road. This line crosses both a neighbour's property and a waterway without a statutory right of way or permitting. Until such a time as this line is protected by land rights, any servicing to the proposed subdivision will require a new extension from the primary distribution facilities along Dehart Rd.

The applicant is responsible for costs associated with servicing the proposed lots as well as the provision of appropriate land rights where required. It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

#### 6.9 FortisBC (Gas)

Fortis BC Gas has a pipeline running at a diagonal through the northern portion of the property. They have provided these comments, as well as general development comments.

- Fortis pipeline may require an engineering assessment and possible upgrade to current standards at the expense of the owner.
- The existing soil conditions, final site grades and building elevations, as well as preloading, must be considered as it relates to the existing pipeline and Right of Way (ROW).
- Fortis BC encourages the use of its ROW for linear parks. Fortis BC requests that the proposed property lines align with, and do not cross, the Fortis BC ROW boundaries.

#### 7.0 Application Chronology

Revised Application Received:	July 2014
Revised Traffic Impact Analysis:	August 28, 2014
Revised Plans Received	September 16 & September 23, 2014
Complete Application Received:	September 23, 2014
Public Information Session	September 29, 2014

**Report prepared by:**

---

Melanie Steppuhn, Land Use Planner

**Reviewed by:**

Todd Cashin, Subdivision, Agriculture & Environment Services Manager

**Approved for Inclusion:**

Shelley Gambacort, Director of Subdivision, Agriculture & Environment

**Attachments:**

Subject Property Map

Site Photos

OCP Amendment Plan - Map 'A'

Rezoning Plan - Map 'B'

DeHart Environmental/ALR Plan - Buffer Areas

Aplin & Martin Consultants Ltd. - Civil Details and West Creek Upgrade

Development Engineering Manager - revised August 25, 2014

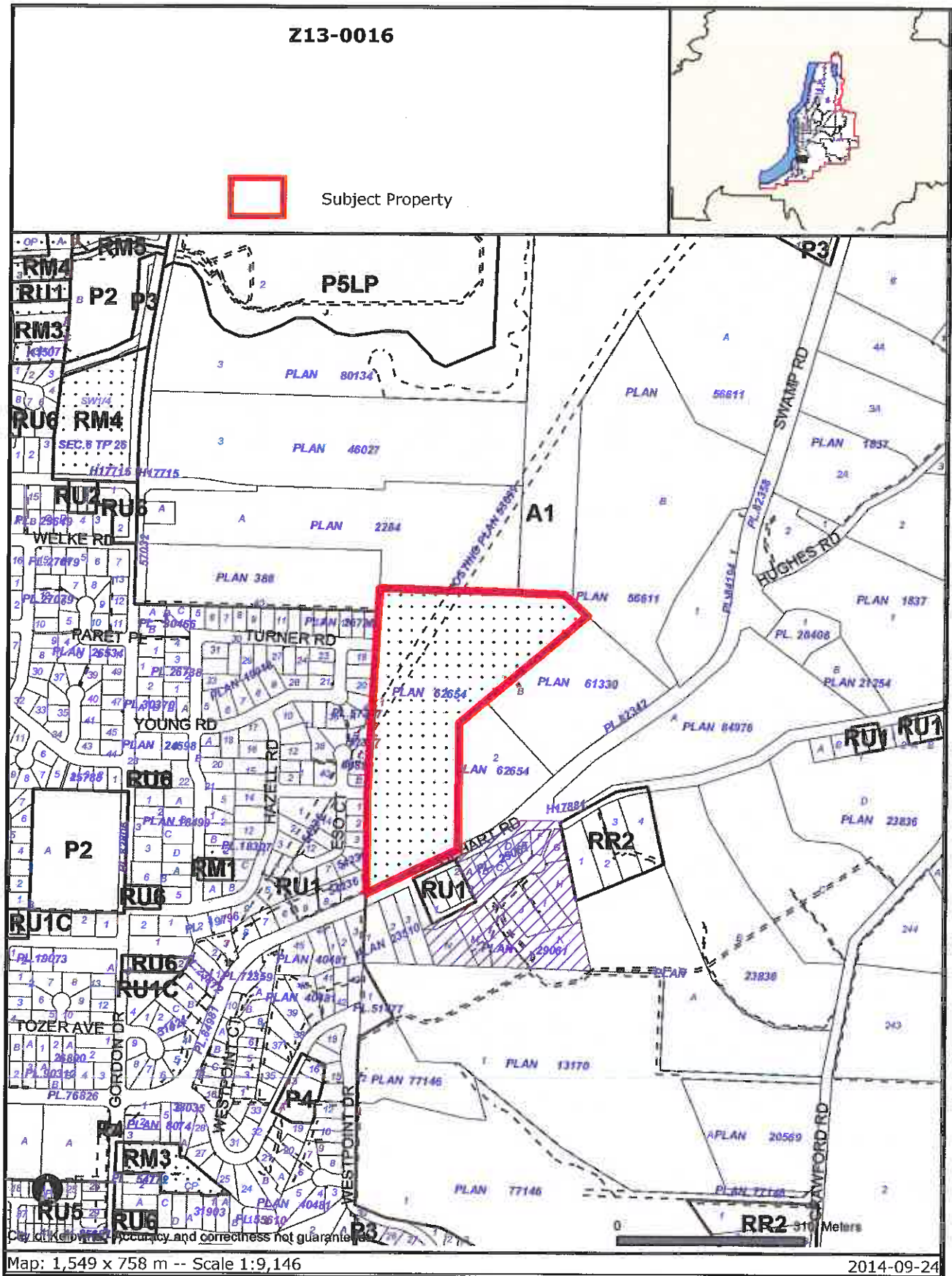
EYH Consultants - TIA Memo - August 28, 2014

South East Kelowna Irrigation District

Settlement and Release Agreement - 2010

Section 219 Restrictive Covenant #KM084923

Council Report - April 28, 2014 (Z13-0016/OCP13-0011)



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.

984 Dehart Road – Site Photos



Panorama Photo from the North East Corner of the Subject Site



Panorama Photo from the South East Corner of the Subject Site



Panorama Photo from south Central Boundary of the Subject Site



**LEGEND:**

- PROPERTY LINE
- PROTECTED RIPARIAN
- 15m ALR BUFFER
- CONCEPTUAL ROAD
- PROPOSED SINGLE & TWO UNIT RESIDENTIAL
- OCP AMENDMENT (Low Density Multiple Unit and Two Unit Resider)
- SINGLE & TWO UNIT RESIDENTIAL TO REMAIN
- SINGLE & TWO UNIT RESIDENTIAL



**NEW TOWN SERVICES**  
 250-860-8185  
 www.newtownservices.net

project title  
**Dehart Zoning**

project no. 1555  
 drawing title  
**OCP Amendment**

author	date	scale
JA	2014-06-23	1:1500
checked		
drawing no.		

Map A







Revisions  
 No. Date Description

**Notes:**

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**LEGEND:**

-  PROPERTY LINE
-  PROTECTED RIPARIAN
-  15m ALR BUFFER
-  A1 TO RU1
-  A1 TO RU2
-  CONCEPTUAL ROAD



**NEW TOWN SERVICES**  
 250 . 860 . 8185  
 www.newtownservices.net

project title  
**Dehart Zoning**

project no. 1555

drawing title  
**Zoning Plan**

designed	JA	scale	1:1500
date	2014/08/23		
checked			
drawing no.			


**Map B**

Revisions	No.	Date	Description

**Notes:**  
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 All drawings shall be read in conjunction with specifications and contract plans.





- LEGEND:**
-  PROPERTY LINE
  -  PROTECTED RIPARIAN
  -  15m ALR BUFFER
- SITE AREA: 93,791.77m<sup>2</sup>

**DEHART**
  
**ENVIRO/ALR PLAN**

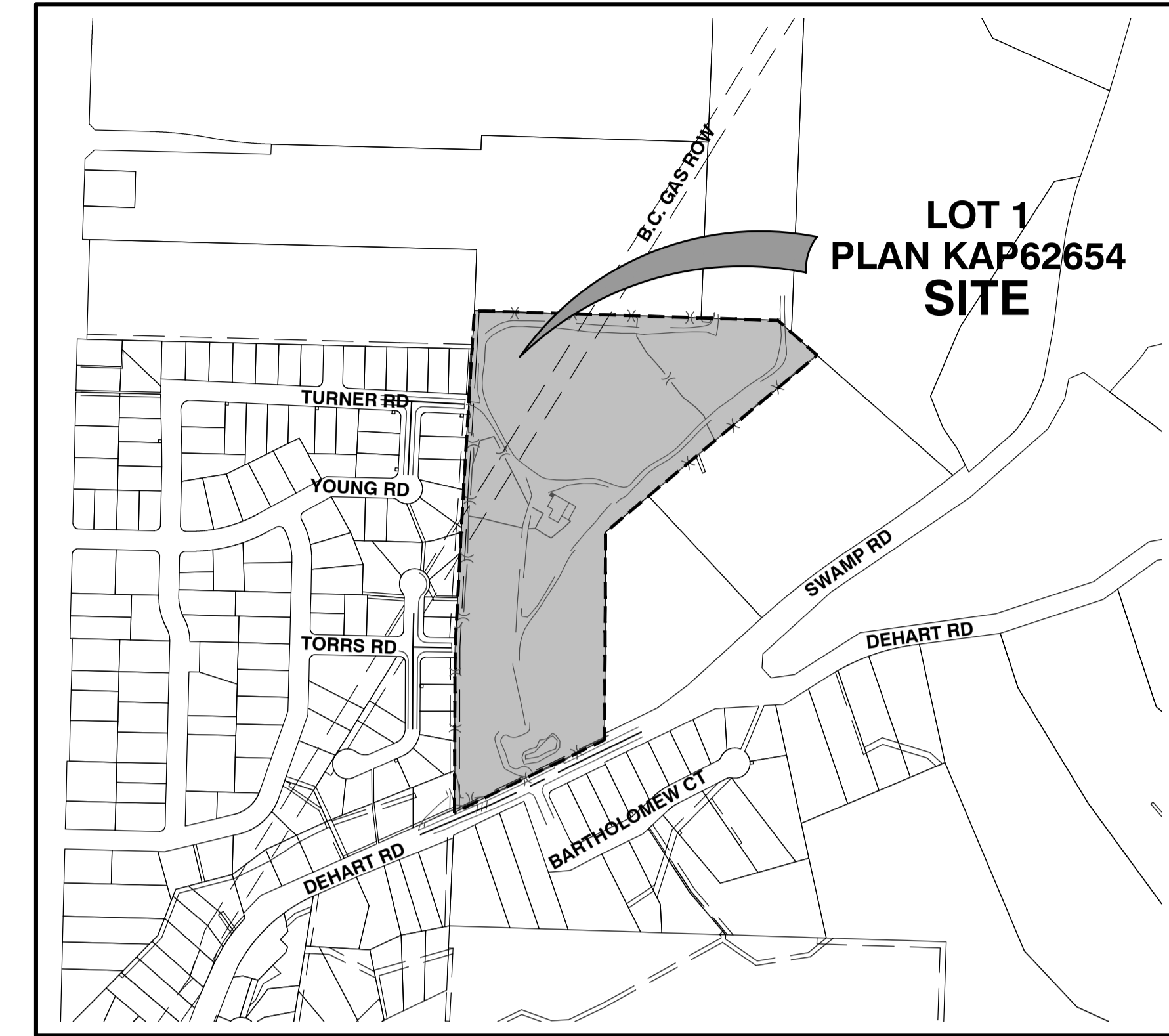
ENGINEERING SERVICES PROVIDED BY

# APLIN & MARTIN CONSULTANTS LTD

PROJECT MANAGEMENT ■ ENGINEERING ■ PLANNING ■ SURVEYING

454 Leon Avenue, Kelowna, B.C. Canada V1Y 6J3

Tel: (250) 448-0157, Fax: (778) 436-2312, E-mail: general@aplinmartin.com



**KELOWNA, BC  
SITE LOCATION PLAN**

SCALE: 1 : 5000



**DEVELOPER:**

**NEW TOWN PLANNING SERVICES LTD.**

164 ST. PAUL STREET  
KELOWNA, BC  
V1W 2C7

**PROJECT:**

**RESIDENTIAL SUBDIVISION**

984 DEHART ROAD  
LOT 1, PLAN KAP62654, SEC 31, TP 29, O.D.Y.D.

DRAWING INDEX	
SHEET NUMBER	SHEET TITLE
01	COVER PAGE
02	GENERAL NOTES AND LEGEND
03	LOT SUBDIVISION PLAN
04	ROADWORKS - TURNER ROAD (EXTENSION)
05	ROADWORKS - ROAD A - STA. 0+000 - 0+200
06	ROADWORKS - ROAD A - STA. 0+200 - 0+330
07	ROADWORKS - ROAD B
07	CREEK RESTORATION PLAN
09	STANDARD DETAILS

**APLIN & MARTIN PROJECT No. 12-651**

**A&M DRAWING NO.: 12-651-01**

### ENGINEERING DRAWING NOTES

#### A. CITY GENERAL NOTES

1. FOR THE PURPOSE OF CONSTRUCTION AND ACCOUNTABILITY, THE DEVELOPER MUST ADVISE THE DISTRICT INSPECTOR, IN WRITING, WHICH OF THE DISTRICT NOTES IS GOING TO BE THE RESPONSIBILITY OF THE DEVELOPER'S CONTRACTOR.
2. CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE CITY OF KELOWNA SUBDIVISION, DEVELOPMENT, AND SERVICING BYLAW NO. 7900 AND THE APPLICABLE MUNICIPAL MASTER SPECIFICATIONS AND STANDARD DETAIL DRAWINGS.
3. TRAFFIC CONTROL IS THE RESPONSIBILITY OF THE DEVELOPER AND THE DEVELOPER SHALL COMPLY WITH SECTION 52 OF THE INDUSTRIAL HEALTH AND SAFETY REGULATIONS OF THE WORKERS' COMPENSATION BOARD OF B.C. AND THE INSTRUCTIONS OUTLINED ON THE CITY ROAD AND RIGHT-OF-WAY PERMIT AND TRAFFIC OBSTRUCTION PERMIT ISSUED BY THE CITY. THE DEVELOPER IS TO HAVE, ON SITE, A COPY OF THE CURRENT "B.C. TRAFFIC CONTROL MANUAL FOR WORK ON ROADWAYS" AS PUBLISHED BY THE MINISTRY OF TRANSPORTATION AND HIGHWAYS.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS FOR WORK WITHIN THE DISTRICT ROAD ALLOWANCE.
5. WHERE UTILITY OR SERVICE CROSSINGS ARE REQUIRED ACROSS EXISTING PAVEMENTS, AN UNDERGROUND METHOD OF INSTALLATION IS REQUIRED UNLESS SPECIAL APPROVAL IS GIVEN FROM THE CITY FOR AN OPEN CUT OPERATION. ALL EXISTING PAVEMENTS, BOULEVARDS, DRIVEWAYS, ETC., ARE TO BE REINSTATED TO ORIGINAL OR BETTER CONDITION AND IN ACCORDANCE WITH DISTRICT SPECIFICATIONS AND THE PAVEMENT CUT POLICY.
6. CITY ISA MONUMENT(S) ARE TO BE PROTECTED AND SHOULD THEY REQUIRE RAISING OR RELOCATING, THE DEVELOPER WILL NOTIFY THE CITY OF KELOWNA SURVEY DEPARTMENT AT LEAST THREE WORKING DAYS IN ADVANCE OF SCHEDULING WORK AFFECTING THEM. ANY ISA MONUMENT DISTURBED BY THE DEVELOPER SHALL BE REPLACED BY THE CITY OR A DISTRICT APPROVED BCLS ALL AT THE DEVELOPER'S EXPENSE. THE CITY WILL INVOICE THE DEVELOPER A FEE FOR EACH ISA MONUMENT DISTURBED AS FOLLOWS:
  - (1) LOWERS THE GRADE OF THE ROAD AT THE LOCATION OF AN ISA MONUMENT(S)
  - (2) RAISES THE GRADE OF THE ROAD AT THE LOCATION OF AN ISA MONUMENT(S), OR
  - (3) INSTALLS ANY UNDERGROUND UTILITIES (INCLUDING BC GAS, BC HYDRO, BC TELEPHONE, GVRD WATER/SANITARY SEWER/OR DRAINAGE ETC.) WITHIN 1.500 METER RADIUS OF THE ISA MONUMENT(S).
7. ALL STREET, TRAFFIC, AND ADVISORY SIGNS, PAVEMENT MARKINGS AND NO-POST GUARDRAILS REQUIRED BUT NOT NECESSARILY SHOWN ON THE DRAWINGS, SHALL BE INSTALLED BY THE CITY AT THE DEVELOPER'S COST.
8. WHERE INFILL OF EXISTING DITCHES IS REQUIRED OR WHERE SERVICES ARE CONSTRUCTED IN A FILL SECTION, FILL MATERIAL ARE TO BE IN ACCORDANCE WITH CITY SPECIFICATIONS AND ARE TO BE COMPACTED TO 95% OF MODIFIED PROCTOR DENSITY.
9. DRIVEWAY BOULEVARD CROSSINGS TO EACH OF THE PROPOSED LOTS ARE TO BE INSTALLED IN ACCORDANCE WITH THE CITY STANDARD DRAWINGS.
10. RESIDENTS DIRECTLY AFFECTED BY CONSTRUCTION OF THIS PROJECT MUST BE GIVEN 48 HOURS WRITTEN NOTICE OF THE PROPOSED START OF CONSTRUCTION. THE DEVELOPER WILL REQUIRE WRITTEN AUTHORIZATION FROM A PRIVATE PROPERTY OWNER, WITH A COPY TO THE CITY, PRIOR TO ANY ENTRY ONTO PRIVATE PROPERTY AND A WRITTEN RELEASE, FROM THE PROPERTY OWNER, WHEN COMPLETED.
11. WHEN NATIVE SITE GRANULAR BACKFILL IS PROPOSED FOR USE IN TRENCHES, THE DEVELOPER SHALL EMPLOY A PROFESSIONAL ENGINEER WITH EXPERIENCE IN GEOTECHNICAL ENGINEERING FOR PERFORMANCE OF IN PLACE DENSITY AND SIEVE TESTING. SELECTION OF THE PROFESSIONAL ENGINEER AND USE OF THE SITE MATERIAL IS TO BE APPROVED BY THE CITY. THE SITE MATERIAL MUST FALL WITHIN ONE OF THE GRANULAR BACKFILL MATERIAL SPECIFICATIONS. RIVER SAND IS NOT ACCEPTABLE AS TRENCH BACKFILL MATERIAL.
12. THE DEVELOPER SHALL FACILITATE AND SUPPLY ALL NECESSARY SAFETY EQUIPMENT REQUIRED UNDER THE WCB REGULATIONS FOR THE DISTRICT OR IT'S REPRESENTATIVES OR THE ENGINEER OF RECORD TO INSPECT THE SANITARY SEWER AND STORM SEWER SYSTEMS. THE EQUIPMENT SHALL BE SUPPLIED UNTIL SUCH TIME AS A CERTIFICATE OF COMPLETION IS ISSUED BY THE CITY OF KELOWNA.
13. DEVELOPER IS TO VERIFY THE LOCATION AND ELEVATION OF ALL PIPES, OR OTHER UTILITY CROSSINGS, PRIOR TO CONSTRUCTION AND SHALL NOTIFY THE ENGINEER OF RECORD OF ANY CONFLICTS.
14. THE DEVELOPER SHALL EMPLOY A PROFESSIONAL ENGINEER TO DESIGN, INSTALL AND MAINTAIN A SEDIMENT AND EROSION CONTROL SYSTEM IN THE DEVELOPMENT IN ORDER TO PREVENT SILT DISCHARGES TO THE STORM DRAINAGE SYSTEM AND WATERCOURSES.

#### B. CITY ROADWORK NOTES

1. THE DEVELOPER SHALL EMPLOY A PROFESSIONAL ENGINEER WITH EXPERIENCE IN GEOTECHNICAL ENGINEERING FOR PERFORMANCE OF IN PLACE TESTING DURING THE PREPARATION OF THE SUBGRADE AND CONSTRUCTION OF THE ROAD STRUCTURE TO VERIFY THE ADEQUACY OF THE PROPOSED AND EXISTING ROAD STRUCTURE AND SUBGRADE. SELECTION OF THE PROFESSIONAL ENGINEER IS TO BE APPROVED BY THE CITY.
2. EXISTING VALVE BOXES, MANHOLES, ETC., WITHIN THE ROAD ALLOWANCE MUST BE ADJUSTED TO SUIT THE PROPOSED FINISHED GRADE.
3. ALL LOOSE, ORGANIC, OTHERWISE DELETERIOUS MATERIALS OR SOFT SPOT(S) ARE TO BE EXCAVATED AND REMOVED FROM THE ROADWAY AND UTILITY TRENCHES IN THE ROADWAY AS PER THE GEOTECHNICAL CONSULTANT'S REPORT OR AS DIRECTED BY THE DISTRICT.

#### C. CITY SANITARY SEWER AND STORM SEWER NOTES

1. UNLESS PRIOR APPROVAL IS GIVEN TO THE DEVELOPER BY THE DISTRICT, TIE-INS AND CONNECTIONS TO EXISTING SANITARY SEWERS ARE TO BE PERFORMED BY THE CITY AT THE DEVELOPER'S COST.
2. ALL SERVICE CONNECTIONS SHALL BE MADE TO THE MAIN WHEREVER POSSIBLE. SHOULD A CONNECTION HAVE TO BE MADE TO A MANHOLE, THE CONNECTION INVERT SHALL BE AT THE SAME ELEVATION AS THE CROWN OF THE HIGHEST SEWER MAIN.
3. ALL MANHOLES ARE TO BE A MINIMUM OF 1050mm DIAMETER UNLESS OTHERWISE NOTED.
4. ALL SANITARY SEWER AND STORM SEWER SERVICE CONNECTIONS ARE TO BE A MINIMUM 100mm DIAMETER.
5. ALL GRANULAR PIPE BEDDING SHALL BE EITHER TYPE 1 OR TYPE 2 ONLY AS PER THE CITY SPECIFICATIONS.

#### D. CITY WATER WORKS NOTES

1. THE DEVELOPER SHALL SUPPLY ALL MATERIALS AND FITTINGS REQUIRED FOR THE TIE-IN OF THE NEW WATER MAINS BY THE DISTRICT.
2. ALL NEW WATER MAINS, AT TIE-IN POINTS, ARE TO BE CAPPED 1.5m FROM THE EXISTING WATER MAIN. THE PROPOSED WATER MAIN IS TO BE SET AT THE LINE AND GRADE TO MEET THE EXISTING WATER MAIN.
3. TIE-INS TO EXISTING WATER MAINS AND FINAL TESTING AND CHLORINATION OF NEW MAINS IS TO BE PERFORMED BY THE CITY AT THE DEVELOPER'S COST.
4. ALL DOMESTIC SERVICE CONNECTIONS WILL BE A MINIMUM OF 19mm DIAMETER UNLESS OTHERWISE SPECIFIED.
5. WHERE 100mm DIAMETER PIPE IS USED IT WILL BE DUCTILE IRON (D.I.) AND SHALL CONFORM TO THE CITY SPECIFICATIONS.
6. NO McAVITY FITTINGS OR VALVES, ETC., ARE TO BE USED.

#### APLIN & MARTIN CONSULTANTS LTD.

#### A. GENERAL NOTES:

1. ALL TOPSOIL AND SEEDING TO BE IN ACCORDANCE WITH MASTER MUNICIPAL SPECIFICATIONS AND STANDARD DETAIL DRAWINGS AND CITY OF KELOWNA SUBDIVISION, DEVELOPMENT, AND SERVICING BYLAW NO. 7900.
2. BUILDING PERMIT APPLICATIONS WILL NOT BE RECEIVED OR PROCESSED UNTIL THE SANITARY SEWER, STORM SEWER, SILTATION PONDS, AND WATER MAINS HAVE BEEN TESTED, TIED-IN AND ARE OPERATIONAL, THE ASPHALT BASE COURSE HAS BEEN PLACED AND THE ROUGH LOT GRADING HAS BEEN CERTIFIED.

#### B. ROADWORKS NOTES:

1. CHANGES OF GRADE SHALL BE FORMED BY SMOOTH CURVES.
2. ALL SUBGRADE AND GRANULAR BASE MATERIALS TO BE COMPACTED TO 95% MODIFIED PROCTOR.
3. THE CONDITIONS FOR PLACING ASPHALT PAVEMENT AND P.C. CONCRETE SHALL BE IN ACCORDANCE WITH MASTER MUNICIPAL SPECIFICATIONS AND THE CITY OF KELOWNA SUBDIVISION, DEVELOPMENT, AND SERVICING BYLAW NO. 7900. SHOULD DEVIANCE BE ALLOWED FROM THESE SPECIFICATIONS, THE CONTRACTOR IS TO ASSUME ALL RESPONSIBILITY FOR THESE PRODUCTS.
4. ROAD CATCH BASINS TO BE SET TO ASPHALT BASE COURSE ELEVATION.
5. FINAL 35mm ASPHALT OVERLAY TO BE PLACED PRIOR TO END OF ONE YEAR MAINTENANCE PERIOD.

#### C. STORM SEWER NOTES:

1. CONCRETE PIPE SHALL BE NON-REINFORCED A.S.T.M C-14 CLASS 3 OR REINFORCED CONFORMING TO A.S.T.M. C-76 CLASS III FOR SIZES UP TO AND INCLUDING 675mm DIA. FOR SIZES LARGER THAN 675mm DIA. CONCRETE PIPE SHALL BE REINFORCED A.S.T.M. C-76 CLASS III.

#### D. SANITARY SEWER NOTES:

1. SANITARY SEWER PIPE TO CONFORM WITH MASTER MUNICIPAL SPECIFICATIONS AND STANDARD DETAIL DRAWINGS AND THE CITY OF KELOWNA SUBDIVISION, DEVELOPMENT, AND SERVICING BYLAW NO. 7900.
2. ALL SANITARY SEWER CONNECTIONS TO BE PRE-PLUGGED, BY MANUFACTURER.

#### E. WATERWORKS NOTES:

1. DURING CONSTRUCTION AND AT ANY TIME PRIOR TO ACCEPTANCE AND PRESSURIZING OF WATER MAINS BY THE CITY, THE CONTRACTOR, ON BEHALF OF THE DEVELOPER, SHALL INSTALL A 300mm SQUARE x 18mm SHEET OF PLYWOOD OVER THE PUMPER NOZZLE OF EACH HYDRANT TO INDICATE THAT HYDRANT NOT IN USE.
2. MINIMUM GRADE OF WATER MAIN TO BE 0.10%.
3. WATER MAIN AND SERVICE CONNECTION PIPE TO CONFORM WITH MASTER MUNICIPAL SPECIFICATIONS AND STANDARD DETAIL DRAWINGS AND THE CITY OF KELOWNA SUBDIVISION, DEVELOPMENT, AND SERVICING BYLAW NO. 7900 THAT ARE APPLICABLE AT TIME OF CONSTRUCTION.
4. ALL FITTINGS AND VALVES SHALL BE DUCTILE IRON (D.I.) TYTON JOINT WITH CLOSED LUGS.
5. CURB STOPS TO BE FITTED WITH MUELLER TELESCOPING SERVICE BOXES OR APPROVED EQUAL.

### LEGEND FOR CONSTRUCTION DRAWINGS

PROPOSED	EXISTING	DESCRIPTION
		TEST HOLES
		IRON PROPERTY PIN
		BENCH MARK - GEODETIC DATUM
		EDGE OF PAVEMENT
		CURB & GUTTER
		SANITARY SEWER
		SANITARY CONNECTION & INSPECTION CHAMBER
		STORM SEWER
		STORM CONNECTION & INSPECTION CHAMBER
		STORM SEWER SERVICE
		FRENCH DRAIN
		CATCH BASIN - TOP INLET & SIDE INLET
		LAWN DRAIN
		SWALE
		DITCH
		SIDEWALK (ASPHALT)
		SIDEWALK (CONCRETE)
		WATERMAIN
		WATER SERVICE CONNECTION
		WATER VALVE
		AIR VALVE
		HYDRANT & VALVE ASSEMBLY
		CAPPED END
		WATER METER
		BLOW-OFF
		UNDERGROUND TELEPHONE & MANHOLE
		UNDERGROUND ELECTRICAL & MANHOLE
		GASMAIN
		TRAFFIC SIGNAL & STREET LIGHT U/G DUCTS
		ORNAMENTAL STREET LIGHT - DAVIT
		ORNAMENTAL STREET LIGHT - POST TOP
		UTILITY POLE
		UTILITY POLE W/LIGHT
		JUNCTION BOX
		FUTURE PROPOSED PUMP CONNECTIONS

LEGAL DESCRIPTION: LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.					
B.M. MONUMENT NO. OCM73H1715 ELEVATION: 352.764		LOCATED AT HAZELL ROAD, 70m SOUTH OF THE TORRS ROAD INTERSECTION			
REV. NO.	DESCRIPTION	DR	CH	DATE	APP
0	ISSUED FOR REVIEW	TIG	MJT	13/01/02	JBK
1	ISSUED FOR DISCUSSION	TIG	MJT	13/03/05	JBK
2	ISSUED FOR REZONING	TIG	MJT	13/03/15	JBK

**APLIN & MARTIN**  
CONSULTANTS LTD

PROJECT MANAGEMENT • ENGINEERING • PLANNING • SURVEYING

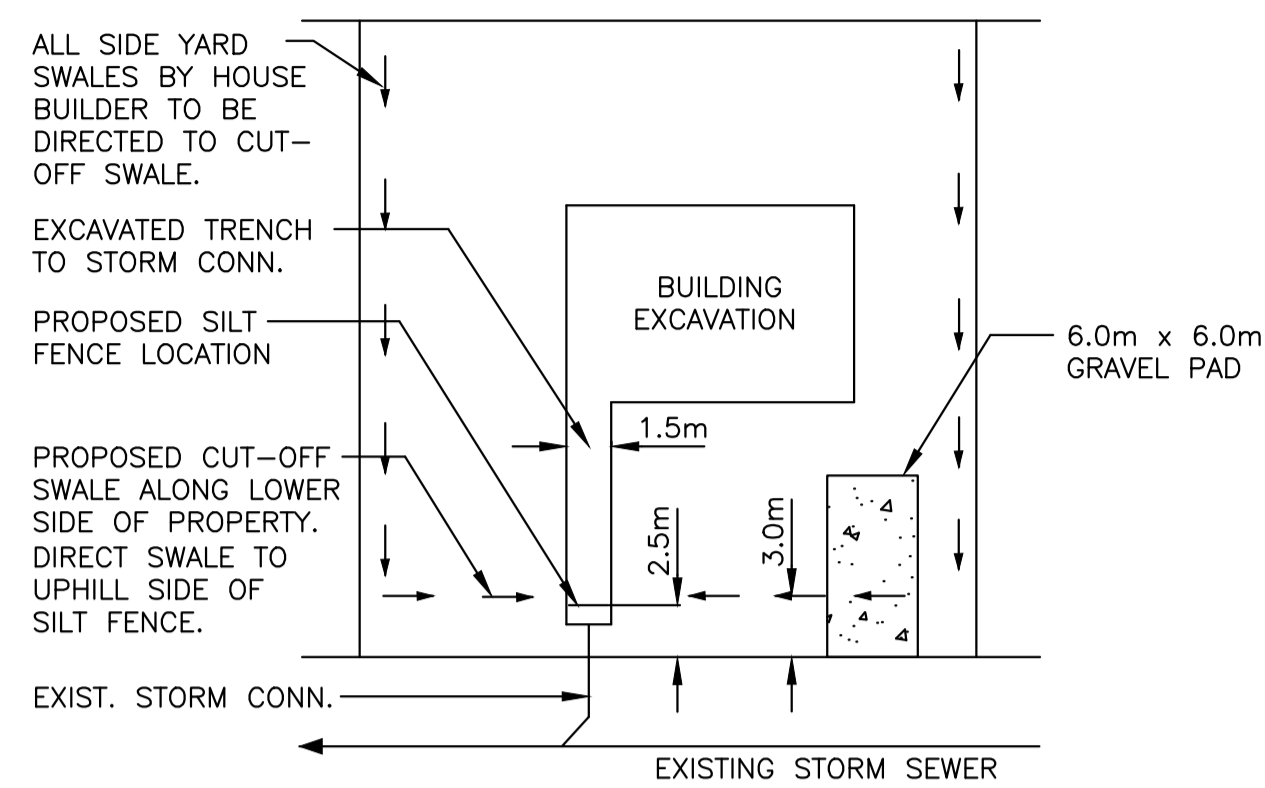
454 Leon Avenue, Kelowna, B.C. Canada V1Y 6J3  
Tel: (250) 448-0157, Fax: (250) 436-2312, E-mail: general@aplinmartin.com

<b>CLIENT:</b>	<b>NEW TOWN PLANNING SERVICES LTD.</b> 1450 PANDOSY ST., KELOWNA BC, V1Y 1P3 PH. (250) 860-8185
<b>PROJECT:</b>	<b>RESIDENTIAL SUBDIVISION</b> 984 DEHART RD., KELOWNA BC LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.

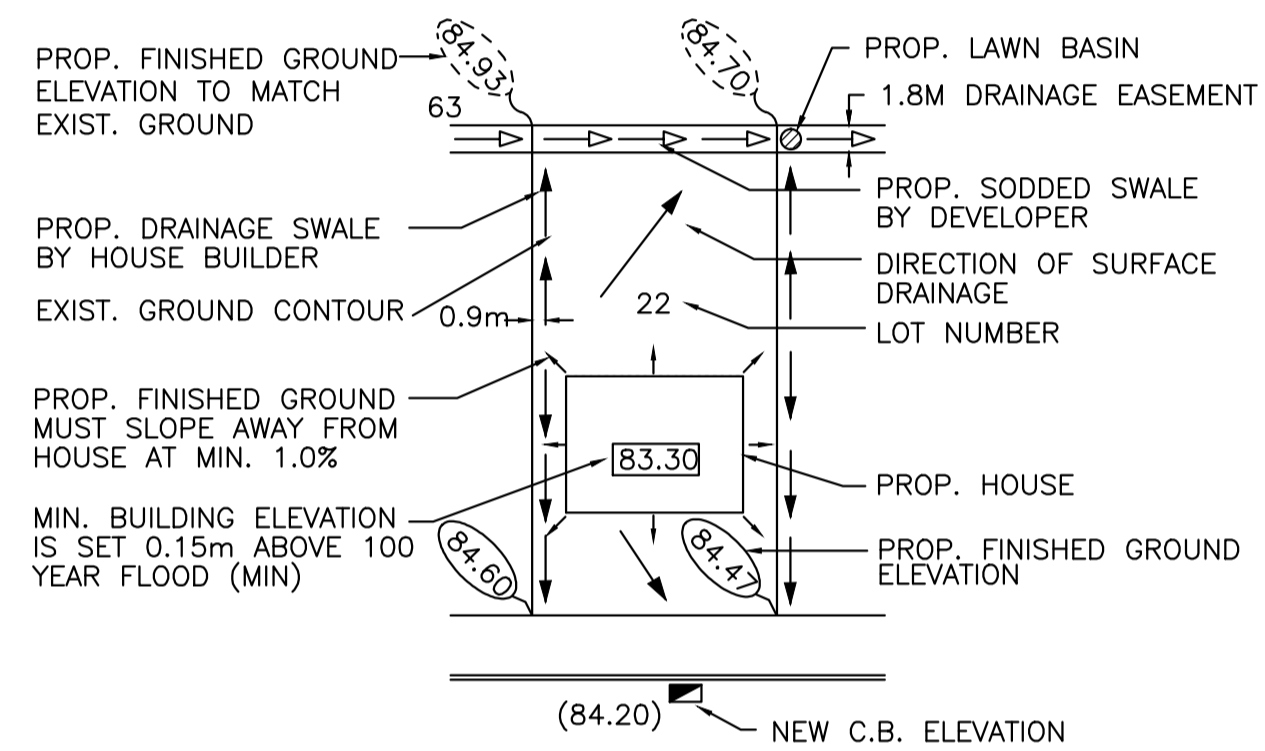
The location of existing underground utilities are shown in an approximate way only & have not been independently verified by the owner or its representative. The contractor shall determine the exact location of all existing utilities before commencing work, and agree to be fully responsible for any and all damages which might be occasioned by the contractor's failure to exactly locate and preserve any and all underground utilities.

<b>TITLE:</b>		<b>GENERAL NOTES AND LEGEND</b>	
PROJECT NO.		SCALE : HORZ. VERT.	
DRAWING NO.		A & M DRAWING NO. <b>12-651 - 02</b>	

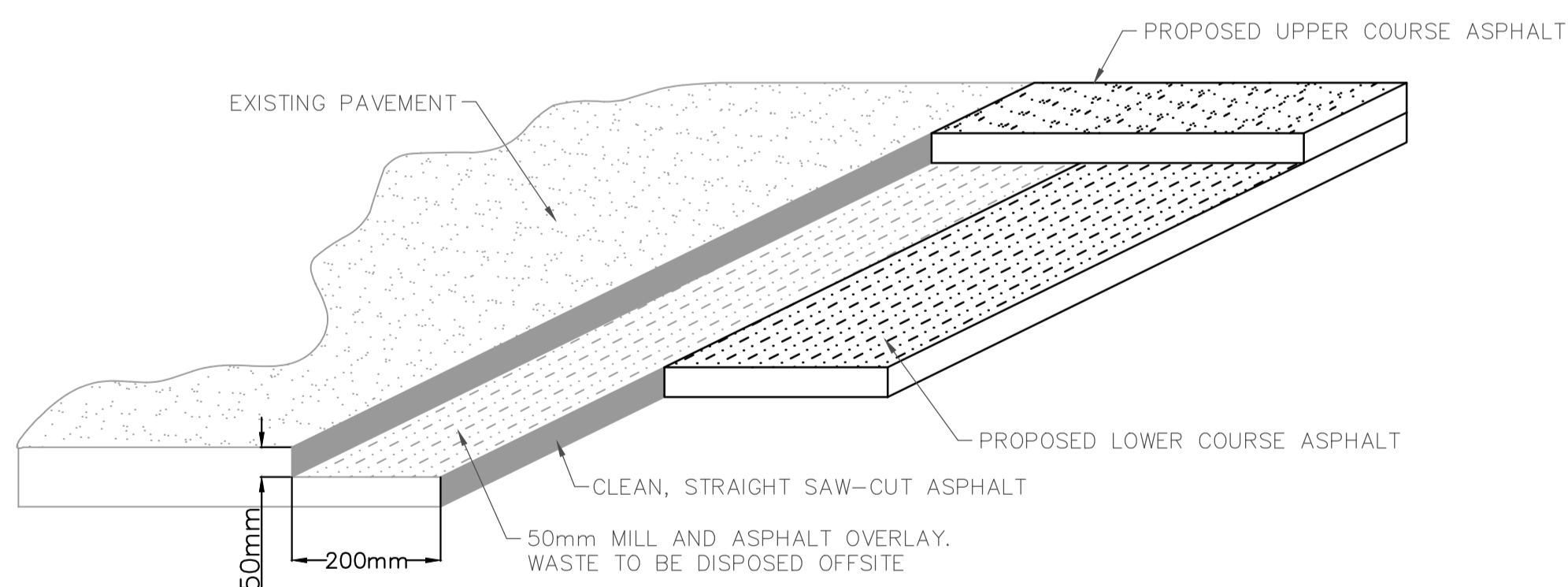
DESIGN: MJT DRAWN: TIG	CHECK: MJT APPR: JBK	A & M FILE: <b>12-651</b>	
DRAWING DATE: <b>MARCH 2013</b>		SHEET NO. <b>2 OF 9</b>	REV. <b>2</b>



**INDIVIDUAL LOT SILT CONTROL (BY HOUSE BUILDER)**  
N.T.S.



**TYPICAL LOT DETAIL**



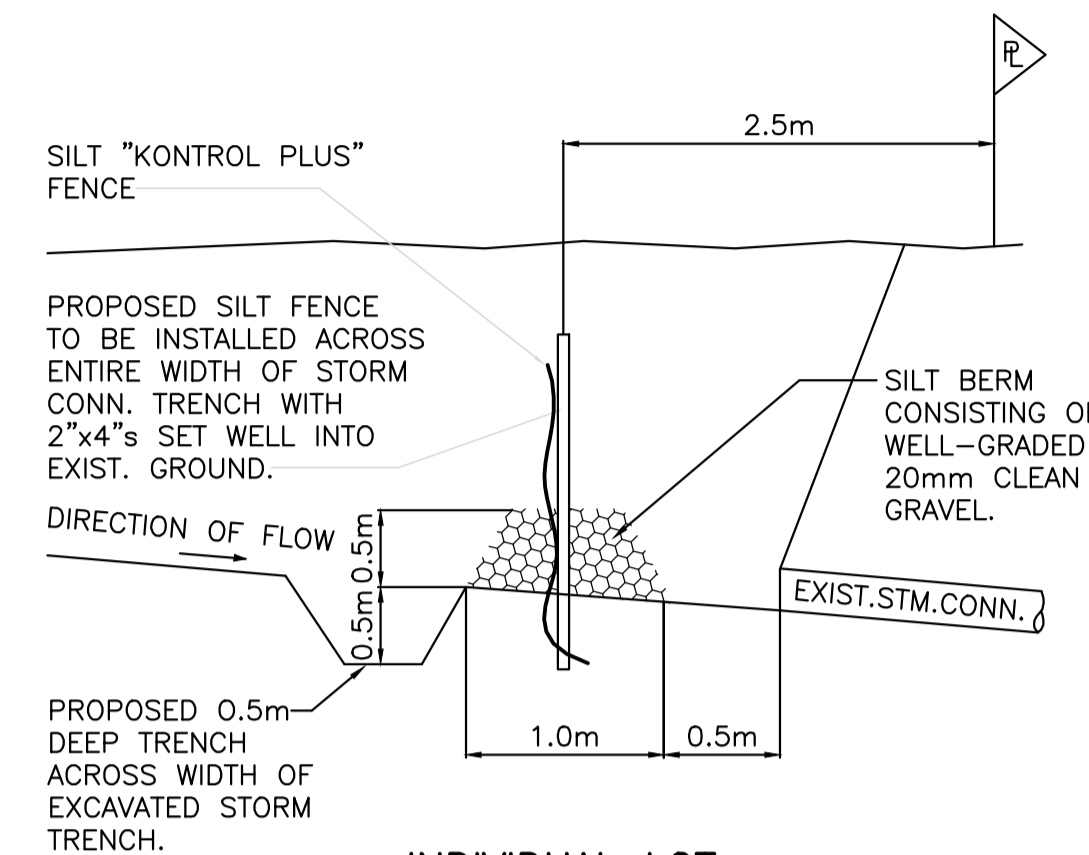
**TIE-IN OF NEW PAVEMENT TO EXISTING PAVEMENT**  
N.T.S.

**INDIVIDUAL LOT SILT CONTROL NOTES:**

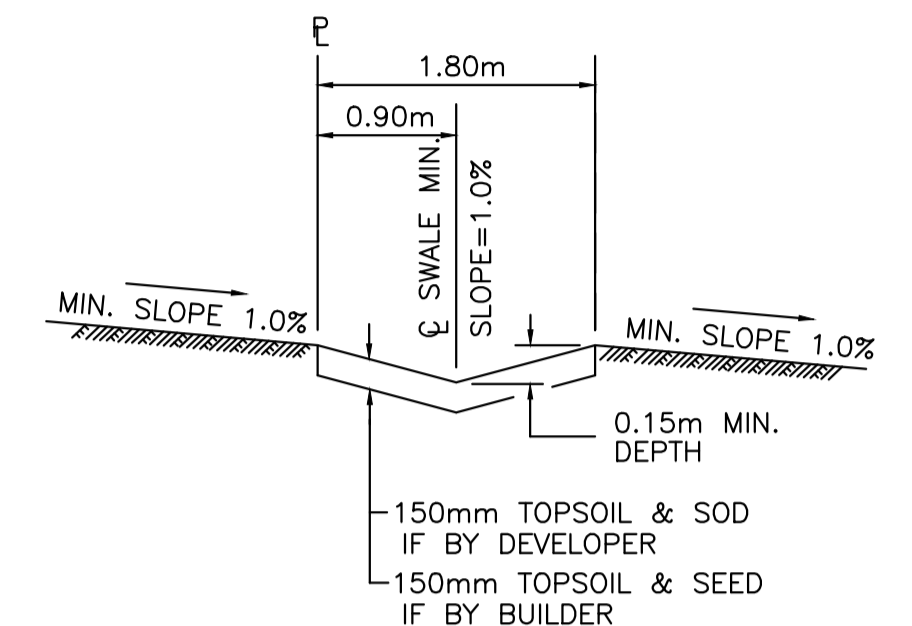
- IT IS THE COMPLETE RESPONSIBILITY OF THE DEVELOPER TO ENSURE THAT HOUSE BUILDERS DIRECT ALL LOT DRAINAGE TO A TEMPORARY SILT CONTROL FENCE/BERM.
- SILT CONTROL AND CUT-OFF SWALE SHALL REMAIN IN PLACE UNTIL FINISHED LOT GRADING. ALSO, FOUNDATION TILE SHALL NOT BE CONNECTED TO STM. CONNECTION UNTIL ALL ON-SITE TILE IS PLACED AND BACKFILLED, IN THE INTERIM, TILE TRENCH TO STM. CONNECTION SHALL BE TEMPORARILY BLOCKED BY A SILT FENCE/BERM.
- FILTER FABRIC FOR CONSTRUCTION OF SILT FENCE TO BE NICOLON "KONTROL PLUS" OR EQUIVALENT.
- EACH HOUSE BUILDER SHALL INSTALL THE SILT FENCE/BERM AND CUT-OFF SWALE PRIOR TO UNCAPPING THE STORM CONNECTION AND EXCAVATING THE BUILDING FOOTPRINTS.
- HOUSE BUILDER SHALL ENSURE THAT NO SILT-LADEN WATER SHALL BE PUMPED OUT OF OR DISCHARGED INTO THE STORM SEWER SYSTEM. EACH HOUSE BUILDER MAY BE REQUIRED TO INSTALL ADDITIONAL FACILITIES, AS NECESSARY, TO CONTROL THE DISCHARGE OF SILT-LADEN WATERS.
- HOUSE BUILDER TO CONSTRUCT 6.0m x 6.0m GRAVEL SITE ACCESS PAD. PAD SHALL BE CONSTRUCTED OF 40mm CRUSHED GRAVEL AND BE 200mm.
- ROAD MAINTENANCE THICK. GRAVEL PAD TO BE USED FOR ALL DELIVERIES TO SITE.

EACH BUILDER MUST MAKE EVERY POSSIBLE EFFORT TO MINIMIZE THE AMOUNT OF SOIL TRANSPORTED FROM THE BUILDING SITE ONTO THE ROADWAY. THIS IS PARTICULARLY IMPORTANT WHEN HEAVY MACHINERY, DUMP TRUCKS AND CONCRETE TRUCKS ARE ACCESSING THE SITE. THE PAVED ROAD SURFACE MUST BE REGULARLY CLEANED OF ACCUMULATIONS OF SOIL BY THE BUILDER.

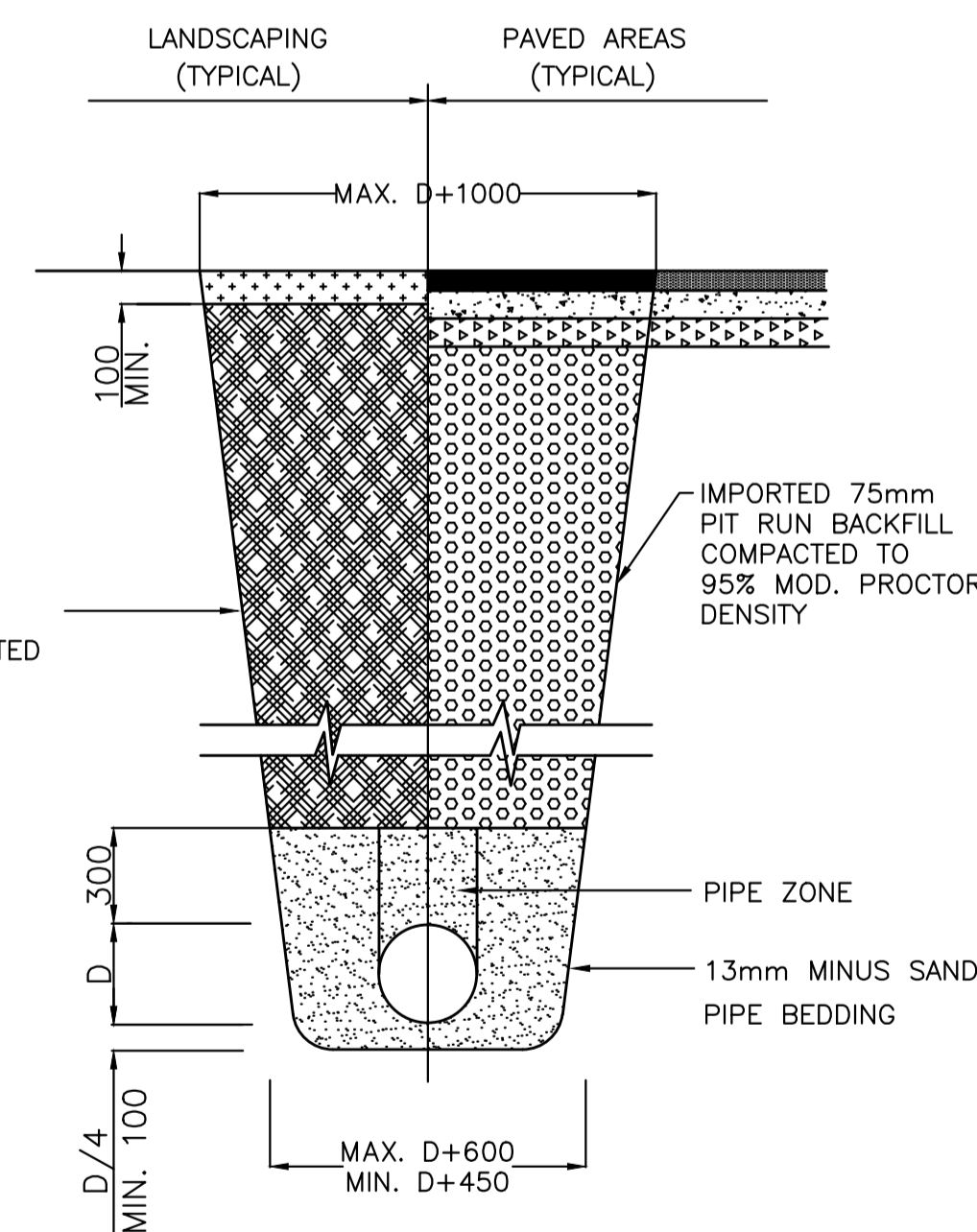
NO SOIL, SAND OR OTHER MATERIAL WITH A HIGH SEDIMENT CONTENT SHALL BE DEPOSITED OR PILED OUTSIDE THE PROPERTY BOUNDARIES, PARTICULARLY ON THE PAVED ROAD SURFACE. NO MATERIAL OF ANY TYPE IS TO BE DEPOSITED IN SUCH A WAY THAT IT INTERFERES WITH THE FLOW OF WATER ALONG THE CURBS OR INTO CATCH BASINS.



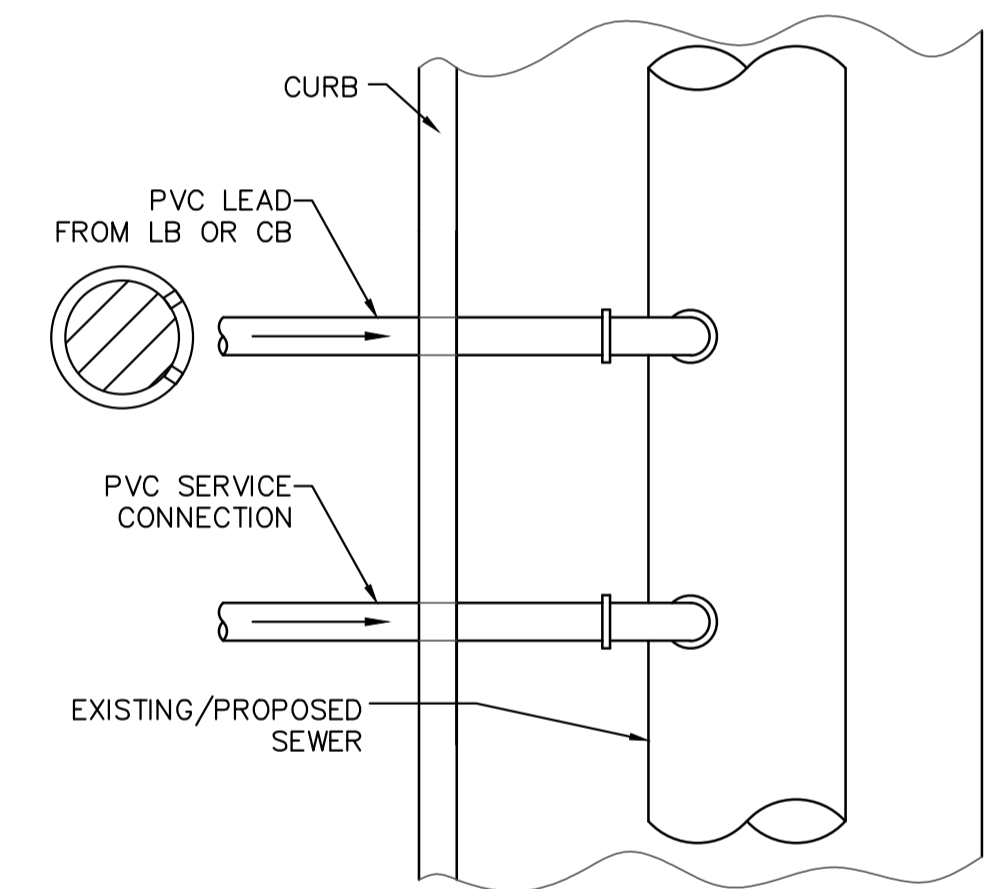
**INDIVIDUAL LOT SILT FENCE/BERM DETAIL**  
N.T.S.



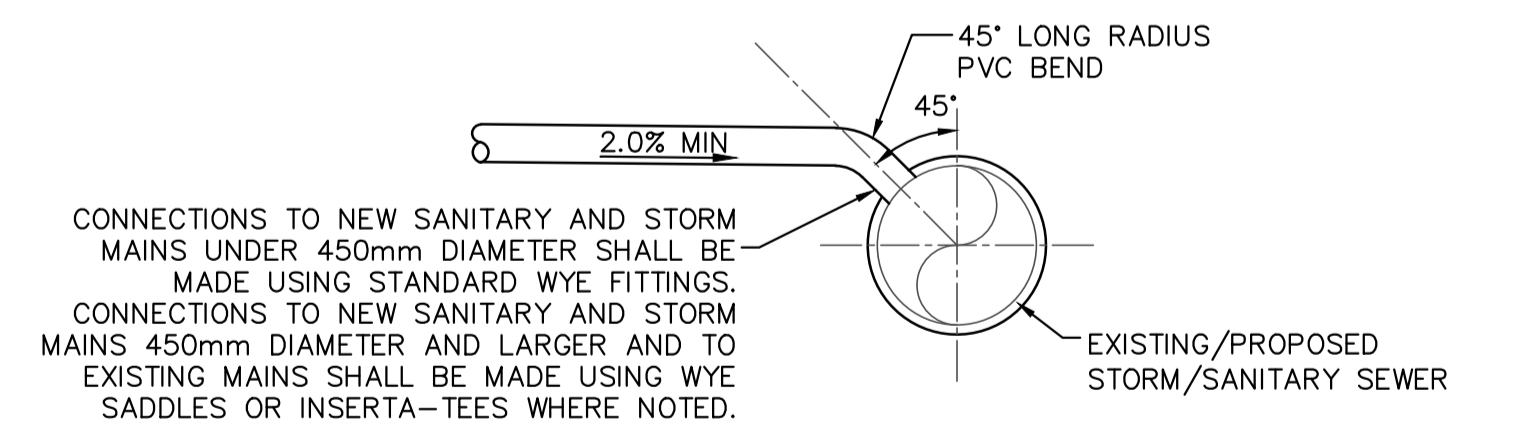
**TYPICAL SECTION OF SWALE**  
N.T.S.



**UTILITY TRENCH DETAIL**  
N.T.S.



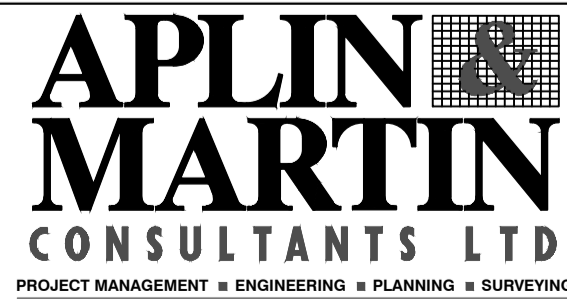
**PLAN**



**SECTION**

**CONNECTIONS TO SANITARY AND STORM SEWER**  
N.T.S.

LEGAL DESCRIPTION: LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.					
B.M. MONUMENT NO. OCM73H1715 ELEVATION: 352.764 LOCATED AT HAZELL ROAD, 70m SOUTH OF THE TORRS ROAD INTERSECTION					
REV. NO.	DESCRIPTION	DR	CH	DATE	APP
0	ISSUED FOR REVIEW	TIG	MJT	13/01/02	JBK
1	ISSUED FOR DISCUSSION	TIG	MJT	13/03/05	JBK
2	ISSUED FOR REZONING	TIG	MJT	13/03/15	JBK

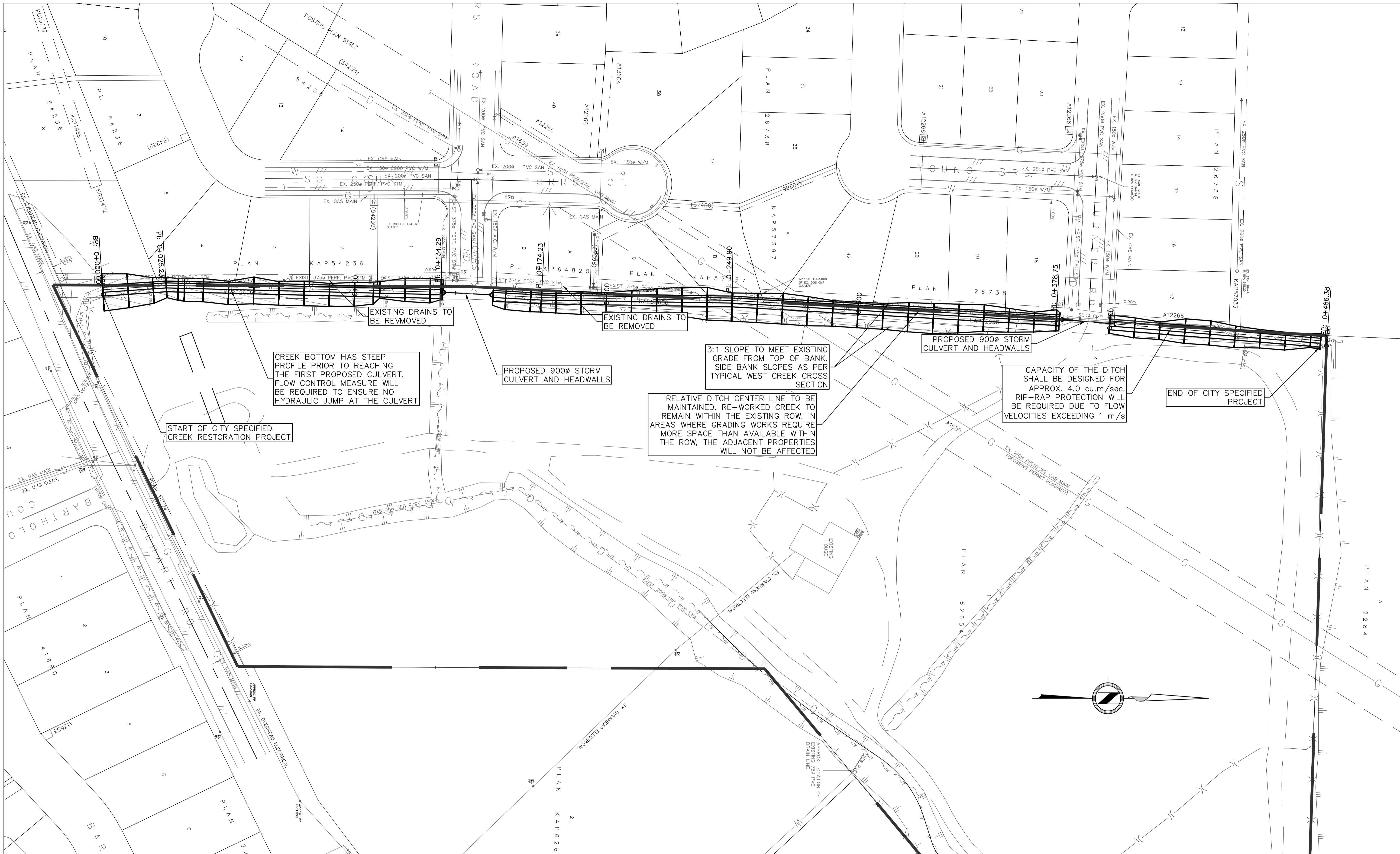


**CLIENT:** NEW TOWN PLANNING SERVICES LTD.  
1450 PANDOSY ST., KELOWNA BC, V1Y 1P3  
PH. (250) 860-8185

**PROJECT:** RESIDENTIAL SUBDIVISION  
984 DEHART RD., KELOWNA BC  
LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.

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<b>TITLE:</b>		<b>DESIGN:</b> MJT		<b>CHECK:</b> MJT	
<b>STANDARD DETAILS</b>		DRAWN: TIG		APPR: JBK	
PROJECT NO.		SCALE :		A & M FILE:	
DRAWING NO.		HORZ. VERT.		12-651	
		A & M DRAWING NO.		DRAWING DATE:	
		12-651 - 09		MARCH 2013	
		SHEET NO.		REV.	
		9 OF 9		2	



LEGAL DESCRIPTION: LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.

B.M.	MONUMENT NO.	OCM73H1715	ELEVATION:	352.764	
LOCATED AT HAZELL ROAD, 70m SOUTH OF THE TORRS ROAD INTERSECTION					
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Tel: (250) 448-0157, Fax: (250) 436-2312, E-mail: general@aplinmartin.com

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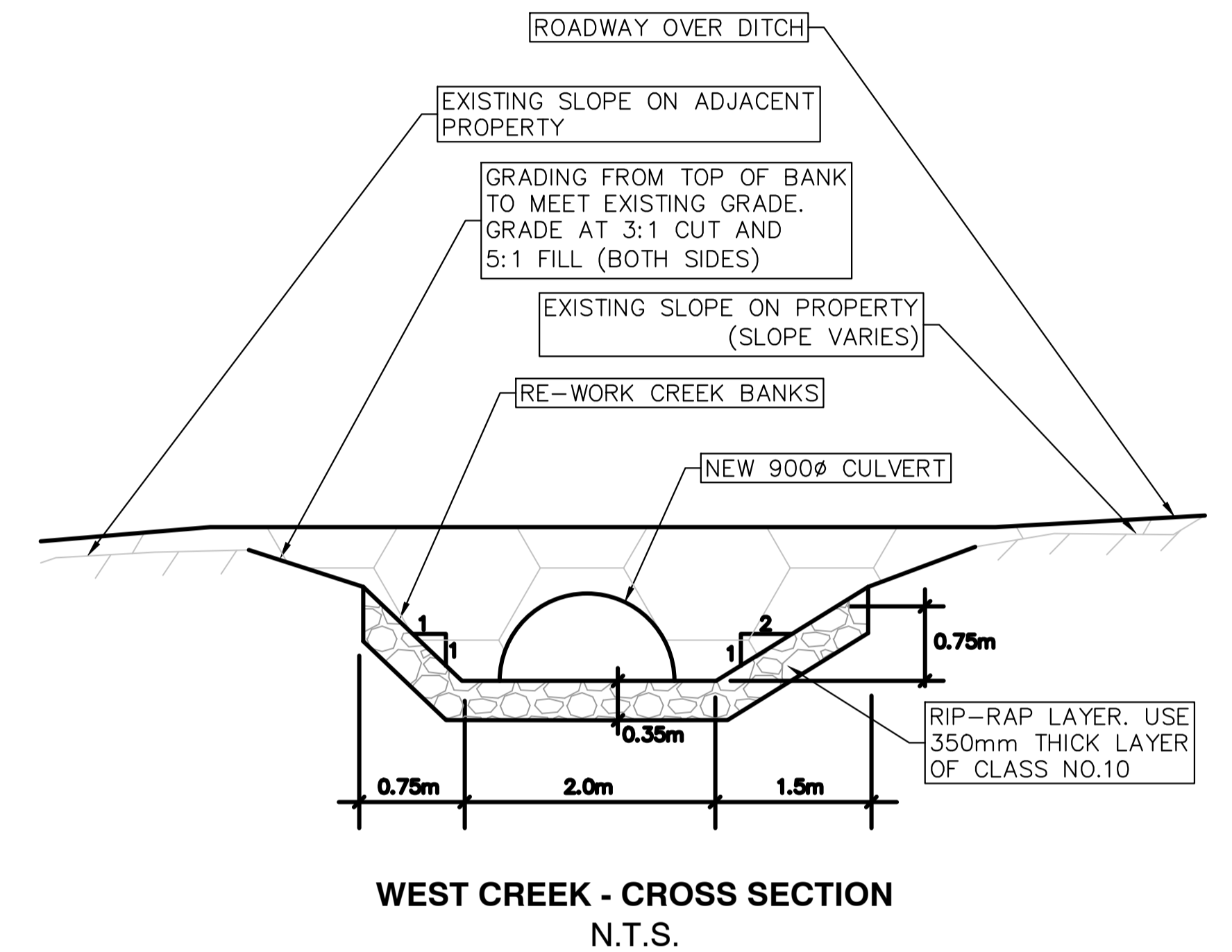
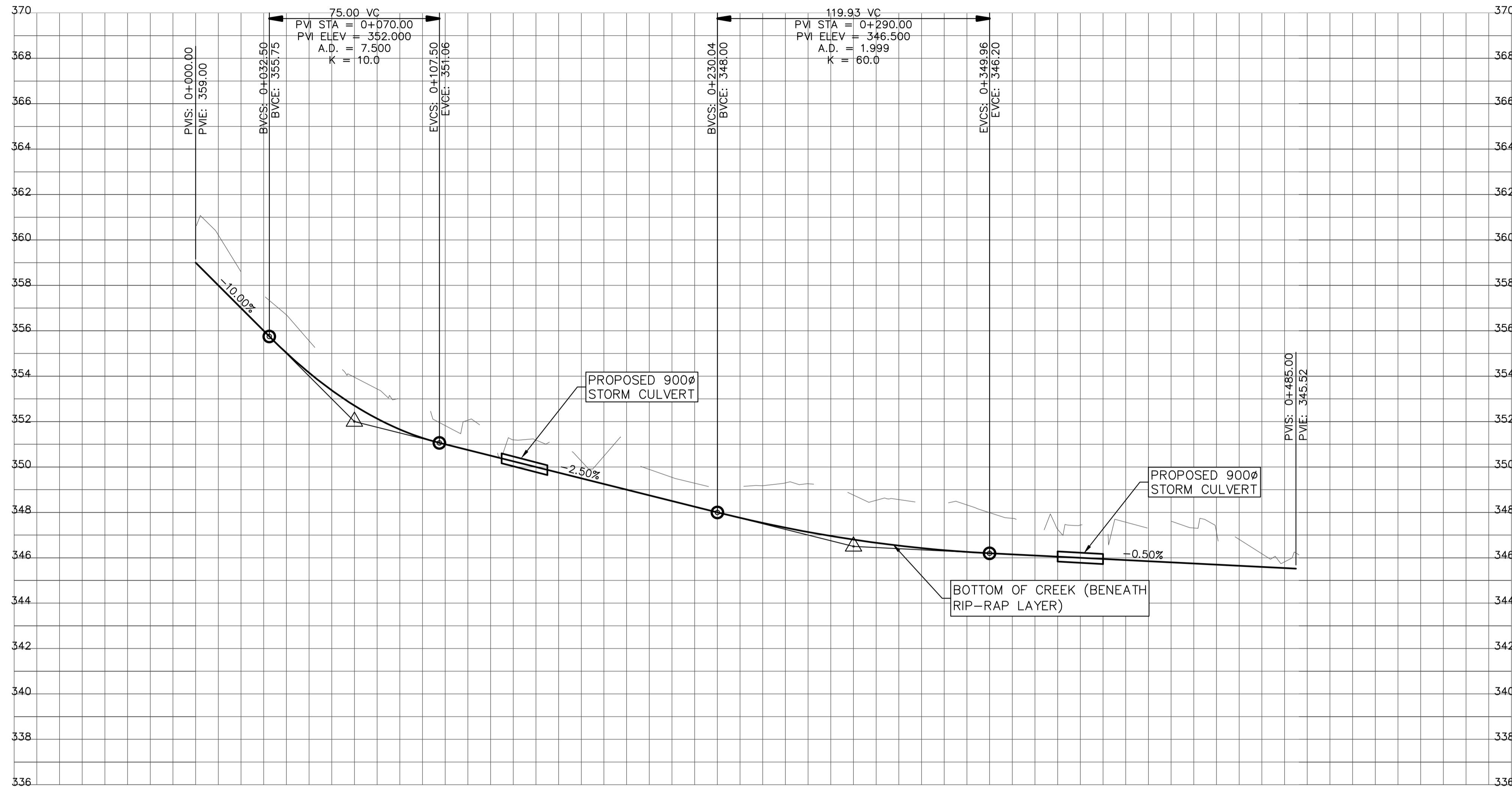
**PROJECT:** RESIDENTIAL SUBDIVISION  
984 DEHART RD., KELOWNA BC  
LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.

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**TITLE:** KEY PLAN - WEST CREEK UPGRADE

PROJECT NO.	SCALE :
DRAWING NO.	HORZ. VERT.
	A & M DRAWING NO.
	12-651 - 01

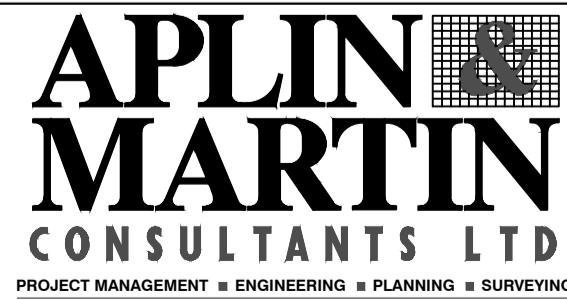
DESIGN: MJT	CHECK: MJT
DRAWN: TIG	APPR: JBK
A & M FILE: 12-651	
DRAWING DATE: DECEMBER 2012	
SHEET NO. 01 OF 02	REV. 0



EXISTING	PROPOSED
-0+080	
-0+060	
-0+040	
-0+020	
0+000	359.00
0+020	357.00
0+040	355.03
0+060	353.38
0+080	352.13
0+100	351.28
0+120	350.75
0+140	350.25
0+160	349.75
0+180	349.25
0+200	348.75
0+220	348.25
0+240	347.76
0+260	347.32
0+280	346.96
0+300	346.66
0+320	346.42
0+340	346.26
0+360	346.15
0+380	346.05
0+400	345.95
0+420	345.85
0+440	345.75
0+460	345.65
0+480	345.55
0+500	
0+520	
0+540	
0+560	
0+580	

WEST CREEK - PROFILE

LEGAL DESCRIPTION: LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.					
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LOCATED AT HAZELL ROAD, 70m SOUTH OF THE TORRS ROAD INTERSECTION					
REV. NO.	DESCRIPTION	DR	CH	DATE	APP
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454 Leon Avenue, Kelowna, B.C. Canada V1Y 6J3  
Tel: (250) 448-0157, Fax: (250) 436-2312, E-mail: general@aplinmartin.com

CLIENT:	<b>NEW TOWN PLANNING SERVICES LTD.</b> 1450 PANDOSY ST., KELOWNA BC, V1Y 1P3 PH. (250) 860-8185
PROJECT:	<b>RESIDENTIAL SUBDIVISION</b> 984 DEHART RD., KELOWNA BC LOT 2, PLAN KAP62654, SEC. 31, TP. 29, O.D.Y.D.

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TITLE:		<b>PROFILE AND SECTION</b>		DESIGN: MJT	CHECK: MJT
				DRAWN: TIG	APPR: JBK
				A & M FILE: <b>12-651</b>	
PROJECT NO.	SCALE :	DRAWING DATE:		<b>DECEMBER 2012</b>	
.	HORZ. VERT.				
DRAWING NO.	A & M DRAWING NO.	SHEET NO.	REV.		
.	<b>12-651 - 02</b>	<b>02 OF 02</b>	<b>0</b>		

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

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**Date:** August 25, 2014  
**File No.:** Z13-0016

**To:** Subdivision, Agriculture & Environment Department (MS)

**From:** Development Engineering Manager(SM)

**Subject:** 984 Dehart Road      *REVISED*      A1 to RU1/RU2 (110 lots)

---

The Development Services Department has the following comments and requirements associated with this rezoning for the proposed residential development. The following Works & Services are required for this application:

**.1) General**

- a) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.
- b) **PRIOR TO FINAL ADOPTION OF THE ZONE AMENDING BYLAW;** a Pre-design report specific to this development is required to identify all offsite servicing needs in accordance with the Subdivision, Development and Servicing Bylaw. A Servicing Agreement for all offsite works required by this subdivision must be provided, along with Performance Security, before final adoption of the Zone Amending Bylaw.
- c) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- d) The Drainage Division noted that tributary stream crosses the lands. The stream may affect the layout.

**.2) Geotechnical Report**

- a) Provide a comprehensive geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports must be submitted to the Development Services Department prior to submission of engineering drawings.

- (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 and sanitary waste, including effects upon adjoining lands.
- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.
  - ii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
  - iii) Recommendations for items that should be included in a Restrictive Covenant.
  - iv) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
  - v) Any items required in other sections of this document.
  - vi) Recommendations for erosion and sedimentation controls for water and wind.
  - vii) Recommendations for roof drains and perimeter drains.

**.3) Water**

- a) The property is located within the South East Kelowna Irrigation District (SEKID) service area.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.



**.4) Sanitary Sewer**

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- b) Our records indicate a 200mm main exists at the end of Torrs Road adjacent to the site.

**.5) Drainage**

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw require that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Provide the following drawings:
  - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii) A detailed Stormwater Management Plan for this subdivision; and,
  - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Significant banks are located on the subject property. The slopes appear to be sensitive to erosion; temporary and permanent measures must be taken to prevent erosion and sediment transport.
- e) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.

**.6) Roads**

- (a) *Dehart Road is designated an arterial road. Dehart Rd must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, separate sidewalk, bus stop, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost for this construction for bonding purposes is \$84,000.00. Not included in the estimate are costs for pole relocations.*
- (b) *Dehart Rd and Bartholomew Court/Road A intersection will require the construction of a roundabout for safe access movements onto Dehart Rd.*

*Construct and dedicate a four leg roundabout to current standard including curb and gutter, separate sidewalk, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost for this construction for bonding purposes is \$350,000.00. Not included in the estimate are costs for pole relocations.*

- (c) *Dehart Rd from Gordon drive to the development frontage will require a concrete sidewalk. The work will be cost shared by City of Kelowna to a maximum of \$25,000.00. The estimated cost for this construction for bonding purposes is \$32,000.00. Not included in the estimate are costs for pole relocations.*
- (d) *The existing bus stop on Dehart Road will require upgrading to current standard (UBS2). The estimated cost for this construction for bonding purposes is included in the Dehart Rd bonding.*
- b) *Landscaped boulevards, complete with underground irrigation, may be required on Dehart Road.*
- c) *Driveway access is not permitted onto Dehart Road. A restrictive covenant in favour of the City of Kelowna, registered under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.*
- d) *Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15% and greater), show driveways on the lot grading plan with grades or profiles. Where lots are serviced by onsite sewage disposal systems, show limits of cut and fill lines.*

**7) Dedication and Subdivision Requirements**

*By registered plan to provide the following:*

- (a) *Grant Statutory Rights Of Way if required for utility services.*
- (b) *Provide an additional highway allowance widening of ~3.20m (west end) tapering to ~6.22m (east end) on Dehart Road.*
- (c) *Road dedication required to accommodate the roundabout.*
- (d) *If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.*

**.8) Power and Telecommunication Services and Street Lights**

- a) *All proposed distribution and service connections for the subdivision are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground*

- b) Street lights must be installed on all roads.
- c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

**.8) 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.

**.9) 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 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.

**.10) Other Engineering Comments**

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, 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 must be incorporated in the construction drawings submitted to the City's Development Manager.

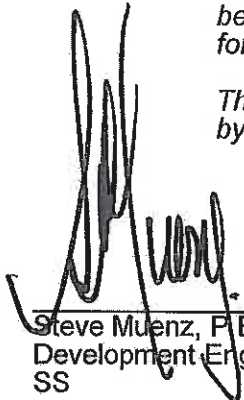
**.11) Bonding and Levy Summary**

Bonding

Dehart Rd Frontage Improvements	\$ 84,000.00
Dehart Road Roundabout	\$ 350,000.00
Dehart road Sidewalk	<u>\$ 32,000.00</u>
 Total	 \$ 466,000.00

*NOTE: The bonding amount 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.*



---

Steve Muenz, P.Eng.  
Development Engineering Manager  
SS

August 28, 2014

New Town Services  
1464 St Paul Street  
Kelowna, BC V1Y 2E6

Attention: Keith Funk, MCIP, PIBC  
Principal

Dear Sir:

**RE: SUPPLEMENTARY REPORT – 110 SINGLE FAMILY HOMES  
TRAFFIC IMPACT ASSESSMENT FOR THE PROPOSED  
DEHART ROAD DEVELOPMENT, KELOWNA, BRITISH COLUMBIA**

## **1.0 BACKGROUND**

We are pleased to submit this *supplementary traffic impact assessment* for the proposed 110 single family home development on Dehart Road in the vicinity of Bartholomew Court. A traffic impact assessment report for the area was prepared by CTQ Consultants Ltd. dated April 4, 2013. Another traffic assessment report was prepared by EYH Consultants Ltd. in November 2013 and it was revised on January 2014. These studies were based on 55 single family homes and 200 townhouse units.

A meeting with City staff was held on August 22, 2014. The City indicated that another traffic study is not required. However, the City has requested a traffic circle at the Dehart Road and Bartholomew Court intersection and a sidewalk on Turner Road as part of the rezoning approval requirements.

New Town Services asked EYH Consultants to conduct a review of the traffic control requirements at the Dehart Road and Bartholomew Court intersection to accommodate the traffic generated by the 110 single family homes.

In conducting this review, traffic generation rates, distributions and assignments are the same as the November 2013 and January 2014 EYH Consultants reports. The details are not repeated in this report.

## 2.0 PROPOSED DEVELOPMENT

The development site is located on the north side of Dehart Road at Bartholomew Court. A rezoning application will be submitted to the City for 110 single family homes. The proposed layout is shown in FIGURE 1.



**FIGURE 1 – 110-LOT SUBDIVISION LAYOUT PLAN**

SOURCE: New Town Services

## 3.0 DEVELOPMENT TRAFFIC

Using the same traffic generation rates, distributions and assignments from EYH previous studies, development traffic volumes were generated and shown in TABLE 1. The 2018 and 2030 combined traffic volumes are shown in APPENDIX 1.

**TABLE 1 DEVELOPMENT PEAK HOUR TRAFFIC VOLUME SUMMARY  
FOR 110 SINGLE FAMILY HOMES, VEHICLES PER HOUR**

INTERSECTION	MORNING PEAK HOUR	AFTERNOON PEAK HOUR
Trips Generated	83	110
100% to Dehart Road Inbound/Outbound	21/62	69/41

**4.0 INTERSECTION PERFORMANCE REVIEW**

The Dehart Road and Bartholomew Court intersection performance review was conducted using the Synchro (HCM 2000) and SIMTraffic software. Synchro (HCM 2010) was also used. The 2010 version provides better LOS because of updated analytical techniques. For comparison purpose, results from Synchro (HCM 2000) were used in this report.

Intersection performance is measured by Level of Service. Levels of Service (LOS) A and B are excellent operating conditions and very minimum delays are anticipated. LOS C and D are operating conditions where some delays may occur but generally traffic moves freely. LOS E and F are congested conditions and improvements or changes are usually required. *Please note that the Synchro and SIMTraffic analyses output printouts are excluded from this report in order to reduce paper use. PDF copies are available upon request.*

Two traffic control scenarios were analyzes:

- STOP sign control; and
- Traffic signal control.

**A. STOP Sign Control**

Using combined single family development and base traffic volumes for 2018 and 2030 as shown in APPENDIX 1, intersection performance was calculated. The Levels of Service of the STOP control movements for both horizon years are shown in TABLE 2. The analyses were conducted with a left turn lane for eastbound traffic onto the development site and a mirroring left turn lane for the westbound traffic turning onto Bartholomew Court. As shown in TABLE 2, the Levels of Service of all controlled movements are C or better. The STOP control will be sufficient for the 2018 and 2030 traffic volumes.

**TABLE 2 – 110 SINGLE FAMILY HOMES LEVEL OF SERVICE SUMMARY  
DEHART ROAD AND BARTHOLOMEW COURT INTERSECTION, STOP SIGN CONTROL**

110 – SINGLE FAMILY HOMES MOVEMENT	2018 PEAK HOUR LEVEL OF SERVICE		2030 PEAK HOUR LEVEL OF SERVICE	
	AM	PM	AM	PM
Through traffic on Dehart Road	Unrestricted	Unrestricted	Unrestricted	Unrestricted
Eastbound Left Turn on Dehart Road	A	A	A	A
Westbound Left Turn on Dehart Road	A	A	A	A
Northbound on Bartholomew, All movements	C	C	C	C
Southbound on Access Road, All movements	C	C	C	C

**B. Traffic Signal Control**

Using combined single family development and base traffic volumes for 2030 as shown in APPENDIX 1, intersection performance with a signal control was calculated. The Levels of Service of the signal control movements are shown in TABLE 3. It should be noted that the Levels of Service for the STOP and the signal control are A for the Dehart Road movements. This is an excellent level and delays are not anticipated. Given that the Levels of Service of movements at the signal control intersection are C or better, traffic signal is unwarranted. STOP control will be sufficient for both 2018 and 2030 horizon years.

**C. Queue Length on Dehart Road**

The queuing lengths of the left turn lanes on Dehart Road were determined by using SIMTraffic computer software. The 95<sup>th</sup> percentile left turn queue lengths for 2018 and 2030 traffic conditions with STOP and signal controls are shown in TABLE 4. For STOP control, left turn lanes are unwarranted because left turn movements are anticipated to operate at Levels of Service A with very limited delays. The left turn queuing lengths for signal control are approximately one car length. However, the Transportation Association of Canada (TAC) guidelines require 15m left turn lanes for signalized intersections. Queuing lengths for the signal are presented for information only since traffic signals are unwarranted for the years 2018 and 2030.



**TABLE 3 – 110 SINGLE FAMILY HOMES LEVEL OF SERVICE SUMMARY  
DEHART ROAD AND BARTHOLOMEW COURT INTERSECTION, TRAFFIC SIGNAL CONTROL**

110 – SINGLE FAMILY HOMES MOVEMENT	2030 PEAK HOUR LEVEL OF SERVICE	
	AM	PM
Through traffic on Dehart Road	Unrestricted	Unrestricted
Eastbound Left Turn on Dehart Road	A	A
Westbound Left Turn on Dehart Road	A	A
Northbound on Bartholomew, All movements	A	A
Southbound on Access Road, All movements	C	B

**TABLE 4 – 110 SINGLE FAMILY HOMES  
95<sup>th</sup> PERCENTILE QUEUE LENGTH SUMMARY  
DEHART ROAD AND BARTHOLOMEW COURT INTERSECTION**

110 – SINGLE FAMILY HOMES APPROACH	2018 PEAK HOUR QUEUE LENGTH, m		2030 PEAK HOUR QUEUE LENGTH, m	
	AM	PM	AM	PM
<b>STOP CONTROL</b>				
Eastbound Left Turn onto Site	0	0	0	0
Westbound Left Turn To Bartholomew	0	0	0	0
<b>SIGNAL CONTROL</b>				
Eastbound Left Turn onto Site	NA	NA	8.1	9.3
Westbound Left Turn To Bartholomew	NA	NA	0	7.8

Note: Transportation Association of Canada (TAC) recommends left turn lane for signalized intersections be a minimum of 15m.

**8.0 CONCLUSION**

This review concluded that a traffic signal and left turn lanes are unwarranted for the proposed 110 single family home development for the 2018 and 2030 horizon years.

Yours truly,

**EYH CONSULTANTS LTD.**

A handwritten signature in black ink, appearing to read 'Al Popoff', with a horizontal line underneath.

per: Al Popoff  
Associate & Senior Consultant

A handwritten signature in black ink, appearing to read 'Eanson Ho', with a horizontal line underneath.

per: Eanson Ho, MBA, P.Eng.  
President & Senior Consultant

**APPENDIX 1 – TRAFFIC VOLUMES AT THE BARTHOLOMEW COURT  
AND DEHART ROAD INTERSECTION**

Dehart Road Eastbound			Dehart Road Westbound			Bartholomew Court Northbound			Road A Southbound		
EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR

**2018 Single Family + Base**

	<b>1 LT</b>	1 Thru & RT	<b>1 LT</b>	1 Thru	<b>1 RT</b>	1 lane for all movements			<b>1 lt &amp; Thru</b>	<b>1 RT</b>		
AM	8	694	1	1	344	13	2	0	3	38	0	25
PM	28	360	1	9	631	42	5	0	1	25	0	15

**2030 Single Family + Base**

	<b>1 LT</b>	1 Thru & RT	<b>1 LT</b>	1 Thru	<b>1 RT</b>	1 lane for all movements			<b>1 lt &amp; Thru</b>	<b>1 RT</b>		
AM	8	869	2	1	431	13	3	0	4	38	0	25
PM	28	451	2	11	791	42	6	0	1	25	0	15

LT = Left Turn; Thru=Through; RT = Right Turn

1555-C

December 18, 2012

South East Kelowna Irrigation District

Attn.: Mr. Toby Pike

3235 Gulley Road

Kelowna, BC

V1W 4E5

Dear Mr. Pike

Subject: SEKID Boundary Adjustment to Exclude Lot 1, Plan 62654

This letter is to confirm that I will cover the administrative costs incurred by SEKID for the advancement of this proposed boundary adjustment to exclude 984 Dehart Road. Kindly advance any invoices to:

Dr. A. Rezansoff  
25088 PO Mission  
Kelowna BC  
V1W 3Y7

Thank you for your assistance with this application for service boundary adjustment.

Sincerely,



Dr. A. Rezansoff

cc. New Town Planning Services Inc.

## SETTLEMENT AND RELEASE AGREEMENT

This Agreement dated for reference this \_\_\_\_ day of \_\_\_\_\_, 2010.

BETWEEN

CITY OF KELOWNA  
1435 Water Street  
Kelowna, B.C. V1Y 1J4

(the "City")

AND

ALEXANDER REZANSOFF  
PO Box 25088 RPO Mission Park  
Kelowna, BC V1W 3Y7

("the Owner")

WHEREAS:

- A. The Owner is the registered owner of a 50% interest in title to lands within the boundaries of the City of Kelowna on which it wishes to undertake residential development, with a civic address of 984 Dehart Road and a legal description of Section 31, Plans KAP 62654 , Lot 1 (the "Lands")
- B. The Owner has been farming the Lands since 1987. Between June 22, 2009 and July 9, 2009 the City has alleged that the Owner performed work on the lands including screening of materials, infilling of a tributary to Thompson Creek and other works not permitted to occur without having confirmed that a development permit had been obtained, as required by Section 920 of the *Local Government Act* which allegations have been denied by the Owner (the "Bylaw Dispute")
- C. The parties have agreed to resolve the Bylaw Dispute upon the terms and conditions as set forth in this Agreement.

Therefore, in and for the consideration of the mutual agreements set out below, the parties covenant and agree as follows:

**Undertakings of the Owner**

- 1) The Owner hereby undertakes to:
  - a) ensure that there is no net loss of riparian habitat and function for the Lands;
  - b) to remove all of the drain piping located on the Lands as identified on the photograph of the Lands attached hereto as Schedule "A";
  - c) prepare a mitigation/restoration plan (signed off by an QEP/RPBio) for the site;
  - d) ensure that all future works on the site will adhere to applicable provincial acts, including but not limited to: the Water Act; and the Fish Protection Act.
  - e) ensure that all future works on the site will adhere to applicable City of Kelowna policies, plans and policies including but not limited: Kelowna 2020 Official Community Plan (7600), Zoning Bylaw (8000) and Subdivision and Servicing Bylaw (7900).

**City Covenant Not to Enforce**

2. In consideration of the undertakings of the Owner , the City covenants, represents and warrants to the owners, its principals, shareholders, partners, subcontractors, successors and assigns that it will not commence an action prosecution, inquiry, suit, arbitration, or other proceeding against the owners in connection with the Bylaw Dispute and shall stay all existing proceedings against the Owner in connection with the By Law Dispute.

**Condition Precedent of Council Approval**

3. This settlement agreement shall not be binding and effective unless and until the Council of the City has given its approval by resolution.

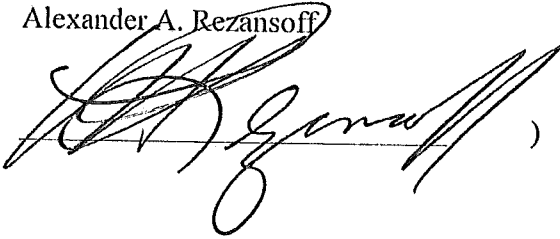
**General**

4. The Owner and the City acknowledge and agree that the facts and law in respect of which this settlement agreement is made may prove to be other than, or different from, the facts and law in that connection now known or believed by the City or the Owner to be true, and the City and the Owner specifically accepts and assumes this risk and agree that this settlement agreement is not affected by any such difference and remains effective and binding unaffected by any such difference.
5. This settlement agreement shall be binding upon and for the benefit of the parties and their respective heirs, successors, and assigns.
6. The terms of this settlement agreement are contractual and not merely recitals, and this settlement agreement is executed for the purpose of making a full and final irrevocable settlement.
7. There are no representations, collateral agreements or conditions with respect to this settlement agreement except as contained herein. The Owner acknowledges and agree that he has obtained independent legal counsel or has had the opportunity to obtain legal advice regarding this settlement agreement and that he has executed this agreement upon the advice of his lawyer or expressly waiving any right to consult a lawyer and that it has fully read and understood its contents.

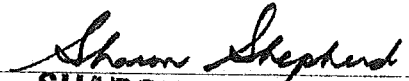

8. This settlement agreement shall be governed and construed in accordance with the laws of the Province of British Columbia.

As evidence of their agreement to be bound by the above terms, as both a contract and a deed executed and delivered under seal, the parties have executed this settlement agreement on the date set out below.

Alexander A. Rezansoff



The Corporate Seal of the CITY OF KELOWNA was hereto affixed in the presence of: )  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

  
\_\_\_\_\_  
Mayor **SHARON SHEPHERD, MAYOR**  
  
\_\_\_\_\_  
Clerk: Stephen Fleming,  
City Clerk

C/S

Date executed: August 16, 2010



# SCHEDULE A

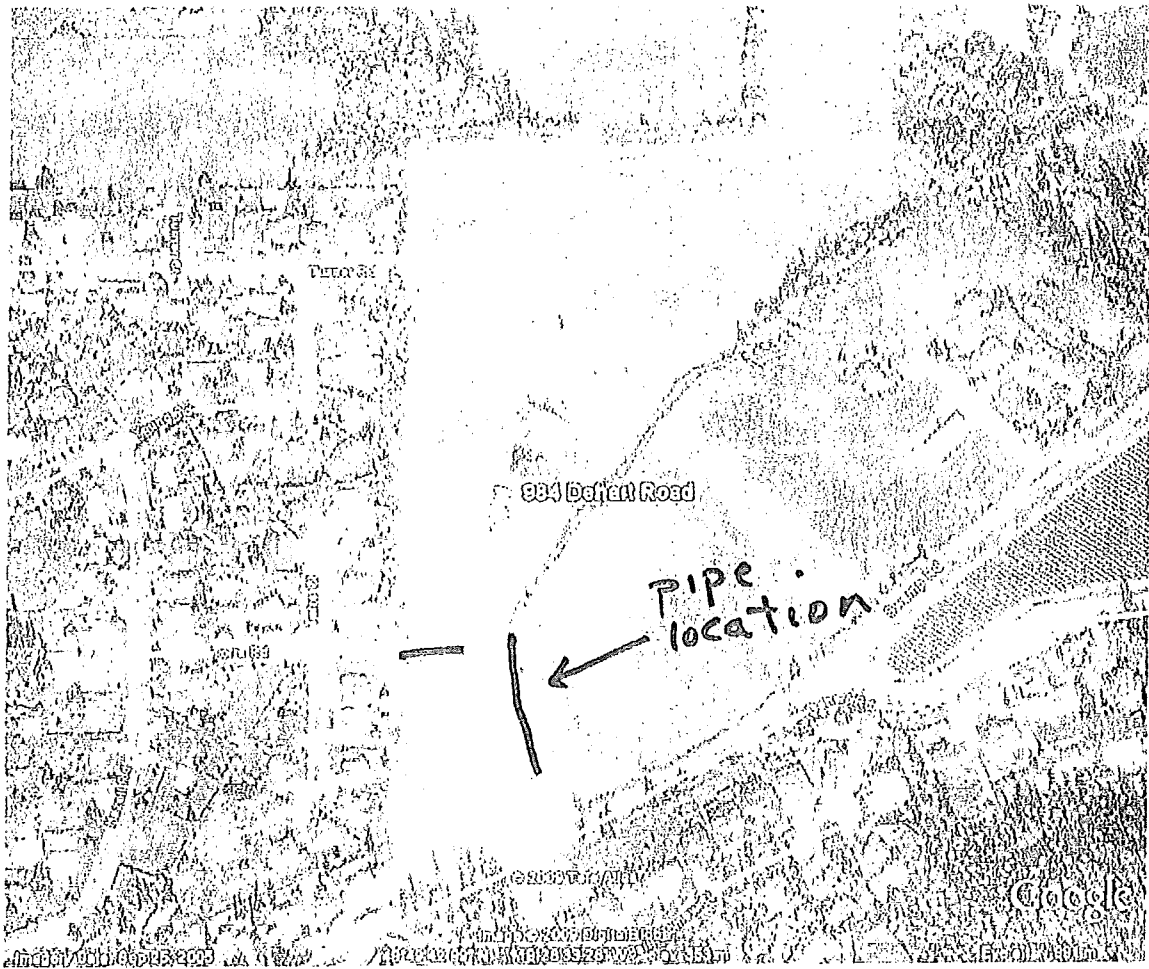


Figure 2 Close up of Site

Site Plans

Photos

48 AUG 28 10 44

KM084923

C-55

LAND TITLE ACT  
FORM C

(Section 219.81)

LAND TITLE OFFICE  
KAMLOOPS/NELSON

Province of  
British Columbia

AGENT  
KAMLOOPS REGISTRY  
SERVICE LTD

GENERAL INSTRUMENT - PART 1

(This area for Land Title Office use) PAGE 1 of 2 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent) (250) 862-9692  
HEATHER J. DUNLOP, Barrister & Solicitor, 1974 McDougall St., Kelowna, B.C. V1Y 1A3

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND: \*  
(PID) (LEGAL DESCRIPTION)

024 095 141 LOT 1 SECTION 31 TOWNSHIP 29 ODYD PLAN KAP61330 KAP 62654

3. NATURE OF INTEREST: \*  
DESCRIPTION

Covenant

DOCUMENT REFERENCE  
(page and paragraph)  
entire document

PERSON ENTITLED TO INTEREST  
TRANSFEREE

4. TERMS: Part 2 of this instrument consists of (select one only)

- (a) Filed Standard Charge Terms
- (b) Express Charge Terms
- (c) Release

01 98/08/28 10:58:06 01 KL 209389  
CHARGE \$55.00

- D.F. No.
- Annexed as Part 2
- There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.


5. TRANSFEROR(S): \*  
ALEXANDER ALLAN REZANSOFF

6. TRANSFEREE(S): (including postal address(es) and postal code(s)) \* CITY OF KELOWNA, a municipal corporation having offices at 1435 Water Street, Kelowna, B.C. V1Y 1J4

7. ADDITIONAL OR MODIFIED TERMS: \*  
n/a

8. EXECUTION(S): \*\* This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

  
HEATHER J. DUNLOP  
Barrister & Solicitor  
1974 McDOUGALL ST.  
KELOWNA, B.C. V1Y 1A3

Execution Date

Y	M	D
98	06	03

Party (last Signature(s))

  
ALEXANDER ALLAN REZANSOFF

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

- \* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
- \*\* If space insufficient, continue executions on additional page(s) in Form D.

Page 2 of 6 Pages

## PART 2

THIS INDENTURE made this 24<sup>th</sup> day of July, 1998.

## BETWEEN:

ALEXANDER ALLAN REZANSOFF, of Box 9, Stn G,  
Calgary, Alberta T3A 2G1

(hereinafter referred to as the "Grantor")

OF THE FIRST PART

## AND:

CITY OF KELOWNA, a municipal corporation, having  
its offices at 1435 Water Street, Kelowna, British  
Columbia V1Y 1J2  
(hereinafter referred to as the "Grantee")

OF THE SECOND PART

## WHEREAS:

A. The Grantor is the registered owner in fee simple of all and singular that certain parcel or tract of land and premises, situate, lying and being in the City of Kelowna, in the Province of British Columbia and being more particularly known and described as:

PARCEL IDENTIFIER: 024-095-141  
LOT ~~A~~ SECTION 31 TOWNSHIP 29 OSOYOOS DIVISION YALE DISTRICT  
PLAN ~~KAP61930~~ KAP 62654

(hereinafter referred to as the "Lands");

B. The Grantee is a municipality duly incorporated pursuant to the "Municipal Act", R.S.B.C., Ch. 323 and amendments thereto;

C. The Grantor has applied to the City to develop the Lands;

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D. The Grantee, pursuant to the provisions of the Land Title Act, required this Indenture be entered into as a condition of its consent to the development of the Lands;

NOW THEREFORE IN CONSIDERATION of the premises and the sum of ONE DOLLAR (\$1.00) paid by the Grantee to the Grantor, the receipt and sufficiency whereof is hereby acknowledged:

1.1 The Grantor, for itself and for its successors and assigns, hereby covenants, promises and agrees that with respect to the area marked "Lot 1" of the Reference Plan KAR 62654 filed herewith:

That no further development may occur until the following requirements are addressed to the satisfaction of the Approving Officer of the City of Kelowna:

- a) Sanitary Sewer and a community water supply with fire protection capability are provided to service proposed Lot 1.
- b) A complete geotechnical report must be prepared by a Professional Engineer, competent in the field of geotechnical study. The report must identify the material used to fill the property and all remedial actions necessary to make the property suitable for development. The report must also address surface and ground water characteristics with recommendations for an overall drainage plan. Terms of Reference for the geotechnical study must be approved by the Development Engineer before a geotechnical consultant is commissioned. The report must also make recommendations for any items that should be included in a restrictive covenant which would safeguard building sites and utility installations.
- c) A site grading plan and drainage plan must be completed to the satisfaction of the Development Engineer. These plans must address the findings of the geotechnical report mentioned above.
- d) A suitable landscaped buffer complete with fencing is established along the border of the ALR and non-ALR lands to the southeast and to the north to the satisfaction of the Approving Officer for the City of Kelowna.
- e) A geotechnical report on the Lands has been prepared by Golder Associates Ltd. on the 30 day of Jan, 1998-1996. A copy of this report is attached hereto as Schedule "A".
- f) A complete inventory of springs, drainage channels and water licenses that affect this property must be identified. A hydrogeotechnical study must be completed to identify how this water is to be handled through the

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subject property and where culverts and drainage channels are to be established.

2. The Grantor will, forthwith after execution hereof by the Grantor and the Grantee and at its own expense, do or cause to be done all acts or things necessary to ensure that this document is registered against the title to the Lands in the Kamloops Land Title Office.

3. The Grantor will pay all of the costs and expenses of performing the obligations hereby created.

4. The Grantor will upon the reasonable request of the Grantee make, do, execute or cause to be made, done or executed all such further and other lawful acts, deeds, documents and assurances whatsoever for the better or more perfect and absolute performance of the grants, covenants, promises and agreements herein set forth as may be requisite.

5. This Agreement will not be cancelled or modified without the prior written consent of the Approving Officer for the City of Kelowna.

6. The restrictions and covenants herein contained shall covenants running with the Lands and shall be perpetual and shall be registered in the Land Title Office at Kamloops, British Columbia, pursuant to Section 219 of the Land Title Act as covenants in favour of the Grantee.

7. The Grantor will indemnify and save harmless the Grantee and its servants and agents against all losses, damages, costs and expenses, including fees of solicitors and other professionals, advisors, arising out of any breach, violation or non-performance of any term, condition, covenant, or other provision of the Agreement.

8.1 No term, condition, covenant or other provision of this Agreement will be considered to have been waived by the Grantee unless the waiver is expressed in writing by the Grantee.

8.2 Any waiver by the Grantee of any term, condition, covenant or other provision of this Agreement or any waiver by the Grantor of any breach, violation or non-performance of any term, condition, covenant or other provisions of this Agreement does not constitute and will not be construed as a waiver of any further or other term, condition, covenant or other provision of this Agreement or any further or other breach, violation or non-performance of any term, condition, covenant or other provision of this Agreement.

9. The terms, conditions, covenants and other provisions of this Agreement will extend to, be binding upon

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and enure to the benefit of the parties to this Agreement and their respective successors and assigns.

10. In this Agreement unless the context otherwise requires, the singular includes the plural and vice versa.

11. This Agreement will be interpreted according to the laws of the Province of British Columbia.

12. Where there is a reference to an enactment in this Agreement, the reference will include any subsequent enactment of the Province of British Columbia of the effect and all enactments referred to are enactments of the Province of British Columbia.

13. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

14. Nothing contained or implied in this Agreement will prejudice or affect the rights, powers and remedies of the City in the exercise of the City's functions under any public or private statutes, regulations, bylaws or orders or in equity, all of which may be fully and effectively exercised by the City in relation to the Grantor or the lands as if this Agreement had not been made.

15. This Agreement will not be modified or discharged except in accordance with the provisions of Section 219 of the Land Title Act.

16. Wherever the expression "Grantor" and "Grantee" are used herein the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

17. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, successors and assigns, but nevertheless, the same shall be binding upon the Grantor as personal covenants only during the period of its respective ownership of any interest in the Land.

IN WITNESS WHEREOF the parties have affixed their hands and

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seals the day and year first above written.

EXECUTION(S)

Officer Signature(s) Execution Date: Party(ies) Signature(s)  
Y M D

[Signature]  
as to all signatures

98 06 04 [Signature]

ALEXANDER ALLAN  
REZANSOFF

HEATHER J. DUNLOP  
Barrister & Solicitor  
1974 McDOUGALL ST.  
KELOWNA, B.C. V1Y 1A3

THIS IS THE INSTRUMENT creating the condition or covenant entered into under Section 219 of the Land Title Act by the registered owners referred to herein and shown on the print of plan initialled by me and annexed hereto.

[Signature] July 29 1998  
Approving Officer for City of Kelowna  
Robert G. Shaughnessy

~~End of Document.~~ <sup>etc.</sup>

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**Golder Associates Ltd.**

SCHEDULE "A"

243-1889 Springfield Road  
Kelowna, BC, Canada V1Y 5V5  
Telephone (604) 860-8424  
Fax (604) 860-9874



January 30, 1996

Our Ref.: 962-4008

Mr. Alex Rezansoff  
3162 Watt Road  
Kelowna, British Columbia  
V1W 3C8

*(JP) 860-5811*  
*Pg: 717-3815-9426*  
*H: 861-3122*

**RE: PRELIMINARY GEOTECHNICAL INVESTIGATION  
PROPOSED SUBDIVISION,  
LOT 2, PLAN 35773, SEC. 31, TP. 29, O.D.Y.D.  
DEHART ROAD, KELOWNA, BRITISH COLUMBIA**

Dear Sir:

As requested, Golder Associates Ltd (Golder) have completed a preliminary geotechnical investigation at the above reference site. The purpose of the investigation was to identify the subsurface soil and groundwater conditions and based on our interpretation of this information, to provide preliminary comments and recommendations pertaining to the geotechnical aspects of the proposed subdivision development.

The field work was carried out on January 17 and 18, 1996 during which time 9 test pits were excavated at the approximate locations shown on Figure 1 using an excavator provided by the owner of the property. The test pits were extended to depths ranging from 2.2 to 5.1 m below the existing ground surface. Standpipe piezometers were installed in selected test pits to be used for monitoring the site groundwater levels.

The test pits were located and logged in the field by a member of our geotechnical staff. Representative samples of the various insitu soil deposits were collected and brought back to our laboratory for examination and testing. Testing consisted of grain size analyses of selected soil samples.

In addition to the foregoing, the soils in Test pits 10 to 16, inclusive excavated by others together that exposed in cut faces were logged.



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## **1.0 SITE CONDITIONS AND PROPOSED DEVELOPMENT**

The property about 11.7 hectares in area is located northwest of the intersection of Dehart and Swamp Roads. As shown on Figure 1, the site is split into two lots designated as Lots A and B. The west boundary of the site is defined by an existing residential development. Except for a Natural Gas right of way that cuts diagonally across the northwest corner of the site and a single building located in the approximate center of the property, the remaining site area is undeveloped.

Observations and available topographic information indicates Lot A consists of a lowlying area while Lot B rises up to the east and south to form a gently sloping terrace or bench. Further observations indicate that Lot A is overlain by a variable thickness of fill materials. Based on discussions, it is understood that the majority of the fill consists of excavation spoil material from the recent construction of the Mission sewer project. The east portion of Lot B was noted to support an orchard while the west part of the lot was grass covered and contained a small marshy area located in the northwest corner of this lot.

Observations also indicate the presence of a drainage ditch system located around the perimeter of Lot A as shown on Figure 1. At the time the investigation was conducted, water was noted flowing in the ditches. Discussions indicate that flows are present throughout the year. Further observations indicate the presence of several springs as shown on Figure 1. It is understood that prior to excavation of the ditch system as well as general infilling, Lot A was generally wet and marshy.

Discussions and observations indicate the presence a discharge pipe located along the northeast side of Lot B as shown on Figure 1. During the field investigation, a significant amount of water was noted discharging from the pipe outlet.

Observations indicate that excavation of the ditch along the southeast side of the property and between Lots A and B has resulted in near vertical cut slopes. The combination of the steepness of the cut together with the soil conditions as well as groundwater seepage discharge has resulted in the occurrence of local slope failures.

Details of the proposed subdivision development are not known, however it is understood that consideration is being given to establishing a mixture of single and multi family units on the property as well as a care facility.

## **2.0 SUBSURFACE CONDITIONS**

Detailed descriptions of the soil and groundwater conditions encountered in the test pits are presented on the attached Record of Test pit and Soil Exposure in Cut Face log

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sheets. The following provides a brief description of the subsurface conditions in order of increasing depth.

## 2.1 Fill

As indicate above, observations indicate that Lot A is overlain by a variable thickness of fill materials. The test pit results indicate the fill thickness ranges from 1.3 to 2.9 m. Observations indicate the fills located in the south portion of Lot A are as much as 5.0 to 7.0 m thick. It is understood that these thick fills have been in place for a number of years.

In general, the fills were noted to consist primarily of a mixture of sand and gravel containing a variable silt, cobble and boulder content. Lumps of silt or clay as well as miscellaneous debris were also noted to be mixed with the granular component of the fills. Typical grain size distribution curves of the granular portion of the fills are shown on Figure 2.

Fill materials were not observed on Lot B.

## 2.2 Topsoll

The surficial organic soils encountered beneath the fills in Test pits 1 to 3, inclusive and Test pit 7 ranged in thickness from 0.1 to 0.4 m. On Lot B, the surficial organic soils

ranged from 0.2 to 0.6 m thick.

## 2.3 Peat

The areas underlain by loose peat deposits are approximately delineated on Figure 1. In general, the test pit results indicate the peats to range from 0.3 to 2.3 m thick. It is expected that thicker peat deposits could be present in local areas. These deposits were encountered at ground surface and at depths of 1.7 to 2.9 m below the existing ground surface.

## 2.4 Interlayered Deposits

### 2.4.1 Lot A

In general, the above fills and surficial organic soils or peats are followed by a mixed and interlayered sequence of sand and/or silt. The relative density of these granular deposits was estimated to range from loose to compact. In Test pits 3, 6 and 7, the above granular deposits are interlayered with layers of firm to stiff clay.

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All the test pits excavated on this lot were terminated in the above soils at depths between 3.1 and 4.9 m below the existing ground surface. Test pit 7 was terminated at 4.2 m due to refusal on an unknown surface.

#### 2.4.2 Lot B

Based on the test pits excavated by others as well as the soil conditions observed in the cut slopes located along the north and west side of the lot, it is inferred that this lot is underlain by an interlayered and mixed sequence of clay, silt sand and gravel. The relative density of the granular deposits was estimated to range from loose to compact while the consistency of the fine grained soils varied from firm to stiff.

#### 2.5 Groundwater Conditions

The following table summaries the depths where the groundwater table and/or seepage levels were measured at the time the investigation was conducted.

<u>TEST PIT NO.</u>	<u>DEPTH TO STANDING WATER LEVEL, m</u>	<u>DEPTH TO SEEPAGE LEVEL, m</u>
TP1	-	1.0
TP2	1.6	-
TP3	-	2.3
TP4	-	2.8
TP5	0.3	-
TP6	1.6	-
TP8	2.5	-
TP12	0.6	-
TP13	0.6	-
TP14	0.6	-
TP15	0.7	-
TP16	1.0	-

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At the time the investigation was conducted, the groundwater/seepage levels within Lot A were encountered at the original ground surface or within the surficial fill materials. Only in Test pits 3 and 4 was groundwater seepage observed at depth in the peat deposits.

On Lot B, the groundwater levels in the west portion of this lot were observed within 0.6 to 1.0 m of the existing ground surface. The water levels in the east part of the lot are expected to be encountered at deeper depths.

It is anticipated that the groundwater/seepage levels will be subject to seasonal variations. High groundwater conditions are expected to occur during the late spring/early summer months or during periods of heavy or sustained precipitation.

### 3.0 DISCUSSION

Based on the results of the investigation, the following presents our preliminary comments and recommendations regarding development of the property for residential purposes.

- Buildings constructed over the existing conditions encountered in Lot A without prefoundation treatment will result in unacceptable total and differential settlements. In order to eliminate or reduce the post construction settlements, the following foundation treatments are presented for consideration:
  - (a) Complete subexcavation of the fills, surficial topsoil layer and/or peat deposits from beneath the plan area of the buildings and replacement with compacted granular grade fills.
  - (b) Pile support of the structure and floor slab. A further investigation including drilling of boreholes would be required to determine the appropriate length and capacity of the piles at the proposed building locations.
  - (c) Subexcavation of only the fills and surficial topsoil layer, replacement with compacted granular fill and provide a preload fill over the proposed building site to reduce the post construction settlements that will occur in the peat deposits. It should be noted that after completion of preloading to remove the majority of the primary settlements, the proposed buildings will still be subject to long term residual settlements that could be detrimental to the settlement sensitive features of the structure. As indicated in Section 2.1, relatively thick fills are present within the south portion of Lot A and have been in place for a number of years. It is considered likely that if the peat deposits are present beneath the fills that the majority of the primary settlements have been removed and only long term residual settlements will occur. Providing the site grade is not raised, it is considered possible that structures could be built in this area with minimal

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prefoundation treatment. Prefoundation treatment in this case would consist of construction of a minimum 1.0 m thick compacted sand and gravel pad under the structure. As indicated above buildings constructed under the foregoing conditions will be subject to long term residual settlements.

- Based on the results of the investigation, it is our opinion that prefoundation treatment in Lot B will essentially consist of stripping the relatively thin surficial organic soils from the proposed building and/or grade fill areas. Upon completion of this, the proposed structures can be supported on conventional strip and/or spread footings founded on the native firm clay strata, compact sand and silt or compact sand and gravel deposits.
- To provide a relatively settlement free pavement structure, it is recommended that the fills, topsoil and/or peats should be completely subexcavated from beneath the proposed roadways and replaced with compacted granular grade fill. Alternatively, the proposed road right of ways underlain by the peat deposits could be preloaded to reduce the post construction settlements. The existing fills and topsoil should be removed prior to preloading. As indicated above, the roads underlain by the peats will be subject to long term residual settlements. This could require periodic remedial repairs to the pavement structure.
- Based on the results of the investigation, it would appear that the majority of the granular fills excluding the miscellaneous debris and lumps of silt and clay will be suitable for use as grade fills under roadways. Some of the granular fills could be used as structural fills under building locations, however it is recommended that a geotechnical engineer inspect and approve the fills prior to its use.
- Subexcavation of the peat deposits will result in excavations extending below the groundwater table. Based on our experience in the immediate vicinity of the property, it is anticipated that dewatering during excavation and placement of granular grade fill can be carried out using standard sump pump techniques.
- As indicated in Section 2.5, high groundwater levels were encountered in Lot A as well as the west portion of Lot B. An existing ditch system constructed around the perimeter of Lot A appears to partially control the groundwater flows across the property. It is recommended that provisions be made during design of the subdivision to provide adequate subsurface drainage measures. This should include design and construction of seepage interceptor trenches along the upslope side of Lot B as well as along the toe of the cut slope where a number of springs/seepage areas were observed. In addition to the foregoing, all buildings should be provided with a perimeter foundation and/or underslab drainage systems. In Lot A, it may be necessary to raise the site grade to ensure that the main floor of the buildings are at least 1.5 m above the highest anticipated site water level.

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- The ditch excavation cut along the southeast side of Lot A will require stabilization works to prevent further occurrences of slope failures. This work could include construction of either a granular toe berm, retaining structure such as a concrete gravity wall or interlocking modular concrete blocks with geosynthetic reinforcement and/or flattening the excavation cut slope. In the foregoing considerations suitable subsurface drainage works should be included in the design.

Yours very truly,

**GOLDER ASSOCIATES LTD.**

  
(FOR) G. Imada, P. Eng.



B. Carlsen, P.Eng.

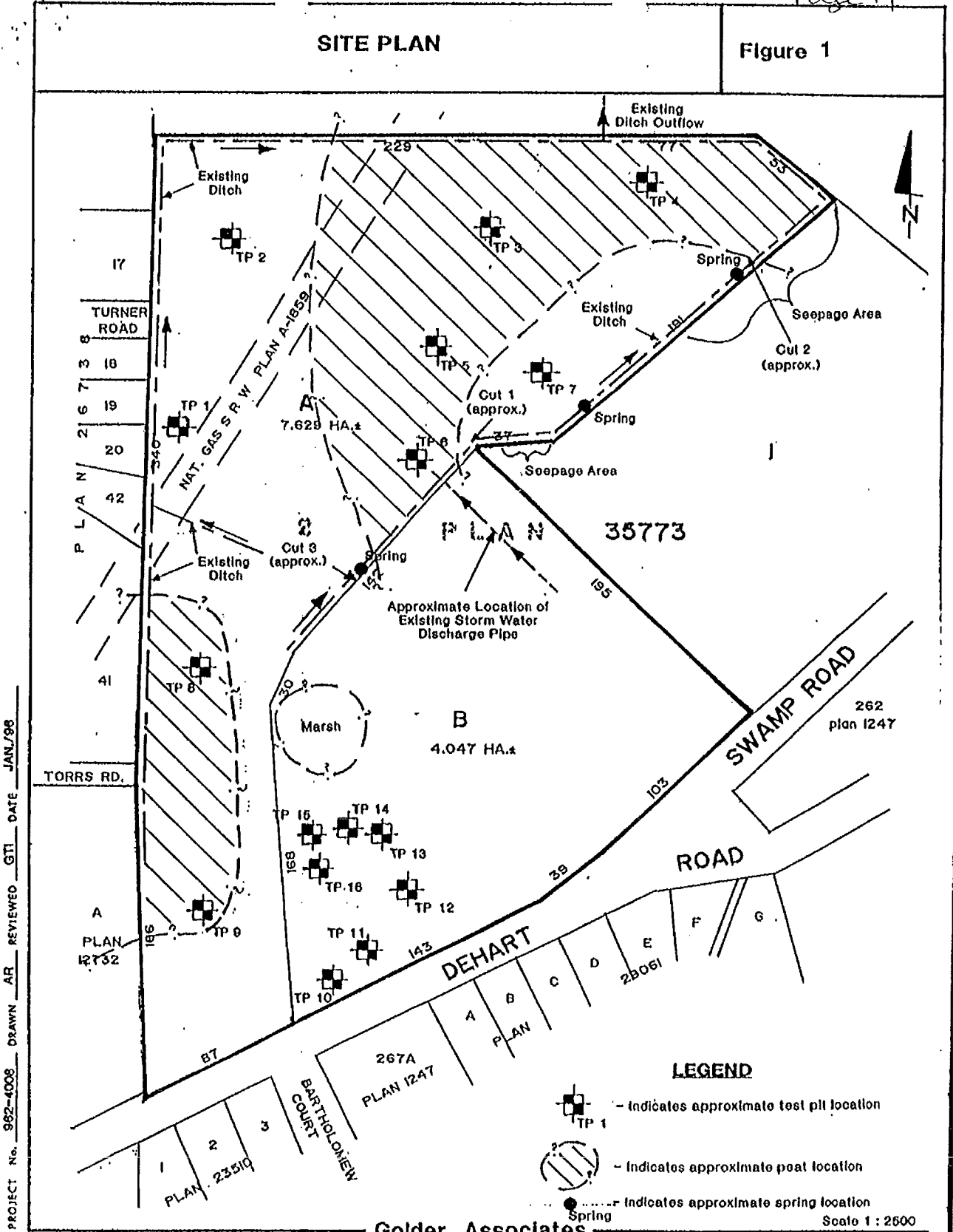
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SITE PLAN

Figure 1



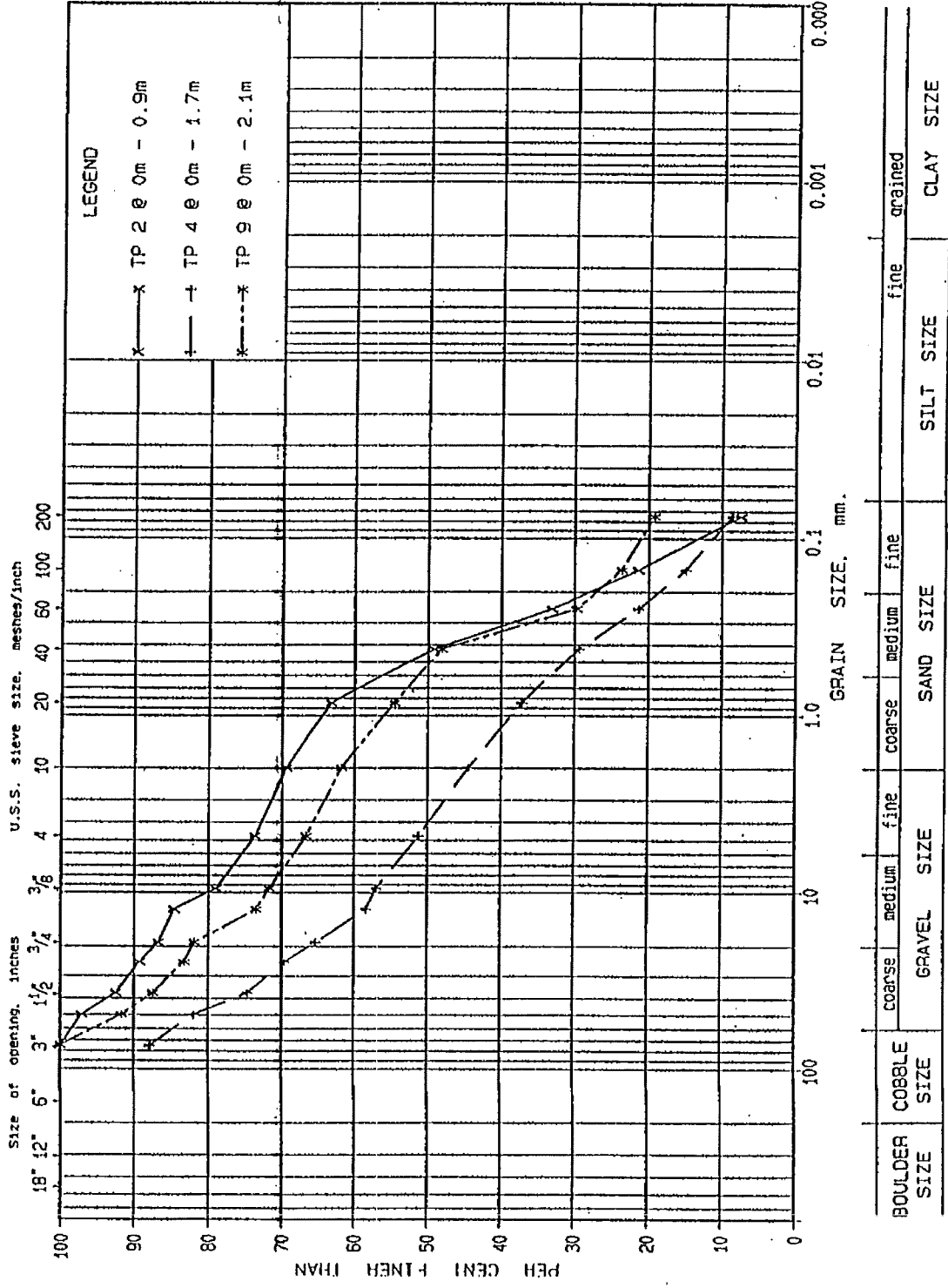
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Scale 1 : 2500

# GRAIN SIZE DISTRIBUTION

Figure: 2

M.I.T. GRAIN SIZE SCALE



PROJECT NO. 962-4008 DRAWN BY REVIEWED GTI DATE Jan./96

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RECORD OF TEST PITS		
January 24, 1996		962-4008
TEST PIT NO.	DEPTH, (m)	SOIL DESCRIPTION
TP 1	0.0 - 1.4	Loose brown SAND and GRAVEL, trace silt and cobbles, occasional boulder, root and piece of wood. (FILL)
	1.4 - 1.8	Loose dark brown organic SILT and SAND. (TOPSOIL)
	1.8 - 2.7	Loose to compact mottled grey fine to medium SAND, some silt with medium SAND seams, occasional rootlet.
	2.7 - 4.2	Loose grey SAND.  Minor groundwater seepage at 1.0 m. (January 17, 1996)
TP 2	0.0 - 1.5	Loose brown SAND and GRAVEL, trace to some silt, cobbles, roots and occasional pieces of wood and pipe. (FILL)
	1.5 - 1.8	Loose dark brown organic SILT and SAND. (TOPSOIL)
	1.8 - 3.1	Loose to compact mottled grey fine to medium SAND, some silt interlayered with medium SAND, trace rootlets.  Standing groundwater level at 1.64 m. (January 18, 1996)
TP 3	0.0 - 1.3	Loose brown gravelly SAND, some silt, trace cobbles, organics, occasional boulder, pieces of pipe and wood. (FILL)
	1.3 - 1.6	Loose dark brown organic SILT and SAND. (TOPSOIL)
	1.6 - 1.7	Compact grey fine sandy SILT, some rootlets.
	1.7 - 2.0	Loose brown medium SAND.
	2.0 - 3.8	Loose brown to dark brown fibrous PEAT, occasional piece of wood.
	3.8 - 4.1	Loose grey SAND, some silt.
	4.1 - 4.7	Firm grey CLAY, some silt and trace rootlets.  Minor groundwater seepage at 2.3 m. (January 17, 1996)

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RECORD OF TEST PITS		
January 24, 1996		962-4008
TEST PIT NO.	DEPTH, (m)	SOIL DESCRIPTION
TP 4	0.0 - 1.7	Loose brown SAND and GRAVEL, some cobbles, trace silt and organics, occasional boulder, pieces of pipe and asphalt. (FILL)
	1.7 - 4.0	Loose brown fibrous PEAT.
	4.0 - 4.9	Compact grey silty fine SAND interlayered with grey SAND, trace silt grading to a fine to medium SAND, some silt.  Minor groundwater seepage at 2.8 m. (January 17, 1996)
TP 5	0.0 - 1.9	Loose brown SAND and GRAVEL, some silt, trace to some cobbles, wood debris, organics and occasional boulder. (FILL)
	1.9 - 3.1	Loose dark brown fibrous PEAT.
	3.1 - 3.9	Loose to compact grey medium SAND interlayered with silty fine SAND containing fibrous PEAT and organic sandy SILT layers.
	3.9 - 4.2	Loose to compact grey SAND, trace silt.  Standing groundwater level at 0.3 m. (January 18, 1996)
TP 6	0.0 - 1.9	Loose brown SAND and GRAVEL, some silt, trace cobbles, occasional pieces of wood and metal. (FILL)
	1.9 - 3.1	Loose brown fibrous PEAT.
	3.1 - 4.4	Firm mottled grey silty CLAY, some sand, trace gravel and rootlets.
	4.4 - 4.7	Loose brown SAND, trace gravel with some mottled grey silty SAND layers.
	4.7 - 4.9	Firm grey CLAY, some silt and sand.  Standing groundwater level at 1.64 m. (January 18, 1996)

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RECORD OF TEST PITS		
January 24, 1996		962-4008
TEST PIT NO.	DEPTH, (m)	SOIL DESCRIPTION
TP 7	0.0 - 2.0	Loose brown SAND, some silt, organics and roots, occasional boulder. (FILL)
	2.0 - 2.1	Loose dark brown organic SILT and SAND. (TOPSOIL)
	2.1 - 3.5	Compact mottled brown SILT, some sand interlayered with SAND, some silt.
	3.5 - 3.9	Stiff mottled grey CLAY, some silt with brown SAND layers, trace rootlets.
	3.9 - 4.2	Compact mottled brown silty SAND, some gravel and occasional cobble.
	4.2	Refusal at 4.2 m.  Test pit dry at time of excavation.
TP 8	0.0 - 2.9	Loose brown SAND and GRAVEL, trace silt and cobbles, occasional pieces of wood, brick and concrete. (FILL)
	2.9 - 5.1	Loose dark brown fibrous PEAT interlayered with compact grey silty fine SAND, trace rootlets.  Standing groundwater level at 2.5 m. (January 18, 1996)
TP 9	0.0 - 2.2	Loose brown SAND and GRAVEL, trace to some cobbles, occasional boulder intermixed with grey CLAY, some silt, trace organics, occasional pieces of wood and asphalt. (FILL)  Test pit dry at time of excavation.
TP 10	0.0 - 1.0	Loose to compact brown SAND and GRAVEL.  Test pit excavated by others and dry at time inspection. (January 18, 1996)
TP 11	0.0 - 1.0	Loose to compact brown SAND and GRAVEL.  Test pit excavated by others and dry at time inspection. (January 18, 1996)

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RECORD OF TEST PITS		
January 24, 1996		962-4008
TEST PIT NO.	DEPTH, (m)	SOIL DESCRIPTION
TP 12	0.0 - 0.6	Loose dark brown organic SILT and SAND, some rootlets and trace gravel.  Test pit excavated bt others. Standing groundwater level at 0.6 m. (January 18, 1996)
TP 13	0.0 - 0.6	Loose dark brown organic SILT and SAND, some rootlets and trace gravel.  Test pit excavated by others. Standing groundwater level at 0.6 m. (January 18, 1996)
TP 14	0.0 - 0.4	Loose dark brown organic SILT and SAND, some rootlets and gravel.  Test pit excavated by others. Standing groundwater level at 0.4 m. (January 18, 1996)
TP 15	0.0 - 0.2	Loose dark brown organic SILT and SAND, some rootlets and gravel.
	0.2 - 0.7	Compact brown SAND and GRAVEL.  Test pit excavated by others. Standing groundwater level at 0.7 m. (January 18, 1996)
TP 16	0.0 - 0.2	Loose dark brown organic SILT and SAND, trace gravel.
	0.2 - 1.0	Compact brown SAND and GRAVEL, some silt.  Test pit excavated by others. Standing groundwater level at 1.0 m. (January 18, 1996)

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RECORD OF SOIL EXPOSURE IN CUT FACES		
January 24, 1996		962-4008
CUT LOCATION	DEPTH, (m)	SOIL DESCRIPTION
CUT 1	0.0 - 0.4	Loose dark brown organic SILT and SAND. (TOPSOIL)
	0.4 - 2.8	Firm brown CLAY, some silt with sand seams.
	2.8 - 3.7	Loose to compact brown SAND and GRAVEL with thin CLAY and SILT layers.
	3.7 - 4.1	Compact mottled brown silty fine SAND.  Groundwater level at 4.1 m.
CUT 2	0.0 - 0.3	Loose dark brown fibrous PEAT.
	0.3 - 1.3	Compact light brown to brown fine SAND interlayered with sandy SILT.  Groundwater level at 1.3 m.
CUT 3	0.0 - 0.4	Loose dark brown to brown organic silty SAND, some rootlets. (TOPSOIL)
	0.4 - 4.3	Compact mottled brown grey fine sandy SILT interlayered with fine SAND, grey CLAY, some silt and brown SAND and GRAVEL.  Groundwater level at 4.3 m.

End of Document

Golder Associates

# REPORT TO COUNCIL



**Date:** 4/28/2014  
**RIM No.** 1210-21  
**To:** City Manager  
**From:** Subdivision, Agriculture & Environment Services (MS)  
**Application:** OCP13-0011  
Z13-0016  
**Owners:** Sherwood Mission Developments  
Dr. A. Rezansoff  
**Address:** 984 Dehart Road  
**Applicant:** New Town Planning Services Inc.  
**Subject:** Official Community Plan (OCP) Amendment and Rezoning Application

**Existing OCP Designation:** Single / Two Unit Residential (S2RES) / Multi-Unit Residential Low Density (MRL)  
**Proposed OCP Designation:** Single / Two Unit Residential (S2RES) / Multi-Unit Residential Low Density (MRL)  
**Existing Zone:** A1 - Agriculture 1  
**Proposed Zone:** RU1 - Large Lot Housing

---

## 1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP13-0011 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing a portion of the Future Land Use designation of Lot 1, Section 31, TWP 29, ODYD Plan KAP62654, located at 984 Dehart Road, Kelowna, BC, from the Multi-Unit Residential Low Density (MRL) designation to the Single/Two Unit Residential (S2RES) designation, and a portion of Single/Two Unit Residential (S2RES) be changed to Multi-Unit Residential Low Density (MRL), in accordance with 'Map A', be considered by Council;

AND THAT Rezoning Application No. Z13-0016 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 31, TWP 29, ODYD Plan KAP62654, located at 984 Dehart Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone, in accordance with 'Map B' be considered by Council;

AND THAT the Official Community Plan Amendment Bylaw and 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 Development Engineering Branch and Parks Services, being completed to their

satisfaction, as well as a Farm Protection Development Permit, and a Natural Environment Development Permit.

## 2.0 Purpose

The applicant is proposing to rezone a portion of the land from the A1 - Agriculture 1 zone to the RU1 - Large Lot Housing zone to facilitate a future 55 lot residential subdivision. The proposal requires an OCP amendment to extend the Single/Two Unit Residential (S2RES) future land use designation north into the area designated for Multi-Unit Residential, Low Density (MRL), in exchange for area that was previously Single/Two Unit Residential for Multi-Unit Residential, Low Density (MRL).

## 3.0 Subdivision, Agriculture & Environment Services

The property at 984 Dehart was removed from the Agricultural Land Reserve (ALR) in 1989 and since the mid-1990s has been subject to significant infilling and watercourse disruption and relocation. In 1998, a Section 219 Restrictive Covenant was placed on the property requiring geotechnical, hydrogeological and drainage investigation and plans prior to development. Fill has been placed over peat, making the current soil conditions unsuitable and/or uncertain for road and foundation construction. Geotechnical concerns involve the presence of undetermined fill over topsoil and peat in some locations, and the uncertainty of the structure of the fill. Hydrogeological concerns involve the presence and reconfiguration of springs and watercourses on the property. The covenant outlines investigation and plans required to address these concerns prior to development.

Between 2008 and 2012, nine bylaw investigations occurred on the property, including stop work orders for unauthorized earth moving, and unsightly premises. A Settlement and Release Agreement was signed by the owner and the City of Kelowna (the City) in 2010, whereby the City of Kelowna agreed not to enforce the bylaw dispute with the understanding that the owner would undertake actions, including riparian and watercourse protection and restoration, and adherence to City bylaws.

The current application was initiated in the spring of 2013. This proposal was for rezoning to RU-1 Large Lot Residential included a road access that came through Young and Turner Roads. A Public Information Meeting was held on April 18, 2013, with most of the residents opposed to this access. Based on this public feedback, an alternate plan was developed, with the primary access at Dehart Road. This is the road layout for the current configuration. A Traffic Impact Analysis was prepared for this revised road network, which was received by the City in February, 2014.

Staff supports the application subject to the following conditions being fulfilled prior to 4<sup>th</sup> Reading, including requirements of the:

- Development Engineering Branch (see attached memo),
- Parks Services, including a blanket Statutory Right of Way over the property, to facilitate a trail network to be established at the time of subdivision;
- Subdivision, Agriculture & Environment Services, including the requirements of the Covenant #KM084923 (see summary below and attached covenant);
- Farm Protection Development Permit;

- Natural Environment Development Permit, including a mitigation/restoration plan (signed off by an QEP/RPBio) for the site, as required by the Settlement and Release Agreement<sup>1</sup> (attached); and a
- The registration of a Build/No Disturb Covenant of 20 m along the northeast property line and a 15 m No Build / No Disturb Covenant along the west property line.

## 4.0 Proposal

### 4.1 Project Description

The proposal is to amend the OCP and rezone the property to accommodate a future 55 unit RU1 - Large Lot Residential subdivision on the southern and central portion of 984 Dehart Road. The Official Community Plan (OCP) Amendment is required to facilitate an extension of the Single / Two Unit Residential future land use designation slightly to the north, replacing 9,610 m<sup>2</sup> of Multi-Unit Residential, Low Density (MRL), and changing 6,550 m<sup>2</sup> of Single / Two Unit Residential to Multi-Unit Residential, Low Density (MRL). This represents a net increase of 3,060 m<sup>2</sup> of Single / Two Unit Residential area than is currently designated in the OCP.

The proposal includes two watercourses and associated riparian management areas (RMA) in the land use plan, including a 20 m wide RMA along the northeast boundary and a 15 m RMA along the west boundary. The northeast RMA will also function as a farm protection buffer area. Adjacent water licenses with respect to flow and location must be accommodated within the plan. A memorandum of understanding with their neighbour regarding Ahern and Cowan Spring has been agreed upon.

### 4.2 Background

As discussed, much of the site has been modified over the last 20 years through grading and infilling. The filling and watercourse modifications, as well as bylaw infractions of moving soil and watercourses without permits, have resulted in a Section 219 Restrictive Covenant being registered on the title of the property and the City of Kelowna Settlement and Release Agreement - 2010. Details of these are included below.

#### **Section 219 Restrictive Covenant #KM084923**

The owner entered into a Section 219 Restrictive Covenant with the City of Kelowna in 1998<sup>2</sup> that stipulated that no further development occur until certain conditions were provided, including:

- Sanitary sewer and a community water provided with fire protection capability;
- A complete geotechnical report, to address the fill material and remedial actions required to make the property suitable for development, as well as address the surface and groundwater characteristics and a drainage plan, including any items that should be included in a restrictive covenant which would safeguard building sites and utility installations;
- Site grading and drainage plan completed to the satisfaction of the Development Engineer;
- A suitable landscape buffer complete with fencing is established along the border of the ALR and non-ALR lands to the southeast and to the north and to the satisfaction of the Approving Officer;

<sup>1</sup> Rezansoff, A.A. & the City of Kelowna, 2010. Settlement and Release Agreement.

<sup>2</sup> BC Agent – Kamloops Registry Service Ltd, Aug. 28, 1998. Land Title Act Form C No 1044 – KM084923 – Covenant.



- A prepared geotechnical report prepared by Golder & Associates<sup>3</sup>; and
- A complete inventory of springs, drainage channels and water licenses be identified, complete with a hydrogeotechnical study proposing how water will be handled through culverts and drainage channels.

### City of Kelowna Settlement and Release Agreement - 2010

In 2010, a Settlement and Release Agreement (attached) was signed by the owner and the City of Kelowna, stipulating that the owner undertake the following:

- Ensure that there is no net loss of riparian habitat and function for the Lands;
- To remove all of the drain piping located on the Lands as identified on the photograph of the Lands attached hereto as Schedule “A”;
- Prepare a mitigation/restoration plan (signed off by an QEP/RPBio) for the site;
- Ensure that all future works on the site will adhere to applicable provincial acts, including but not limited to: the *BC Water Act* and the *BC Fish Protection Act*; and
- Ensure that all future works on the site will adhere to applicable City of Kelowna policies, plans and policies including but not limited: Kelowna 2020 Official Community Plan (7600), Zoning Bylaw (8000) and Subdivision and Servicing Bylaw (7900).

#### 4.3 Site Context

The 9.6 ha subject property is located within the Okanagan Mission Sector of the City (Map 1, below) and is within the Permanent Growth Boundary. The property is currently zoned A1 but is not in the Agricultural Land Reserve. Properties within the Agricultural Land Reserve lie to the north and east (Map 2, below).

The property has a number of water licenses in favour of downstream neighbours. The historical infilling resulted in changes in water flow. This resulted in issues with respect to water licenses. As part of this application package, a Memorandum of Understanding has been prepared to address water license and water flow issues. The neighbours have agreed to cooperate in the construction of a proposed conveyance route in order to ensure the water license rights are sustained in the future.

The natural gas line Right of Way (ROW) runs diagonally through the site from the west of the site to the north.

A number of watercourses are present on the site. The project includes riparian areas and details on cross sections of each of these watercourses in the design<sup>4</sup> and riparian planting is proposed as part of the environmental report, but a riparian restoration plan has not yet been provided<sup>5</sup>.

#### 4.4 Neighbourhood Context

A single / two unit residential subdivision with RU1 zoning lies to the west of the property, and agricultural properties lie to the north and east. Dehart Road borders the property to the south, and single unit and rural residential properties are south of Dehart Road.

Specifically, adjacent land uses are as follows:

<sup>3</sup> Golder & Associates, 1996. Preliminary Geotechnical Investigation Proposed Subdivision, Lot 2, Plan 35773, Sec. 31, TP.29, ODYD Dehart Road, Kelowna, British Columbia

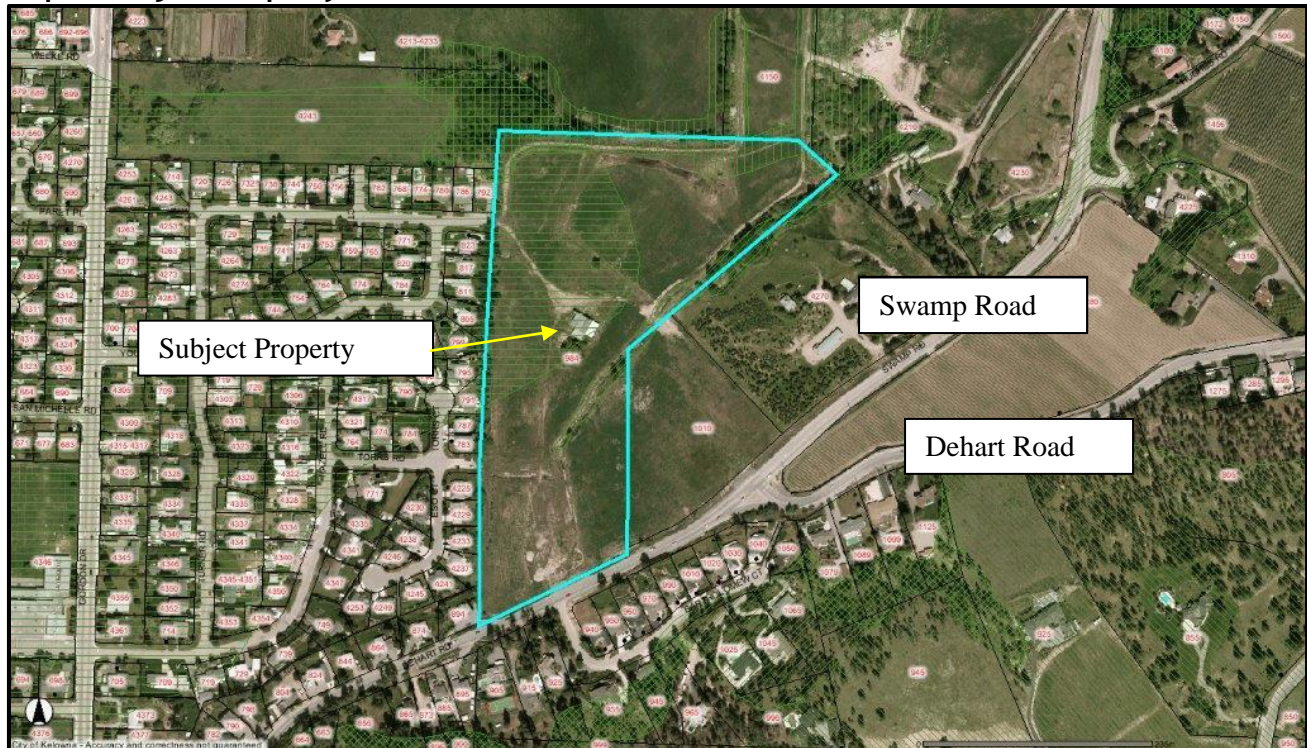
<sup>4</sup> Aplin & Martin, 2013. Civil Engineering Servicing Brief – Proposed Dehart Road Subdivision – 984 Dehart Rd, Kelowna, BC

<sup>5</sup> Makonis, 2013. Dehart Road Environmental Assessment – Submitted to New Town Planning Services Inc.

Orientation	Zoning	ALR	Land Use
North	A1 - Agriculture 1	Yes	Agriculture
East	A1 - Agriculture 1	Yes	Agriculture
South	RU1 - Large Lot Housing RR2 - Rural Residential 2	No	Single Family Residential Rural Residential
West	RU1 - Large Lot Housing	No	Single Family Residential

The subject property is located within a Development Permit Area for Farm Protection given its proximity to ALR land. It is within a Natural Development Permit Area for high groundwater and surface water conditions.

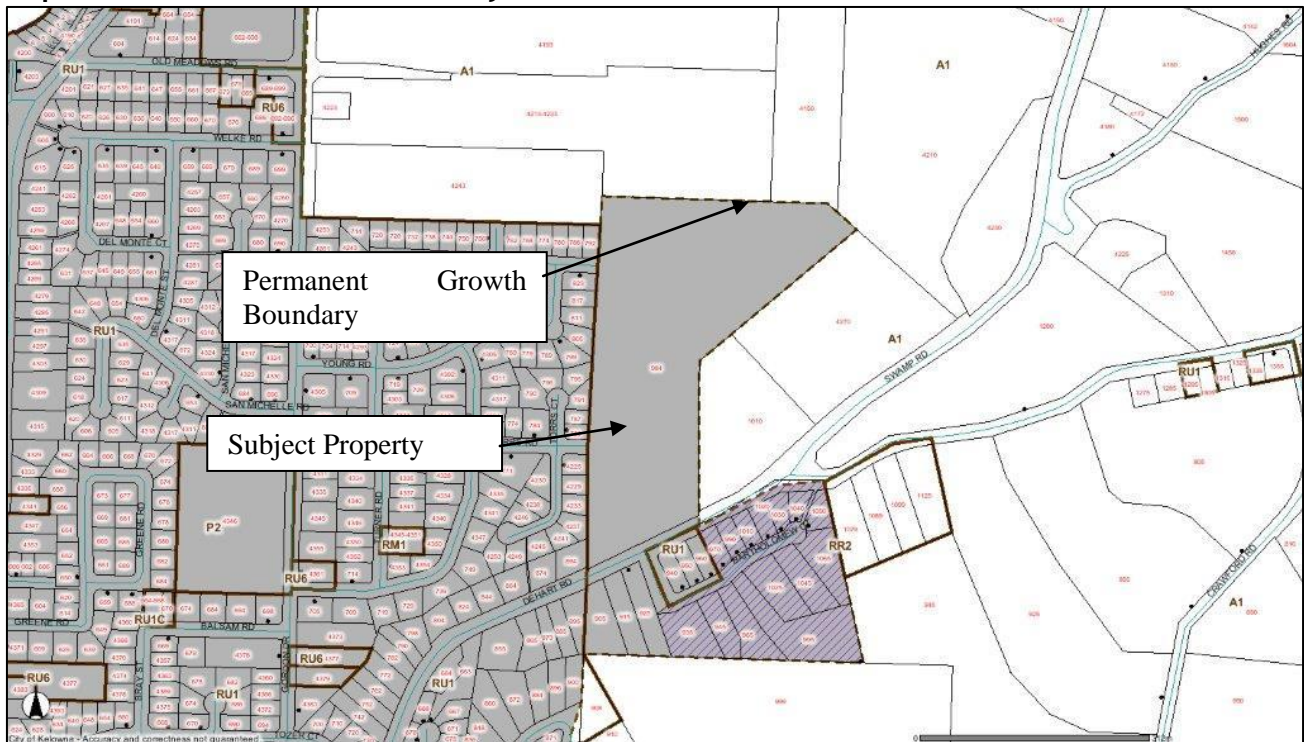
**Map 1: Subject Property**



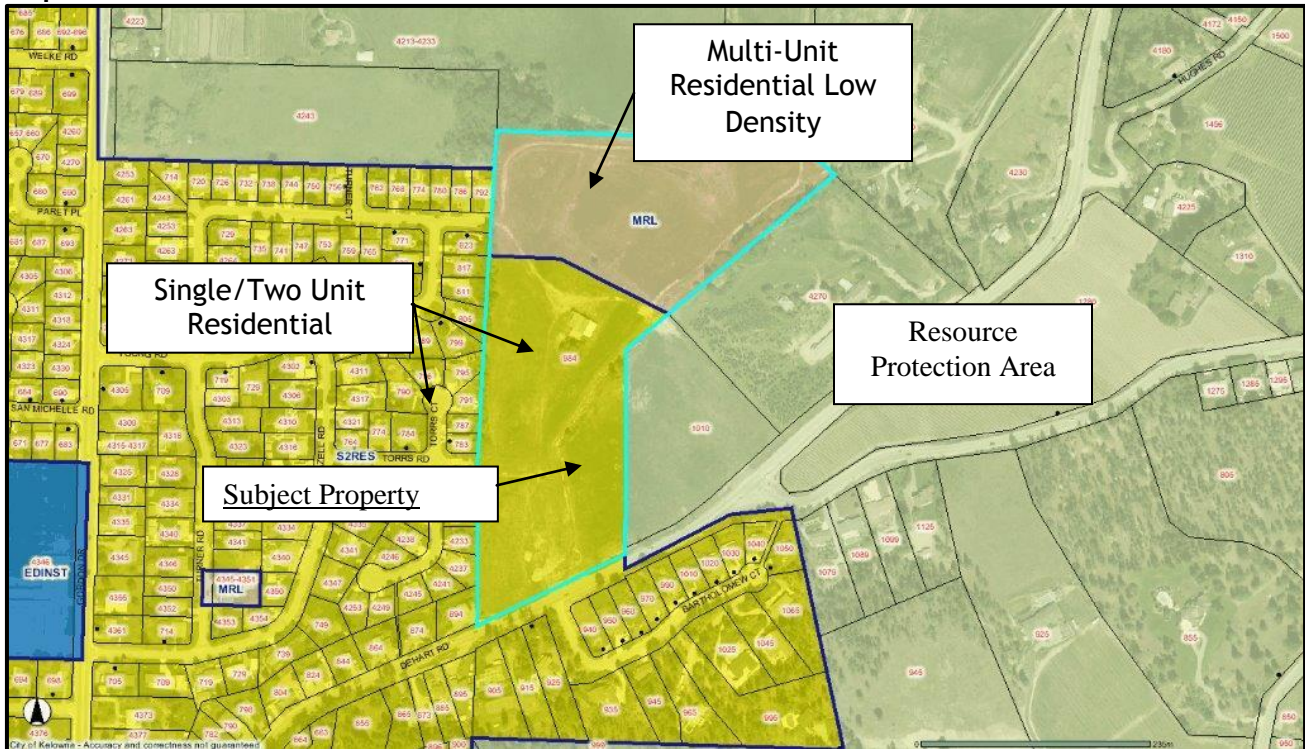
Map 2: Agricultural Land Reserve



Map 3: Permanent Growth Boundary



Map 4: Current Future Land Use



#### 4.5 Traffic Impact Analysis

Two traffic impact analysis (TIA) reports have been completed for the project. The first Traffic Analysis Report<sup>6</sup> was completed with the main access via Young and Turner Roads. Torrs Road was available for emergency vehicles only, and there was no vehicular access from Dehart Road. This road network option was presented at a public information session held by the applicant in April 18, 2013. It was met with significant concern from the residents of the Young / Turner Road neighbourhood. In response, another road network configuration was developed using an intersection at Dehart Road and Bartholomew Court as the primary access. A second TIA was completed in based on this new configuration.

A second TIA, the Traffic Impact Assessment for the Proposed 984 Dehart Road Development<sup>7</sup>, and was completed in January, 2014. This TIA is based on the current road and lot configuration, with the primary vehicular access on Dehart Road, and a secondary access from Turner Road.

The TIA assessed two phases of the project. The first phase is based on 55 single family units, based on the rezoning under application currently, and is estimated for completion in 2018. The second phase includes a townhouse development of approximately 200 units at the north portion of the property. This is not currently under application, but the use is accommodated in the current OCP and has been estimated for completion in 2030.

The current road layout includes the primary access through an intersection on Dehart Road and Bartholomew Court, to the south of the project. The results of the TIA indicate that the 55 unit

<sup>6</sup> CTQ, March 2013. Traffic Analysis Report for 984 Dehart Road.

<sup>7</sup> EYH Consultants Ltd., Jan. 31, 2014. Traffic Impact Assessment for the Proposed 984 Dehart Road Development, Kelowna, BC. A report prepared for New Town Architecture and Urban Planning.

single family development could be accommodated with this intersection. Road A on the site could accommodate three lanes with STOP control, two outbound and one inbound. A westbound right turn lane into the development from Dehart could be installed and should be included in the detailed design stage for the subdivision.<sup>8</sup> The TIA indicates that painted left turn lanes at Dehart Road for access to the site should also be provided. Along the Young / Turner Roads, the TIA estimates that the 55 unit subdivision will generate an additional 4 vehicles in the morning and 6 in the afternoon peak hours.

The TIA found that, at the time of the addition of the 200 unit townhouse development, a traffic signal would be required at Dehart Road. These results are based on the assumption that the townhouse traffic will use the Road A / Dehart intersection for primary access. Under this assumption, the results estimate an additional 8 trips through the Young / Turner Road route in peak morning hours, and 10 trips along this route at peak afternoon hours.

The OCP indicates that a sidewalk is required along Dehart between the project and Gordon Drive. The City of Kelowna is willing to take a limited responsibility for the costs, for 50% up to a maximum of \$25,000<sup>9</sup>. Frontage upgrades along Dehart Road would be required in accordance with Bylaw # 7900. The TIA indicates that pedestrian access could be provided along the utility easements.

#### 4.6 Utilities

The sanitary sewer services are within the jurisdiction of the City of Kelowna. Currently water is provided by the South-East Kelowna Irrigation District (SEKID). According to the consulting engineer report<sup>10</sup>, an agreement in principle has been reached between the City of Kelowna and SEKID to accommodate a boundary adjustment, such that the City of Kelowna will become the water purveyor for the subdivision prior to 4<sup>th</sup> reading of the rezoning application, subject to the owner covering the administration costs incurred by SEKID for the boundary adjustment (memo attached).

#### 4.7 Public Consultation

A Public Information Session was held for the project on April 18, 2013. There were 51 attendees recorded. An exit questionnaire was prepared with 32 responses received. The road and lot configuration presented included the primary access from Young / Turner Roads. Of the 32 responses, 27 strongly disagreed that the traffic could be accommodated on this route. The results of the April 18, 2013 Public Information Session are attached. The road configuration was changed in response to these results, and that the main access is now from Dehart Road.

#### 4.8 Zoning Requirements

The zoning requirements for RU1 developments are included in the table below. Note that the lot current lot illustrated in the application documents illustrates a proposed configuration, but because a subdivision is not currently being applied for, the exact alignment of lots may change. The road network will not change. However, the current configuration demonstrates that 55 RU1

<sup>8</sup> EYH Consultants Ltd., Jan. 31, 2014. Traffic Impact Assessment for the Proposed 984 Dehart Road Development, Kelowna, BC. A report prepared for New Town Architecture and Urban Planning.

<sup>9</sup> Muenz, S. January 21, 2014. Email to K. Funk, Dehart IIA & Sidewalk.

<sup>10</sup> Aplin & Martin, 2013. Civil Engineering Servicing Brief – Proposed Dehart Road Subdivision – 984 Dehart Rd, Kelowna, BC.

- Large Lot Housing is possible for the site. No variances are necessary with the current configuration.

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m <sup>2</sup>	Minimum 550 m <sup>2</sup>
Lot Width	16.5 m	Minimum 16.5 m
Lot Depth	30 m	Minimum 30 m

No variances are being requested for this rezoning. Staff notes that subdivision plan is not being applied for at this time. The lot current lot configuration has no variances required.

#### 4.9 Transit

4.10 Currently there is a transit stop at the southeast corner of the subject property. This existing bus stop will require upgrading to current standard (UBS2), as per the Development Engineering Department requirements (see attached memo).

#### 4.11 Pedestrian Linkages

The internal roads will be built to a local road standard according to the Subdivision, Development and Servicing Bylaw No. 7900. The current subdivision layout includes a pedestrian connection to Torrs Road. As a subdivision is not currently being applied for and may change, a blanket statutory right-of-way is being requested as a condition of rezoning, with trail connections to be determined during the Preliminary Layout Review of subdivision.

#### 4.12 Geotechnical

As discussed, much of the site has been modified over the last 20 years through grading and infilling. The fill was placed over peat in different locations of the property. A geotechnical report in 1998 concluded that buildings constructed over the existing conditions would result in unacceptable total and differential settlements<sup>11</sup>. The report provided a number of potential treatments for the property prior to development, including but not limited to:

- Complete subexcavation of the fills, surficial topsoil layer and peat deposits and replacement with granular fills;
- Pile supports;
- Subexcavation of fill layer, combined with preload fill to compact peat deposits;
- Complete subexcavation of fills, topsoil and peats under proposed roads and replacement with granular fill and/or preloaded;
- Dewatering during excavation due to high groundwater table; and
- The provision of adequate subsurface and surface drainage measures.

#### 4.13 Surface Water

<sup>11</sup> Golder & Associates, 1996. Preliminary Geotechnical Investigation Proposed Subdivision, Lot 2, Plan 35773, Sec. 31, TP.29, ODYD Dehart Road, Kelowna, British Columbia

Aplin and Martin Consultants Ltd. have provided plans accommodating overland creek flows at the west and northeast portions of the property (see attached plans). The plans include a 15 m creek and RMA along the west property line, and a 20 m wide channel and RMA / farm protection buffer along the northeast property line. The West Creek cross section indicates that the channel will be lined with riprap, and includes culverts under proposed roadways. The Creek Restoration Plan on the northeast property line will have side slopes of 6:1, transitioning into 3:1 slopes to meet existing grade, and will not have riprap.

#### 4.14 Groundwater

The Section 219 Restrictive Covenant #KM084923 stipulates that a geotechnical report that addresses surface and groundwater characteristics must be and outlines recommendations for an overall drainage plan that safeguards building sites and utility installations must be prepared. The Dehart Road Environmental Assessment indicates that 6 springs are known in close proximity to the subject property<sup>12</sup>.

A Creek Restoration Plan for the northeast drainage channel and a plan for the West Creek Upgrade have been prepared by Aplin & Martin Consultants Ltd. and are attached.

The property is within a Natural Environment Development Permit Area, and the applicant has a current Natural Environment Development Permit application for this property with the City. The approximate area of high groundwater is shown in Map 5, below.

#### 4.15 Environmental

According to the Dehart Road Environmental Assessment, a number of rare and endangered ecosystems occur on the site. One of these, the Fd- Water Birch - Douglas Maple ecosystem occurs along the northeast property line, where the creek / riparian reserve is proposed. Another ecosystem, the ActFd - Common Snowberry - Red-osier Dogwood Riparian, is present along the west property line along the open drainage in this location. While the ecosystem is not ranked by the Conservation Data Centre of BC, it is associated with riparian and wetland habitat characteristics and should be protected, according to the assessment. Within the ditches, there are several small isolated occurrences of cattail marsh. These are ranked as 'blue-listed' or vulnerable, by the Conservation Data Centre of BC. Avoidance of these areas is recommended in the assessment<sup>13</sup>. The rest of the ecosystems found on site are anthropogenic, or highly modified, according to the report.

The assessment noted evidence of deer and coyote, and likely provide habitat for mice, voles and shrews, although these species were not specifically inventoried. Bighorn sheep were noted on the property during one site visit.

The Dehart Road Environmental Assessment found no rare plants on the property. However the timing and sampling intensity may indicate non-detection rather than absence<sup>14</sup>.

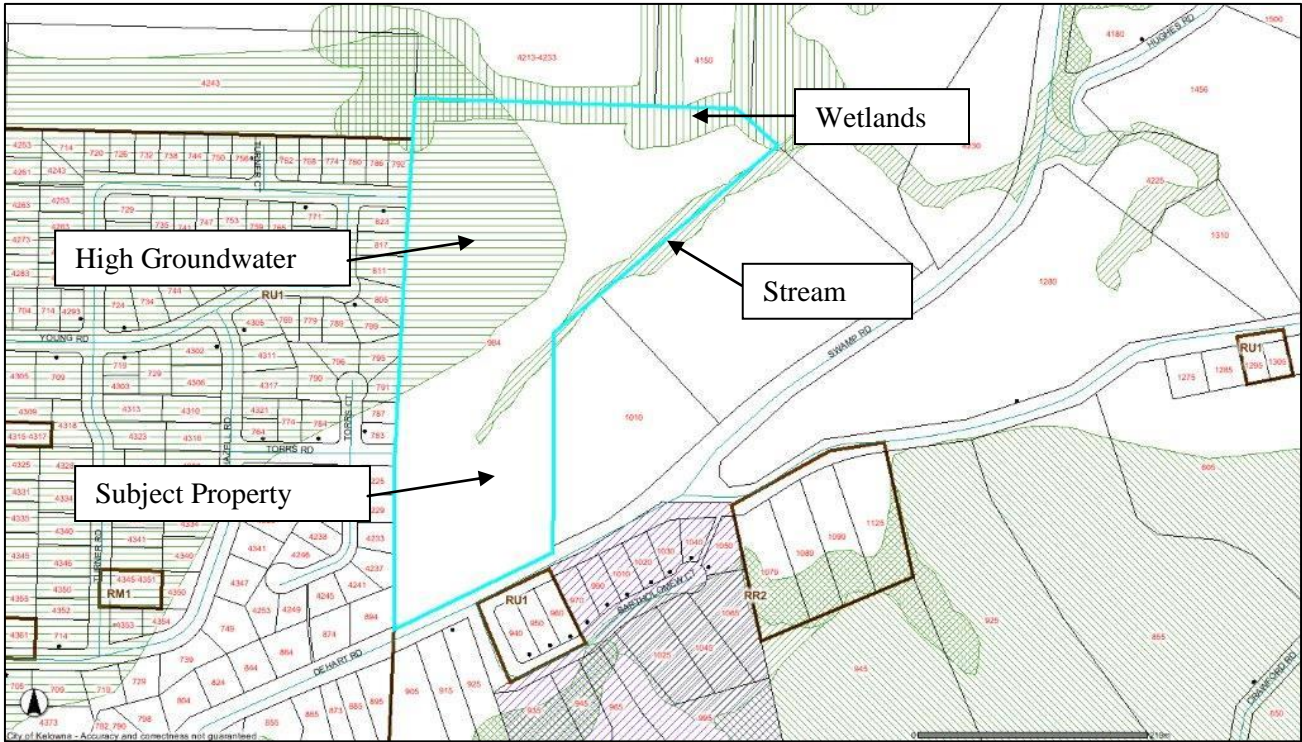
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<sup>12</sup> Makonis, 2013. Dehart Road Environmental Assessment – Submitted to New Town Planning Services Inc.

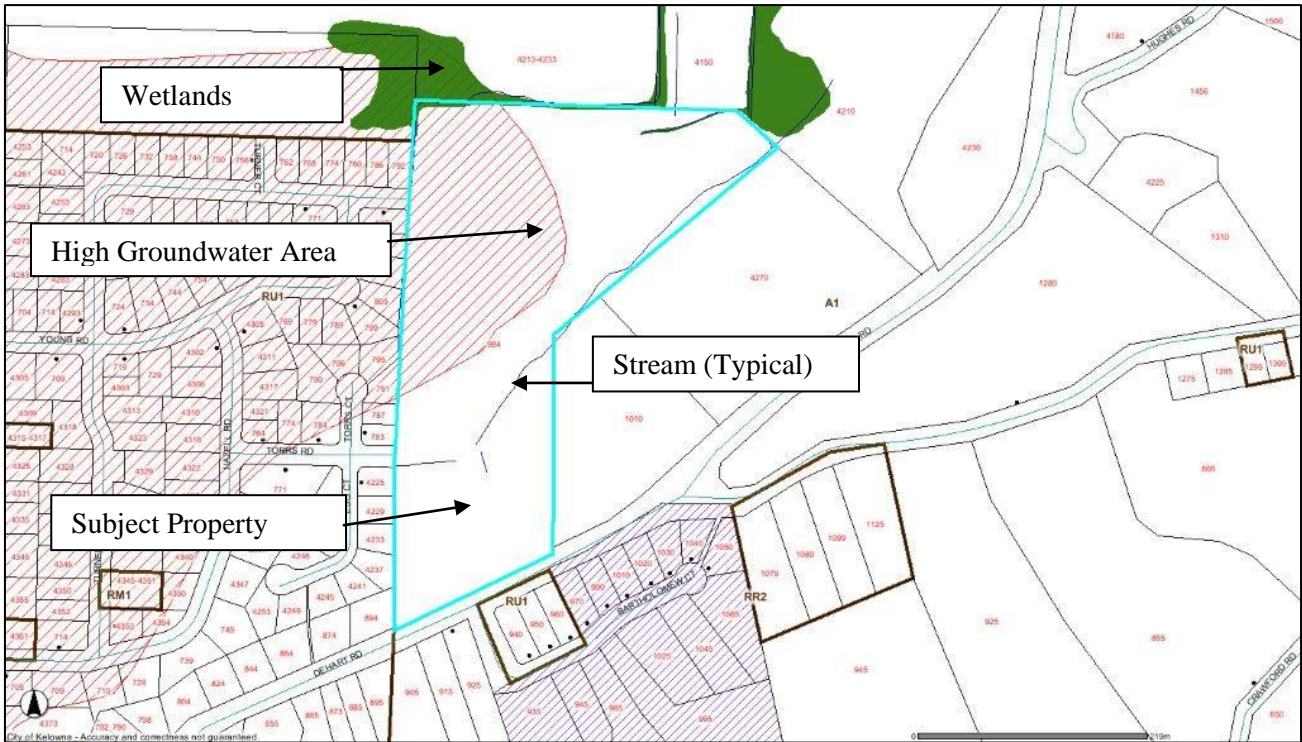
<sup>13</sup> Makonis, 2013. Dehart Road Environmental Assessment – Submitted to New Town Planning Services Inc.

<sup>14</sup> Makonis, 2013. Dehart Road Environmental Assessment – Submitted to New Town Planning Services Inc.

Map 5: Natural Environment Development Permit Areas



Map 6: Neighbourhood Wetlands, Creeks and Easements





## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Focus development to designated growth areas<sup>15</sup>.

**Permanent Growth Boundary.** Establish a Permanent Growth Boundary as identified in the OCP. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council’s specific amendment of this policy.

**Compact Urban Form.** Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs per ha located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres in particular and existing areas as per the provisions of the Generalized Future Land Use.

#### Farm Protection DP Guidelines<sup>16</sup>

##### Objectives

- Protect farm land and farm operations;
- Minimize the impact of urban encroachment and land use conflicts on agricultural land;
- Minimize conflicts created by activities designated as farm use by ALC regulation and non-farm uses within agricultural areas.

##### Guidelines

- On properties located adjacent to agricultural lands, design buildings to reduce impact from activities associated with farm operations. Design considerations include, but are not limited to maximizing the setback between agricultural land and buildings and structures, and reducing the number of doors, windows, and outdoor patios facing agricultural land.
- On agricultural and non-agricultural lands, establish and maintain a landscape buffer along the agricultural and/or property boundary, except where development is for a permitted farm use that will not encourage public attendance and does not concern additional residences (including secondary suites), in accordance with guidelines provided by Ministry of Agriculture “Guide to Edge Planning” and the ALC report “Landscape Buffer Specifications” or its replacement.
- Design any subdivision or urban development of land to reduce densities and the intensity of uses gradually towards the boundary of agricultural lands.

#### Ensure environmentally sustainable development<sup>17</sup>.

**Environmentally Sensitive Area Linkages.** Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors.

<sup>15</sup> City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.

<sup>16</sup> City of Kelowna 2030 Official Community Plan (2011) - Farm Protection Development Permit Chapter; p. 15.2 - 15.4.

<sup>17</sup> City of Kelowna 2030 Official Community Plan (2011) - Development Process Chapter 5; p. 5.17

**Protection Measures.** Protect and preserve environmentally sensitive areas (ESAs) using one or more of the following measures, depending on which measures are appropriate to a given situation:

- Dedication;
- Return to Crown Land or covenant for conservation purposes with the City or other government body; and
- Ensure setbacks on adjacent developments on adjacent developments are adequate to maintain the integrity of the ESA.

## 5.2 City of Kelowna Agriculture Plan

**New Growth Areas**<sup>18</sup>. Discourage the establishment of new growth areas within or beyond agricultural areas that create additional traffic pressure on the local rural road network.

**Farmland Preservation**<sup>19</sup>. Direct urban land uses to areas within the permanent growth boundary, in order to reduce development and speculative pressure. This is to encourage the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands.

**Urban Buffers.** Require new development, adjacent to agricultural areas, to establish setbacks, fencing and landscape buffers on the urban side of the defined urban - rural/agricultural boundary.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

A Geotechnical report will be required to define building requirements / limitations.

### 6.2 Development Engineering Department

A full list of Development Engineering Services requirements is included in the attached memo. A summary includes:

- Prior to final adoption of the zoning bylaw, a pre-design report must identify all the offsite servicing needs in accordance with the Subdivision, Development and Servicing Bylaw No. 7900.
- The high water table may impact site and building design, and should be determined by an engineer and detailed on a Lot Grading Plan.
- A report by a Geotechnical Engineer in the field of hydro-geotechnical engineering to identify ground water characteristics and limitations, as well as soil conditions and potential requirements or restrictions regarding slope stability, soil suitability and drainage requirements.
- Provide an adequate domestic and fire water system with adequate water pressure, in accordance with Bylaw No. 7900.
- Provide an adequately sized sanitary sewer system complete with individual lot connections.

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<sup>18</sup> City of Kelowna Agriculture Plan (1998); p. 99.

<sup>19</sup> City of Kelowna Agriculture Plan (1998); p. 131 & 132.

- Provide an adequately sized drainage system and a detailed Lot Grading Plan, complete with dedications, rights of way, setbacks and non-disturbance areas, a Stormwater Management Plan, and an Erosion and Sediment Control Plan.
- Upgrades to Dehart Road to an urban standard, including all fronting improvements.
- Provide an additional highway allowance widening on Dehart Road.
- Recommendations from the Traffic Impact Analysis (TIA) on a roadway access onto Dehart will be requirements of zoning.
- Provide underground service connections and street lights.
- Design and construction must be prepared and inspected by a Consulting Civil Engineer in accordance with Bylaw No. 7900.
- Provide a Servicing Agreement in accordance with Bylaw No. 7900, including the preparation of adequate drawings and estimates prior to the preparation of the Servicing Agreement.
- Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

### 6.3 Bylaw Services

The property was subject to nine bylaw complaints between 2008 and 2011. The complaints varied, but included noise, unsightly premises, nuisance trees and shrubs and altering the land without a development permit. All bylaw incidents were concluded.

### 6.4 Parks and Public Spaces Department

The Parks and Public Spaces Department have concerns with the ground and surface water conditions of the site, and potential impacts to Thomson Marsh and Mission Recreation Park. They recommend that any creek restoration be done by the developer and that a three year maintenance requirement by the developer.

Infrastructure Planning, in consultation with Parks Services, have determined that there is no need for park dedication within this subdivision, based on the Linear Park Master Plan, the OCP, and that the number of units is not high enough to justify the provision of a park at this time.

However, Parks Services has identified a need for a pedestrian walkway through the development, and across Dehart Road from Bartholomew Court. This would provide access for high school students going to Okanagan Mission High School, and a pedestrian access to Dehart Road at the mid-point of the property. These should be constructed to the Bylaw No. 7900 standard.

Parks Services recommends that any environmental areas are protected with a No Build / No Disturb Covenant on private lands.

### 6.5 Policy and Planning

The RU1 zoning requested is permitted in the S2RES portion of the property, and therefore compliant with the OCP. Although the portion designated for Multi-Unit Residential - Low Density (MRL) is not consistent with the OCP, it is consistent with the surrounding uses and is also

compliant with other policies within the OCP, including environmental policies of Environmentally Sensitive Linkages, Protection Measures, Voluntary Protection, and Habitat Protection. The proposal indicates there will be pedestrian connections for easier access to the transit stop on Dehart Road.

#### 6.6 Subdivision Approving Officer

The Subdivision Approving Officer notes that fill has been brought to the site for years without geotechnical investigation, and that Development Cost Charges (DCCs) will be payable at final subdivision stage.

#### 6.7 Fire Department

Fire Department access, fire flows, and hydrants must be in accordance with the BC Building Code and the City of Kelowna Subdivision Bylaw #7900. This bylaw requires a minimum of 60 ltr/sec fire flows. Additional comments will be required at the time of the building permit application.

#### 6.8 Fortis BC Inc. - Electric

The subject property is currently serviced by a primary electrical distribution extension from Dehart Road. This line crosses both a neighbour's property and a waterway without a statutory right of way or permitting. Until such a time as this line is protected by land rights, any servicing to the proposed subdivision will require a new extension from the primary distribution facilities along Dehart Rd.

The applicant is responsible for costs associated with servicing the proposed lots as well as the provision of appropriate land rights where required. It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

#### 6.9 Fortis Gas

Fortis BC Gas has a pipeline running at a diagonal through the northern portion of the property. They have provided these comments, as well as general development comments.

- Fortis pipeline may require an engineering assessment and possible upgrade to current standards at the expense of the owner.
- The existing soil conditions, final site grades and building elevations, as well as preloading, must be considered as it relates to the existing pipeline and Right of Way (ROW).
- Fortis BC encourages the use of its ROW for linear parks.
- Fortis BC requests that the proposed property lines align with, and do not cross, the Fortis BC ROW boundaries.

#### 7.0 Application Chronology

Application Received: March 26, 2013

Public Information Session April 18, 2013

The proposal was presented to the public. Most of the feedback was regarding the road configuration through Young and Turner Roads. The applicant took this feedback into consideration and prepared an alternate road and layout configuration using Dehart Road as the primary access.

Application put on hold: May 20, 2013

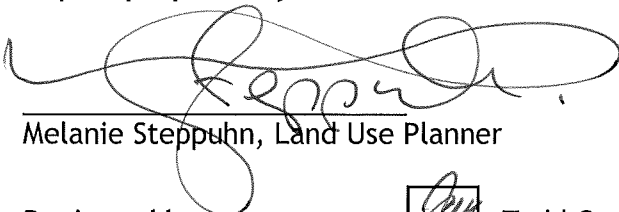
Application was put on hold to investigate the possibility of applying for a land inclusion / exclusion through the Agricultural Land Commission with the adjacent parcel.

Traffic Impact Analysis January 31, 2014

EYH Consultants Ltd. issued a revised Traffic Impact Assessment for the Proposed Dehart Road Development.

Revised Plans Received April 22, 2014

**Report prepared by:**



Melanie Steppuhn, Land Use Planner

**Reviewed by:**



Todd Cashin, Manager, Environment & Land Use

**Approved for Inclusion:**



Shelley Gambacort, Director, Land Use Management

**Attachments:**

- Subject Property Map - 1 page
- Site Photos - 1 page
- OCP Amendment Plan - 1 page
- Riparian Layout Plan - 1 page
- Lot Easement and Covenant Plan - 1 page
- Pedestrian Network Plan - 1 page
- Aplin & Martin Consultants Ltd. - Civil Package - 9 pages
- Key Plan - West Creek Upgrade - 2 pages
- Creek Restoration Plan - 1 page
- Development Engineering Manager - Memo
- South East Kelowna Irrigation District - Memo
- Settlement and Release Agreement - 2010
- Section 219 Restrictive Covenant #KM084923 - 20 pages

# REPORT TO COUNCIL



**Date:** October 6, 2014  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Subdivision, Agriculture & Environment Department (LB)  
**Application:** Z14-0029 **Owner:** D Squared Enterprises Inc.  
**Address:** 801 Francis Avenue **Applicant:** Kevin Lindsay  
**Title:** 2014-10-06 Report - Z14-0029 - 801 Francis Ave  
**Existing OCP Designation:** S2RES - Single / Two Unit Residential  
**Existing Zone:** RU6 - Two Dwelling Housing  
**Proposed Zone:** RU2 - Medium Lot Housing  
RU6 - Two Dwelling Housing

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## 1.0 Recommendation

THAT Rezoning Application No. Z14-0029 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 136, ODYD, Plan 6253, located on 801 Francis Avenue, Kelowna, BC, from the RU6 - Two Dwelling Housing zone to the RU2 - Medium Lot Housing and RU6 - Two Dwelling Housing zones, as shown on Map "A" attached to the Report of the Urban Planning Department, dated October 6, 2014, 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 subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

## 2.0 Purpose

To rezone the subject property to RU2 - Medium Lot Housing and RU6 - Two Dwelling Housing to allow for a two lot subdivision.

## 3.0 Subdivision, Agriculture & Environment

Staff support the proposed rezoning to facilitate a two lot subdivision of the subject property. The proposal is consistent with the Official Community Plan (OCP) Future Land Use designation of S2RES - Single / Two Unit Residential for the area. The proposed lots meet the zoning criteria for RU2 - Medium Lot Housing and RU6 - Two Dwelling Housing. The proposed RU2 lot will be

approximately 495 m<sup>2</sup> (minimum required is 400 m<sup>2</sup>) and the proposed RU6 lot will be approximately 520 m<sup>2</sup> (minimum required is 400 m<sup>2</sup>). The surrounding area is primarily zoned RU6 - Two Dwelling Housing with some more intensive residential uses.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbor consultation by individually contacting the neighbours (see attached). No major concerns were identified during this consultation.

#### 4.0 Proposal

##### 4.1 Project Description

One single detached dwelling and an accessory building are currently located on the subject property. The applicant proposes to rezone the east portion of the property to the RU2 - Medium Lot Housing zone and retain the RU6 - Two Dwelling Housing zone for the west portion of the property in order to allow a subdivision to two lots. The existing house and accessory building are to be demolished.

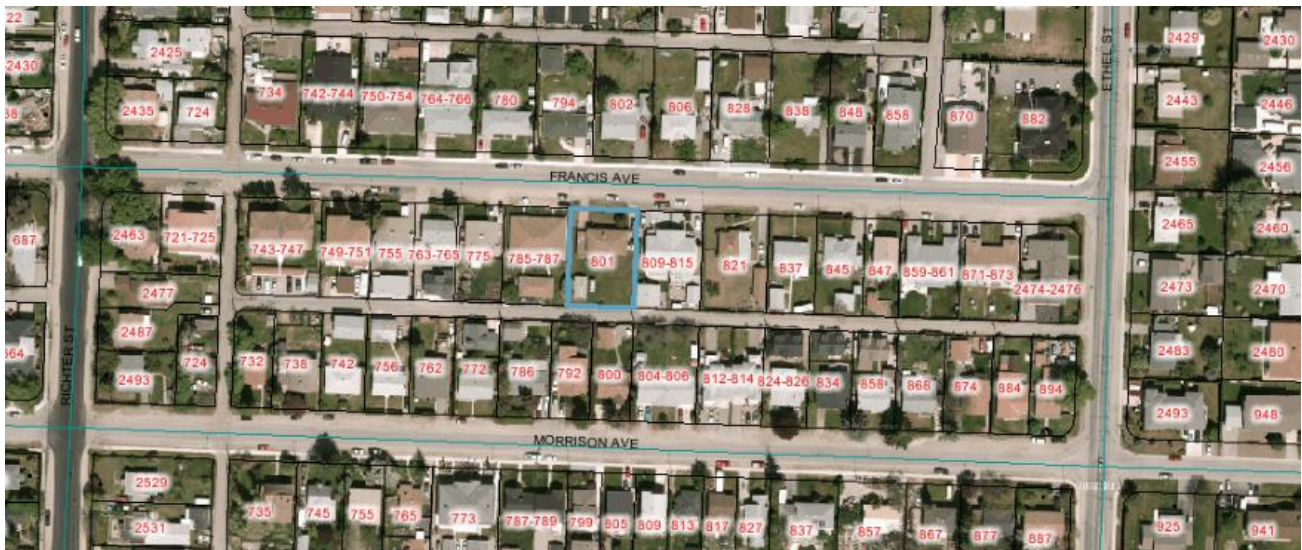
##### 4.2 Site Context

The subject property is approximately 941 m<sup>2</sup> in area. The OCP Future Land Use designation is S2RES - Single / Two Unit Residential, and it is within the Permanent Growth Boundary. The property is in a residential area with Cameron Park to the north.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Residential
East	RU6 - Two Dwelling Housing	Residential
South	RU6 - Two Dwelling Housing	Residential
West	RU6 - Two Dwelling Housing	Residential

#### Subject Property Map: 801 Francis Avenue



#### 4.3 Zoning Analysis Table

Zoning Analysis Table				
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL	RU2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations				
Lot Area	400 m <sup>2</sup>	520 m <sup>2</sup>	400 m <sup>2</sup>	495 m <sup>2</sup>
Lot Width	13.0 m	13.0 m	12.0 m	12.375 m
Lot Depth	30.0 m	37.186 m	30.0 m	37.186 m

#### 4.4 Current Development Policies

##### 4.5 Kelowna Official Community Plan (OCP)

##### Development Process

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

#### 5.0 Technical Comments

##### 5.1 Building & Permitting Department

No comments.

##### 5.2 Development Engineering Department

See attached memorandum dated July 14, 2014.

##### 5.3 Telus

Telus will provide underground facilities to this development. The applicant will be required to supply and install conduit as per Telus policy.

#### 6.0 Application Chronology

Date of Application Received: July 10, 2014

#### Report prepared by:

\_\_\_\_\_  
Laura Bentley, Planner

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).



**Approved for Inclusion**



S. Gambacort, Director, Subdivision, Agriculture & Environment

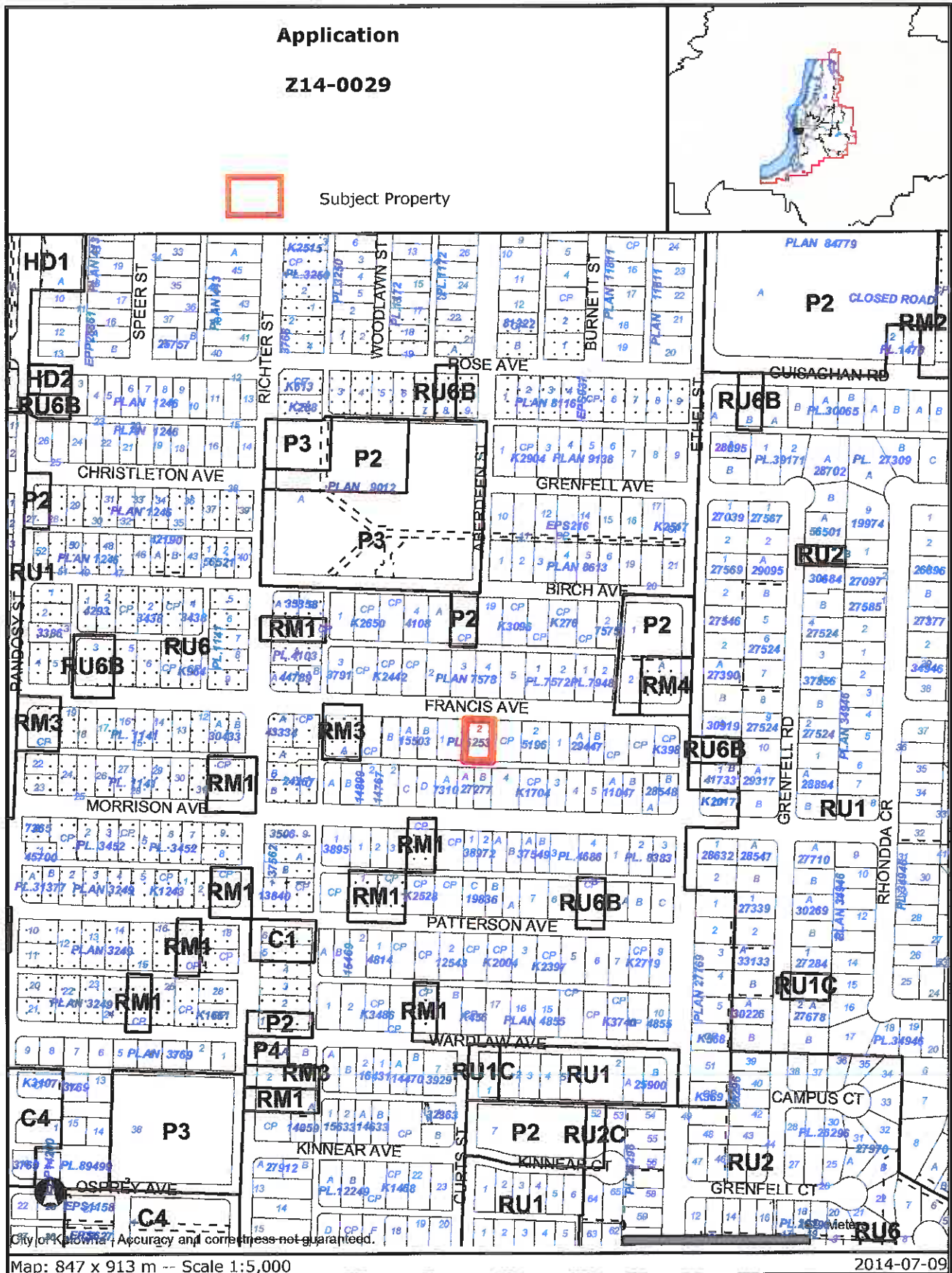
**Attachments:**

Map "A"

Site Plan

Development Engineering Memorandum

Neighbourhood Consultation



Map: 847 x 913 m -- Scale 1:5,000

2014-07-09

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.



**Subject Property Notes:**  
 Rezone a portion of the subject property from RU6 Two Dwelling Housing to RU2 Medium Lot Housing.

FRANCIS AVE

**RU6**

MORRISON AVE

**RM1**

**MAP "A" PROPOSED ZONING**  
 File #Z14-0029

- Zoning
- Legal Parcel
- Subject Property
- RU6 to RU2

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



ave design group

180 CHINA  
SUITE 101  
1000 WEST 10TH AVE  
VANCOUVER, BC V6H 3G8  
TEL: 604-271-3333

DATE: 1/11/14

PROJECT:



NORTH  
ARROW

THESE PLANS HAVE BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL THE REQUIREMENTS OF THE APPLICABLE ACTS, REGULATIONS AND BY-LAWS. I AM NOT PROVIDING ANY WARRANTY OR GUARANTEE OF ACCURACY FOR THESE PLANS. I AM NOT PROVIDING ANY PROFESSIONAL OPINION OR ADVICE ON ANY MATTER OTHER THAN THAT SPECIFICALLY STATED IN THESE PLANS.

METRIC  
1:1000

DATE: 1/11/14  
DRAWN: [unintelligible]  
CHECKED: [unintelligible]  
REVISIONS: [unintelligible]  
ISSUED FOR SUBDIVISION APPROVAL

PROPERTY:

OWNER:

FRANCIS

Enter address here

ADDRESS:

801 FRANCIS AVE

SECTION:

DATE:

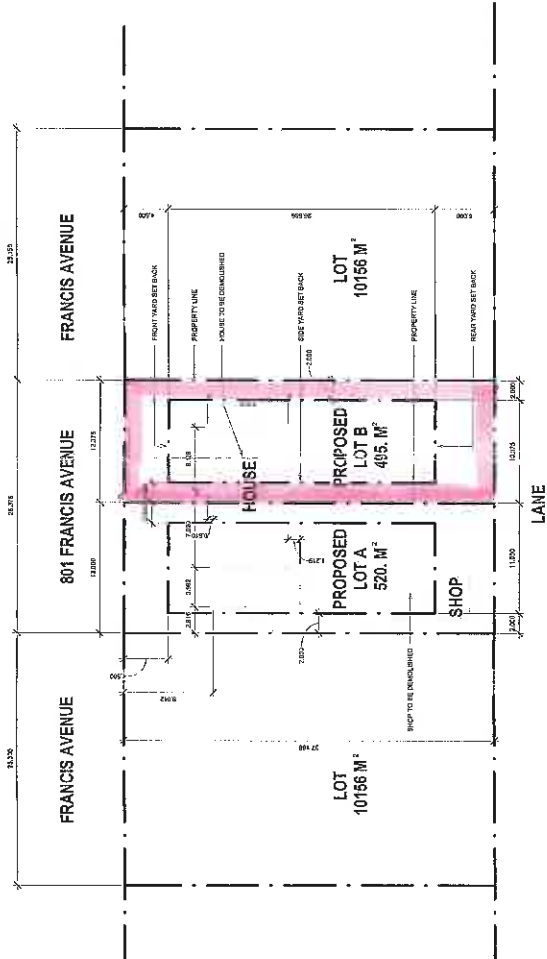
BY:

DATE:

BY:

SITE PLAN A101

PLAN OF E.P. 6253  
D.L. 436 O.D.Y.D.  
CITY OF KELOWNA  
LOT 2  
R.P. 6253  
(10156 M<sup>2</sup>)



REZONE A PORTION OF 801 FRANCIS AVE  
FROM RU6 TO RU2.

1:1000  
SCALE

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

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**Date:** July 14, 2014  
**File No.:** Z14-0029

**To:** Urban Planning (DB)

**From:** Development Engineering Manager (SM)

**Subject:** 801 Francis Ave

RU6 to RU2/RU6

---

Development Engineering has the following comments and requirements associated with this application.

1. General

Road frontage improvements are triggered by this rezoning application. The requirements include curb and gutter, storm drainage system and pavement widening. Also required is a landscaped boulevard, street lighting and the re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The cost of this construction is at the applicant's expense.

The proposed redevelopment includes the subject parcel being subdivided into two lots. A subdivision application will require service upgrades that include the installation of additional services. The work will require road cuts and boulevard and pavement restoration. Development Engineering is prepared to defer the requirements of the rezoning to the subdivision application file # S14-0033.



---

Steve Muenz, P. Eng.  
Development Engineering Manager

SS

## Laura Bentley

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**From:** Kevin Lindsay [klindsay@lexterra.ca]  
**Sent:** Wednesday, September 24, 2014 10:03 AM  
**To:** Laura Bentley  
**Subject:** Re: Consultation Summary

Hello Laura,

Regarding the neighbourhood consultation for 801 Francis Ave. I personally walked the neighbourhood and discussed our plans for the property. I didn't come across any concerns. They all were very positive and felt that it was good for the neighbourhood.

Regards,

Kevin Lindsay  
LexTerra Real Estate Corp.  
250-878-4944  
Your Personal Real Estate Consultant for Life.

\_\_\_\_\_ Information from ESET Smart Security, version of virus signature database 10435 (20140918)  
\_\_\_\_\_

The message was checked by ESET Smart Security.

<http://www.eset.com>

# REPORT TO COUNCIL



**Date:** 9/19/2014  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Urban Planning, Community Planning & Real Estate (AC)  
**Application:** Z14-0026 **Owner:** 561655 BC LTD., INC. NO. BC0561655  
**Address:** 1280 Glenmore Dr **Applicant:** Randy Therrien  
**Subject:** Rezoning Application  
**Existing OCP Designation:** MRL - Multiple Unit Residential, Low-Density  
**Existing Zone:** RU1 - Large Lot Housing  
**Proposed Zone:** RM2 - Low Density Row Housing

---

## 1.0 Recommendation

THAT Bylaw No. 10994 be forwarded for rescindment consideration;

AND THAT Rezoning Application No. Z14-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 29, Township 26, ODYD, Plan 29608, located on 1280 Glenmore Drive, Kelowna, BC from the RU1 - Large Lot Housing zone to the RM2 - Low Density Row Housing zone as shown on Map "B" attached to the report from Urban Planning Department dated September 19<sup>th</sup> 2014, 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 subsequent to the following:

1. Requirements of Development Engineering Branch being completed to their satisfaction;
2. Approval of a Subdivision Preliminary Layout Review (PLR) including the dedication of both the north/south laneway and a second laneway connection from that lane westwards to Mountainview Street;
3. AND FURTHER THAT a Section 219 Building Use covenant be registered on the subject property limiting the development to nine dwelling units in order to prevent the development of any additional dwellings not contemplated by this permit.

## 2.0 Purpose

To rescind Bylaw No. 10994 at first reading and to rezone the subject property from the RU1 - Large Lot Housing zone to the RM2 - Low Density Row Housing in order to develop a freehold five unit townhouse and a freehold four unit townhouse.

### **3.0 Urban Planning Department**

#### **3.1 Background**

Staff supported the original rezoning proposal to allow a freehold five unit townhouse development on the eastern portion of the subject property and three medium lot single family dwellings on the western portion. That proposal was negotiated after lengthy discussions between Staff and the applicant due to the sensitivity of density within the neighbourhood. The Official Community Plan (OCP) designates the subject property and all the properties to the north (between Mountainview Street & Glenmore Drive) as MRL - Multiple Unit Residential (Low Density). Originally, the applicant approached Staff and wanted to meet the OCP's goals by proposing two five unit freehold townhouses on each side of the lane. However, Staff anticipated the neighbourhood's concern for density and lane congestion and recommended to the applicant to reduce the density prescribed by the OCP. This would have been achieved by amending the OCP on the western portion of the subject property from MRL - Multiple Residential (Low Density) to S2RES - Single / Two Unit Residential and rezoning the western portion to RU2 in order to create three single family lots. The lot frontages of each RU2 lot would have been 14.55m compared to an average Mountainview lot frontage of 20.7m. Despite the OCP envisioning greater density along Mountainview Street as compared to the surrounding single family development, the smaller RU2 zoned single family development was seen by Staff as an appropriate transition for this neighbourhood between the larger surrounding RU1 lots and the five unit townhouses on the eastern portion of the subject property.

At the public hearing on August 26<sup>th</sup> 2014, Council suggested the applicant consider adding a westward lane through the subject property connecting Mountainview Street to the north/south lane. At that meeting, Council and Staff heard from the residents that emergency access, lane congestion, and the density were all concerns. Council passed the following resolution:

THAT further readings consideration of Bylaw No. 10994 be deferred so the applicant and staff may determine an appropriate use and lane location for the western portion of the parcel;

AND THAT staff report back to council as appropriate following discussions with the applicant.

#### **3.2 Planning considerations**

Staff originally did not recommend a lane to Mountainview Street as it was considered redundant and would eliminate one RU2 lot. The applicant would be responsible for the costs of installing the lane and dedicating it to the City. The City's Development Engineering Branch recommends that if the lane is to be a requirement, it be located on the south side of the property as this would be better from a site lines and traffic safety perspective in addition to being a visible barrier between the OCP designated MRL properties to the north and the S2-RES properties to the south. However, placing the lane in this location will also require the applicant to relocate the existing telephone poles and associated utilities.





Due to the cost of adding the lane and relocating the utility, the applicant will abandon the OCP amendment to reduce the future land use designation and meet the goals of the OCP by providing a four unit freehold townhouse along Mountainview Street.

This proposal is consistent with the Official Community Plan (OCP) Future Land Use designation for the area. This proposal would not need any variances and has provided the required number of off-street parking stalls.

The only concern Staff has with both the current and original applications is the potential to add additional dwelling units within the townhouses after the new home owners move in. The RM2 zone does not restrict the number of dwelling units to nine but due to the site limitations including parking this is the effective maximum density for ground oriented housing. Any additional dwelling units would trigger additional parking requirements and as a result staff are recommending that a Section 219 Building Use covenant be registered on title that states only one dwelling unit is permitted per lot.

A Development Permit is required to review the form and character of the proposed development and will be brought forward to Council if the zoning is approved.

To address Council Policy No. 367 with respect to public consultation, the applicant has undertaken neighbour consultation by individually contacting the adjacent neighbours as described in the attached *Schedule 'A'*. No major issues were identified during the initial consultation with neighbouring parcels.

## 4.0 Proposal

### 4.1 Project Description

The subject property currently contains one single detached dwelling that will be demolished and is proposed to be replaced with a five unit townhouse development on the eastern portion of the subject property and a four unit townhouse development of the western portion of the subject property.

### 4.2 Site Context

The site area is approximately 1,942 m<sup>2</sup> and is located within a well established residential neighbourhood. The Kelowna Golf and Country Club is located to the east directly across Glenmore Drive. The subject property is designated MRL (Multiple Residential - Low Density) and the lot is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing RU2 - Medium Lot Housing	Residential
East	P3LP - Parks and Open Space (Liquor Primary)	Golf Course
South	RU1 - Large Lot Housing	Residential
West	RU1 - Large Lot Housing	Residential

Subject Property Map: 1280 Glenmore Drive



### 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM2 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
	Principal Bldg	Principal Bldg
Height	9.5 m (2.5 storeys) To the midpoint of the roof	9.5 m (2.5 stories) to the Peak
Front Yard	4.5 m	> 4.5 m
Side Yard	4.0 m	4.0 m
Flanking Side Yard	0.0 m with party wall agreement	0.0 m with party wall agreement
	n/a	n/a
Rear Yard	6.0 m for 1 or 1 ½ storeys 7.5 m for 2 or 2 ½ storeys	7.5 m
Site coverage of buildings	50 %	35.9 %
Site coverage of buildings, driveways & parking	55 %	46.8 %
Other Regulations		
Minimum Parking Requirements	2 / dwelling unit = 10 parking stalls	10
Private Open Space	25 m <sup>2</sup> / dwelling unit	Greater than 25 m <sup>2</sup> / dwelling unit

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

6.2 Development Engineering Department

- See attached

6.3 Fire Department

- No concerns with the concept but a lane cannot be considered as access for the fire department.

7.0 Application Chronology

Date of Application Received: June 5<sup>th</sup> 2014  
Date of Public consultation: July 7<sup>th</sup> 2014  
Date of Last Public Hearing: August 26<sup>th</sup> 2014

Report prepared by:

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Adam Cseke, Planner

Reviewed by:  Ryan Smith, Urban Planning Manager

Approved for Inclusion:  Doug Gilchrist, Community Planning & Real Estate Div. Dir.

Attachments:

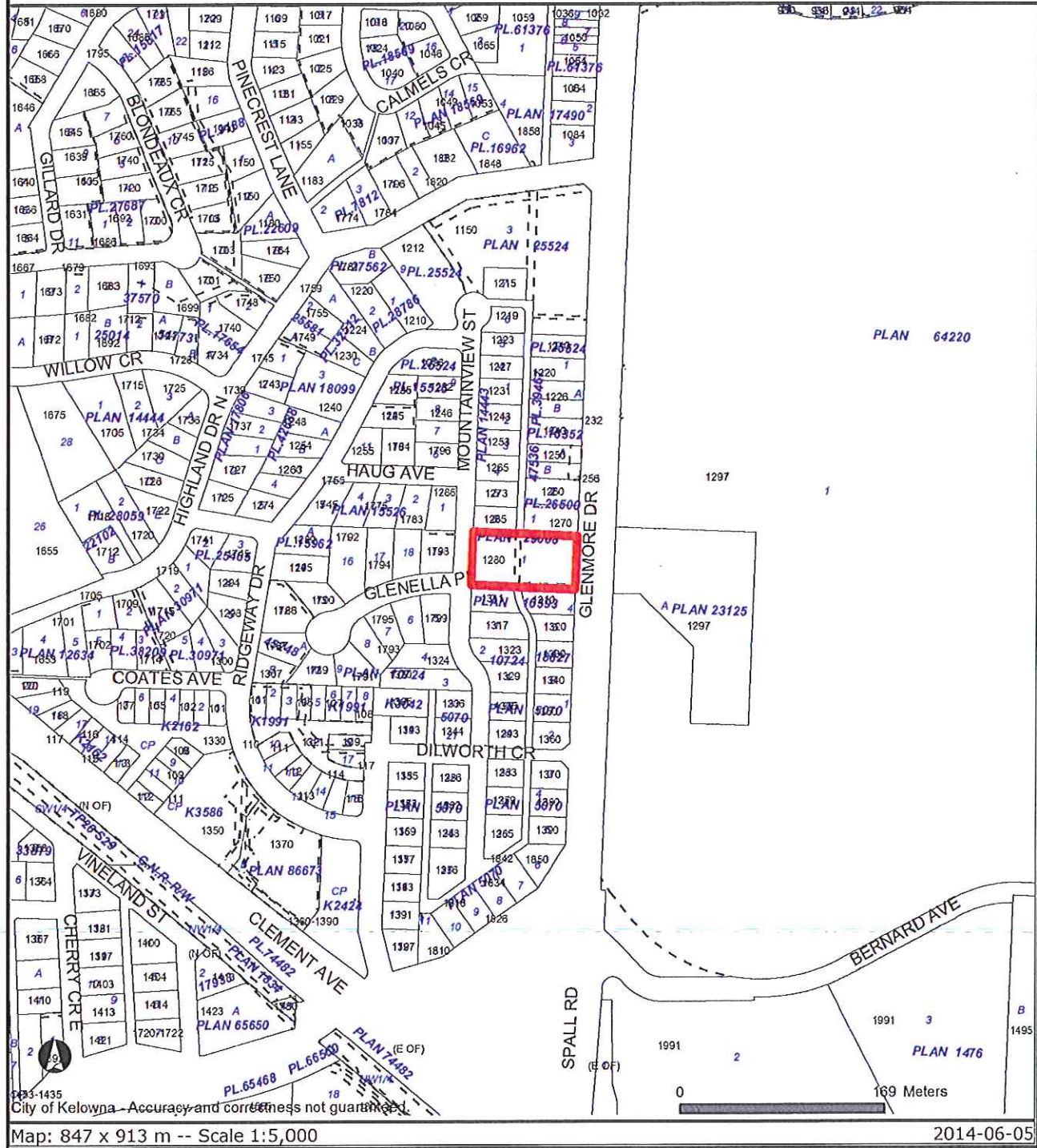
Site Plan / Landscape Plan  
Colour Board  
Conceptual Elevations  
Development Engineering Comments

ADDRESS

Z14-0026



Subject Property



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.

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

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**Date:** July 2, 2014  
**File No.:** Z14-0026

**To:** Urban Planning (AC)

**From:** Development Engineering Manager (SM)

**Subject:** 1280 Glenmore Drive RUI to RM2

---

Development Engineering Department have the following comments and requirements associated with this application. 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 Sergio Sartori

General

- a) Requirements of the subdivision application no. S14-0023 must be satisfied before bylaw adoption.
- b) Provide easements as may be required.

1. Domestic Water and Fire Protection

- (a) The existing lot is serviced with two (2) 19mm diameter water service. The developer's consulting engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this development.
- (b) If it is determined that upgrades to the remaining water/hydrant distribution system must be made to achieve the required fire flows, additional bonding will be required.

2. Sanitary Sewer

- (a) The existing lot is serviced with two (2) 100mm diameter sanitary services. The developer's consulting engineer will confirm the requirements of this proposed development. Only one service will be permitted for this development.

3. Storm Drainage

- (a) The property is located within the City of Kelowna drainage service area. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydro geotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.

- (b) The development is required to contain and dispose of site generated storm drainage on the site by installing a ground recharge system designed by the consulting civil engineer. The existing lot does not presently have a storm drainage service.

4. Road Improvements

- (a) Glenmore Drive is upgraded to a full urban standard including curb & gutter, sidewalk; therefore no further upgrades are required with the exception of the driveway access removal. Access will be from the lane.
- b) Lane must be constructed and paved to the City standard SS-R2.

5. Subdivision

By registered plan to provide the following:

- (a) Dedicate a 6m lane thru the site as part of subdivision application S14-0023.
- (b) Grant statutory rights-of-way if required for utility services.

6. Electric Power and Telecommunication Services

The electrical services to this development must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Street Lighting

Street lighting including underground ducts have been installed on all roads fronting on the proposed development but must be reviewed to determine if current standards have been met.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the city engineering department for review and marked "issued for construction" by the city engineer before construction may begin.

9. 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 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. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development, unstable soils, etc.
- (c) Drill and / or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, 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.

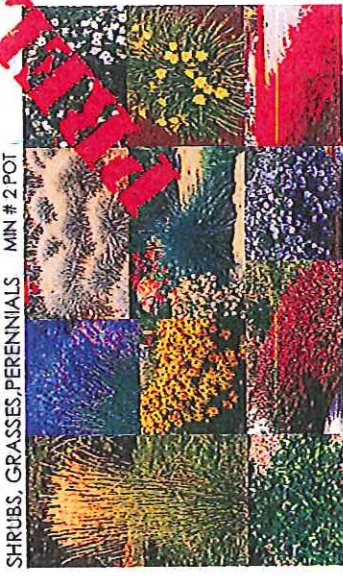
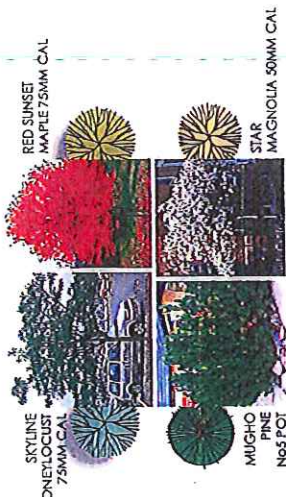
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Steve Muenz, P. Eng.  
Development Engineering Manager  
SS



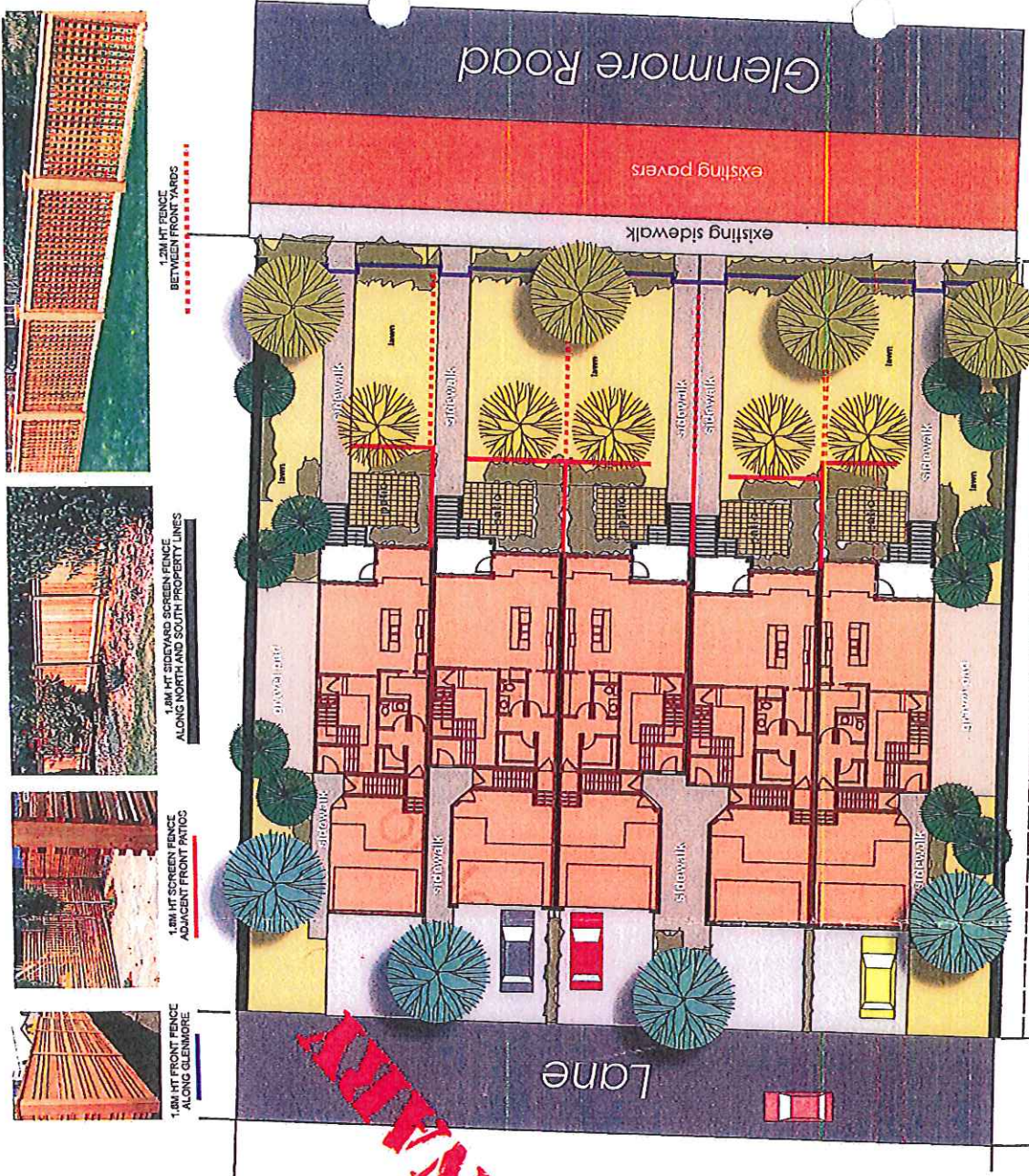
- All plants, material and planting practices to conform to the ICMA '93 Landscape Standard - 7th Edition
- Contractor to provide a warranty and maintenance period of 1 year on all plants and materials. Plants and materials that fail before end of the warranty period shall be replaced by the contractor.
- Contractor to verify the location of all existing utilities on the site.
- All planting areas to receive 450mm of topsoil.
- All planting beds to be crowned with 1 in 10 slope to avoid flat appearance.
- Prior to delivery to site, a representative sample and test results of topsoil should be made available to the consultant for approval.
- No plant species substitution will be accepted without the written consent of the consultant.
- All planting beds to receive 75 mm depth of Ogo - Grow mulch.

**Notes**



**1280 GLENMORE ROAD**

**Conceptual Landscape Plan**



1.2M HT FENCE BETWEEN FRONT YARDS



1.2M HT SCREEN FENCE ALONG NORTH AND SOUTH PROPERTY LINES



1.8M HT SCREEN FENCE ALONG FRONT PATIOS



1.8M HT FRONT FENCE ALONG GLENMORE



**CIO**  
ENGINEERING PLANNING DESIGN

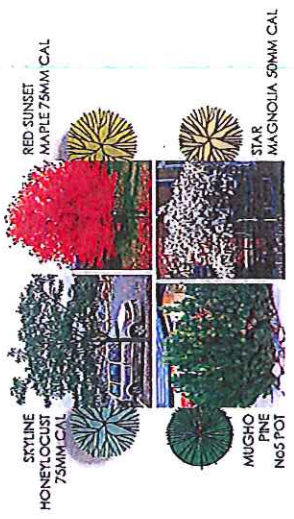
**NOT FOR CONSTRUCTION**



1280 GLENMORE ROAD - PROPOSED DEVELOPMENT AND NEIGHBOURHOOD CONTEXT  
 Conceptual Landscape Plan CIO

UNIVERSITY PLANNING GREAT SERVICE

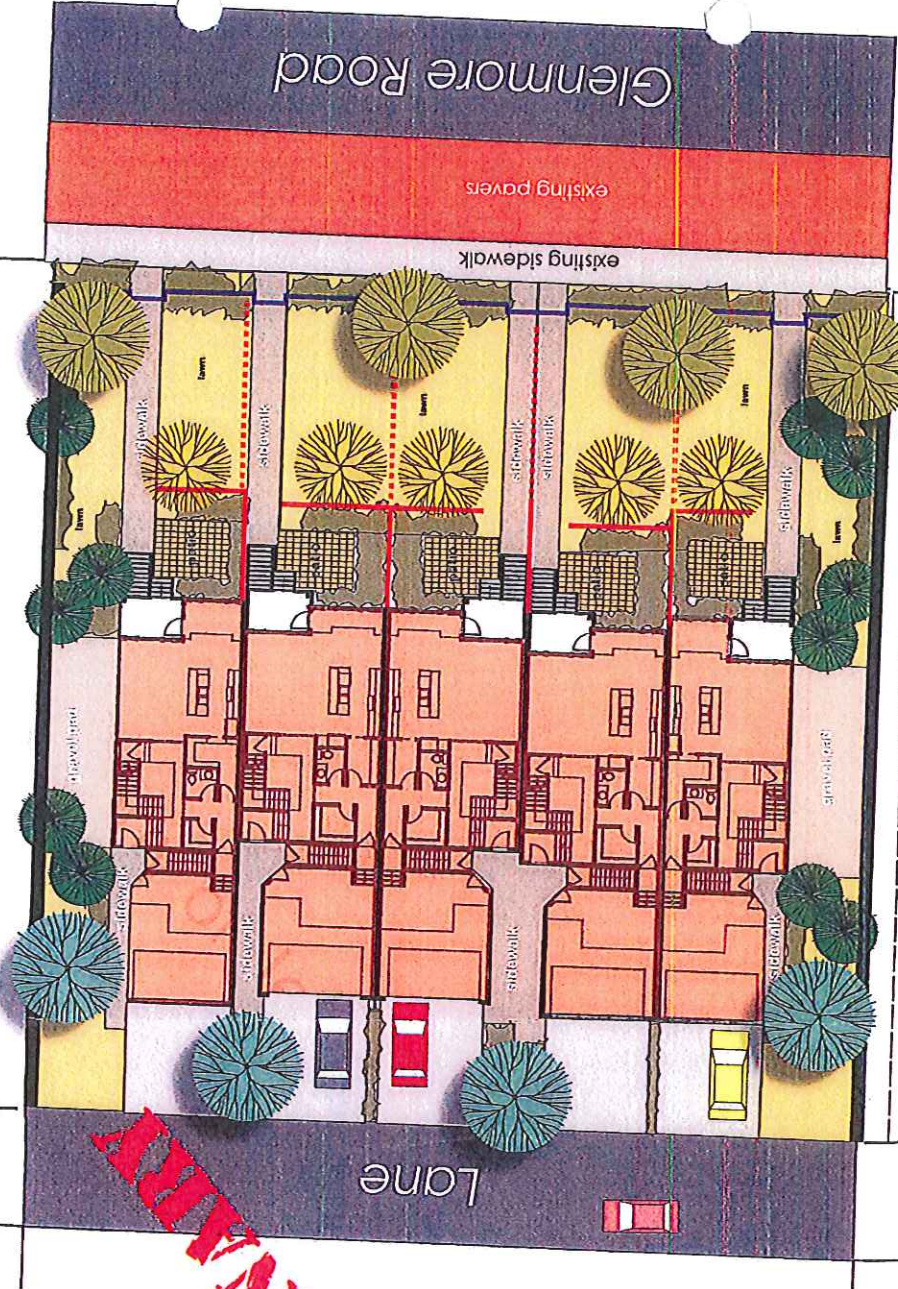
- Notes**
1. All plants, material and planting practices to conform to the BCINA "BC Landscaping Standard" - 7th Edition
  2. Contractor to provide a warranty and maintenance period of 1 year on all plants and materials. Plants and materials that fail before end of the warranty period shall be replaced by the contractor.
  3. Contractor to verify the location of all existing utilities on the site.
  4. All planting areas to receive 450mm of topsoil.
  5. All planting beds to be crowned with 1 in 10 slope to avoid flat appearance.
  6. Prior to delivery to site, a representative sample and test results of topsoil should be made available to the consultant for approval.
  7. No plant species substitution will be accepted without the written consent of the consultant.
  8. All planting beds to receive 75 mm depth of Ogo - Grow mulch.



SHRUBS, GRASSES, PERENNIALS MIN # 2 POT



- ROSE
- OREGON GRAPE
- BA BERRY
- ROSE OF SHARON
- DWARF BURNING BUSH
- REED GRASS
- LAVENDER
- BLUE FESCUE
- BLUE OAT GRASS
- DAYLILY
- RUBBECKIA



**CIO**  
 ENGINEERING PLANNING URBAN DESIGN

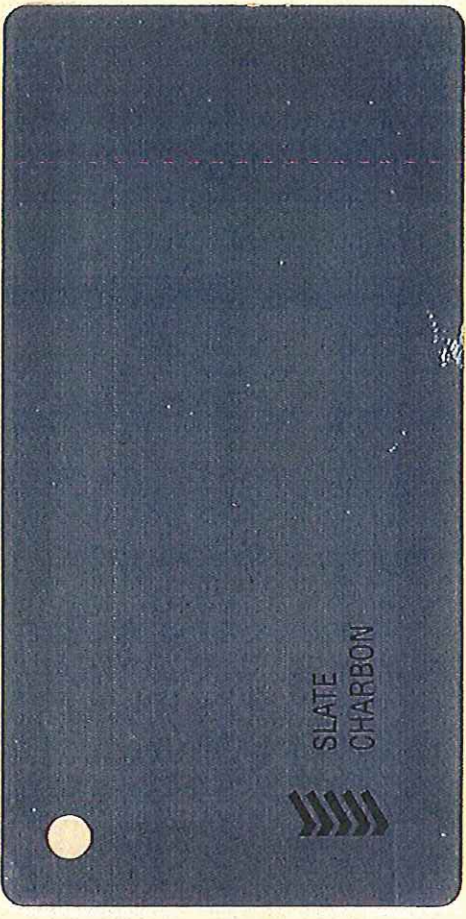
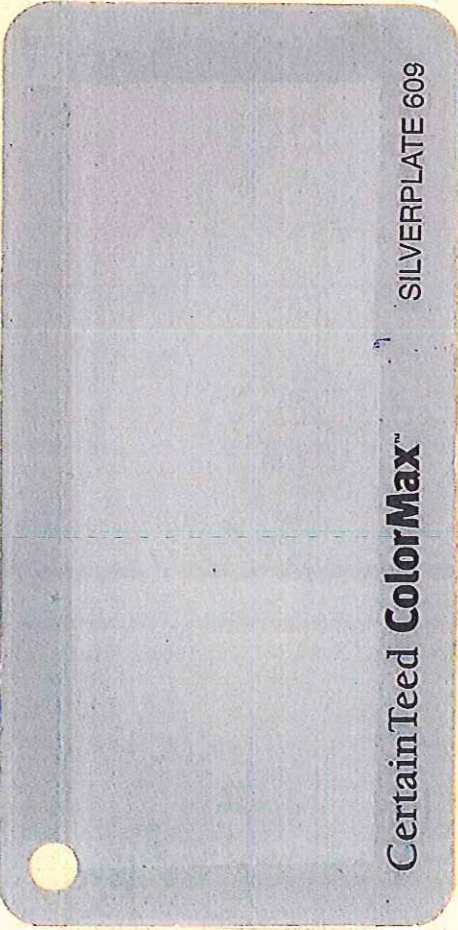
# 1280 GLENMORE ROAD Conceptual Landscape Plan

**ATTENTION!**

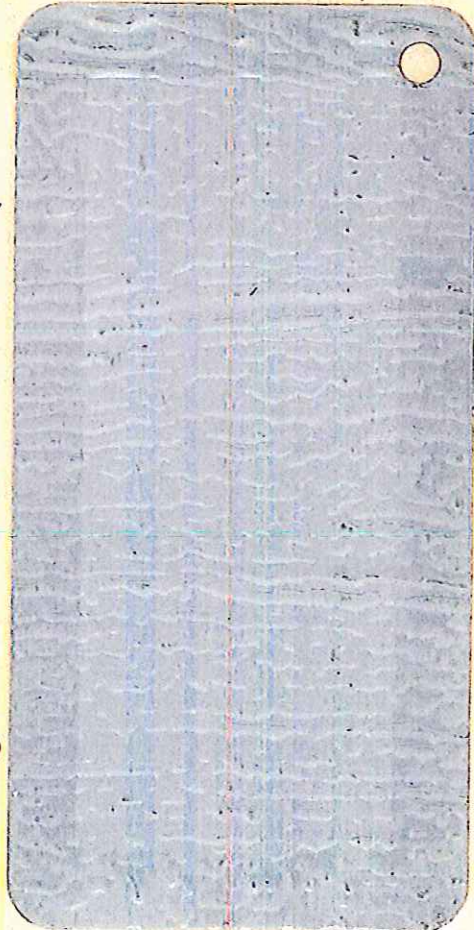
1280 GIENMORE DRIVE - MULTI FAMILY PROJECT

Smart Trim  
 Corner/Window Trim - Cable Ends - Scaffs/Gutters  
 Downspouts.

Main Siding Colour



Garage Door Colour + material



Placement  
 AS per Plans



Stacked Stone

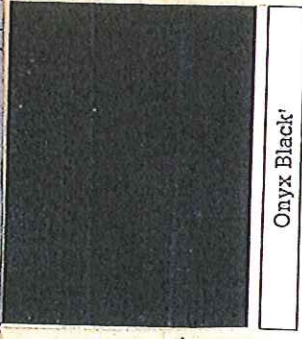


Black River Stacked Stone

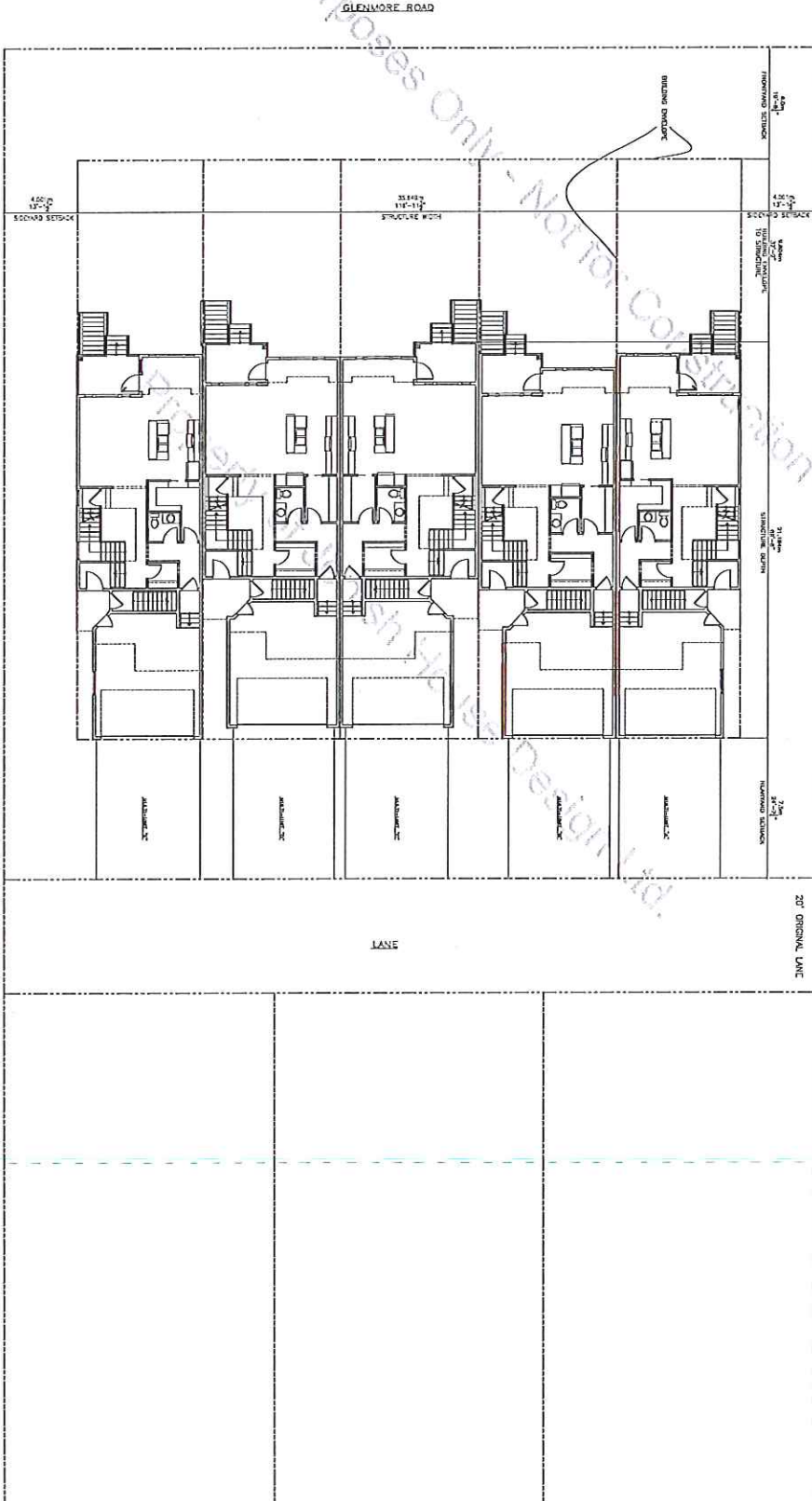
Wood Brackets  
 + Details - Cabas  
 Weather one Semi  
 transparent stain.



Roofing  
 Shingles.



For Approval Purposes Only - Not for Construction



**REVISED PLANS**

JUL 15 2014

CITY OF KELOWNA  
Land Use Management

PROJECT NO.	
DATE	
SCALE	
DESIGNED BY	
CHECKED BY	
DATE PLOTTED	
SCALE	
PROJECT NO.	
DATE	
SCALE	
DESIGNED BY	
CHECKED BY	
DATE PLOTTED	

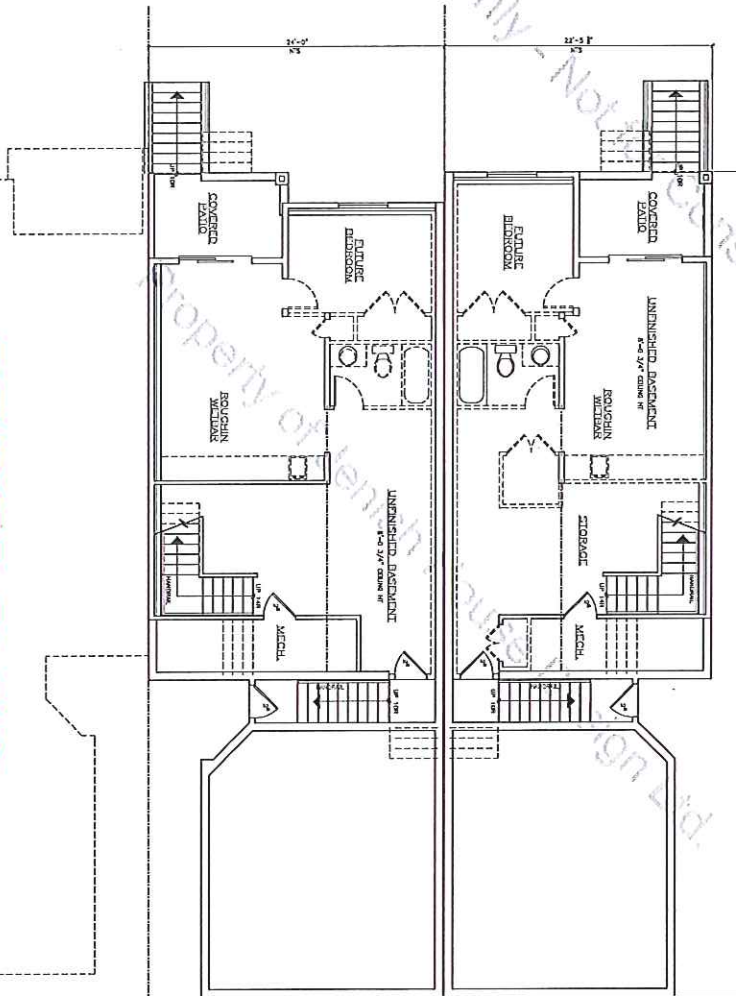


**JENISH HOUSE DESIGN LIMITED**

165

For Approval Purposes Only - Not to be Constructed

Property of Jenish House Design Ltd.



UNIT "A" - END UNIT  
LOWER FLOOR PLAN  
AREA = 640.5 SQ. FT.  
8'-0 3/4" CEILING HEIGHT

UNIT "B" - INTERIOR UNIT  
LOWER FLOOR PLAN  
AREA = 680.1 SQ. FT.  
8'-0 3/4" CEILING HEIGHT

MULTI-UNIT DEV.  
LOWER FLOOR PLAN

**REVISED PLANS**

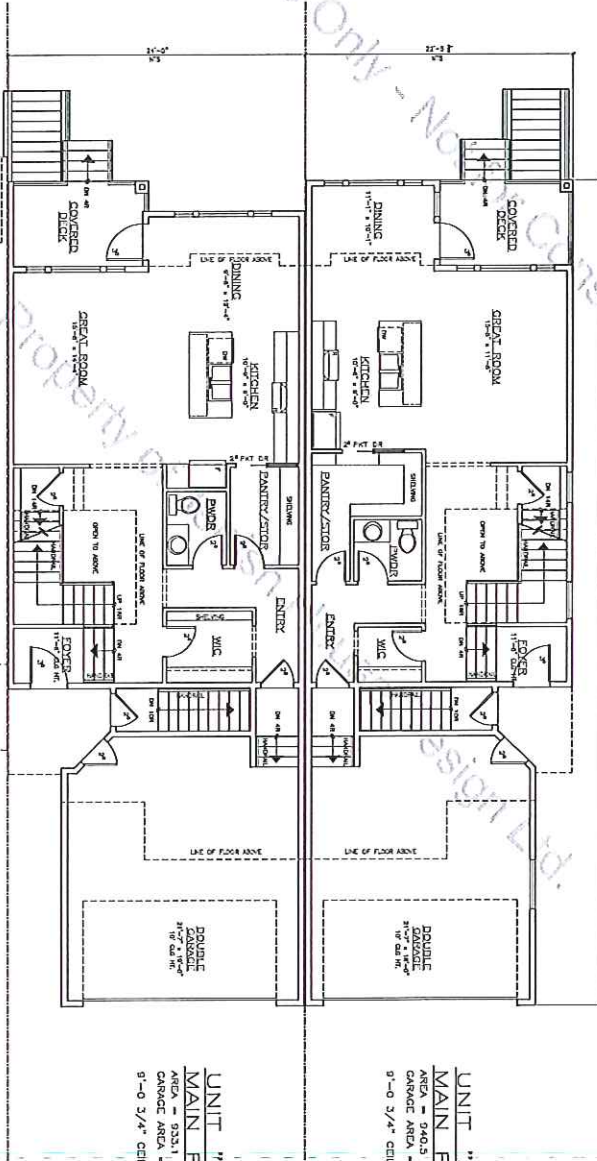
JUL 15 2014

CITY OF KELOWNA  
Land Use Management



REFERENCE	
DATE	
DRAWN	
CHECKED	
BY	
DATE	
APP. NO.	
SCALE	
NO.	
DATE	
BY	
DATE	
BY	

For Approval Purposes Only - Not for Construction



# REVISED PLANS

JUL 15 2014

CITY OF KELOWINA  
Land Use Management

UNIT "A" - END UNIT  
MAIN FLOOR PLAN

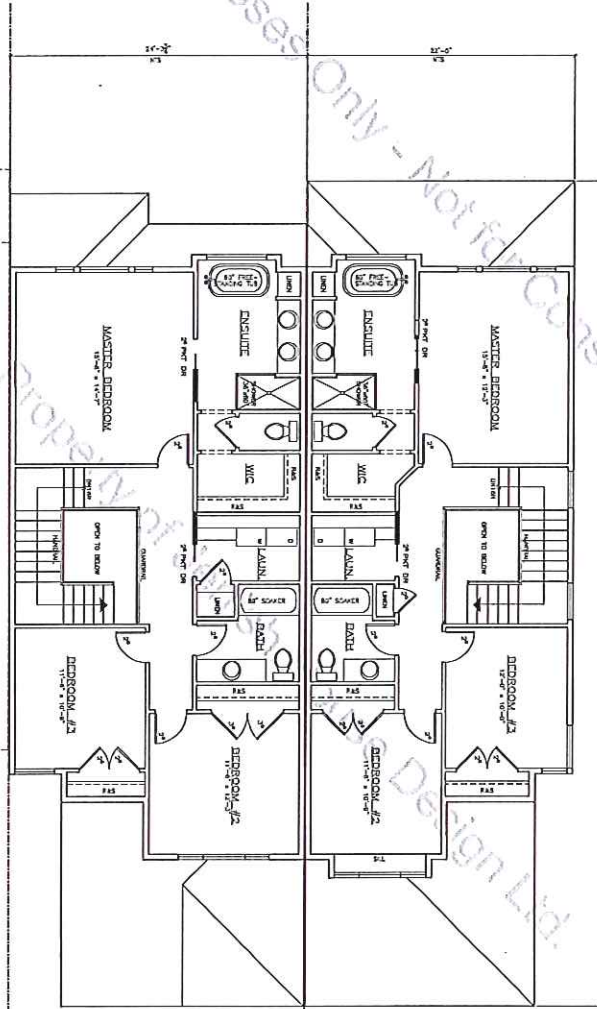
AREA = 1960.5 SQ. FT.  
GARAGE AREA = 442 SQ. FT.  
9'-0" 3/4" CEILING HEIGHT

UNIT "B" - INTERIOR UNIT  
MAIN FLOOR PLAN

AREA = 933.1 SQ. FT.  
GARAGE AREA = 442 SQ. FT.  
9'-0" 3/4" CEILING HEIGHT

MULTI-UNIT DEV.  
MAIN FLOOR PLAN

For Approval Purposes Only - Not for Construction



UNIT "A" - END UNIT  
SECOND FLOOR PLAN  
AREA = 2981.7 SQ. FT.  
8'-0 3/4" CEILING HEIGHT

UNIT "B" - INTERIOR UNIT  
SECOND FLOOR PLAN  
AREA = 1080.1 SQ. FT.  
8'-0 3/4" CEILING HEIGHT

**REVISED PLANS**  
JUL 15 2014

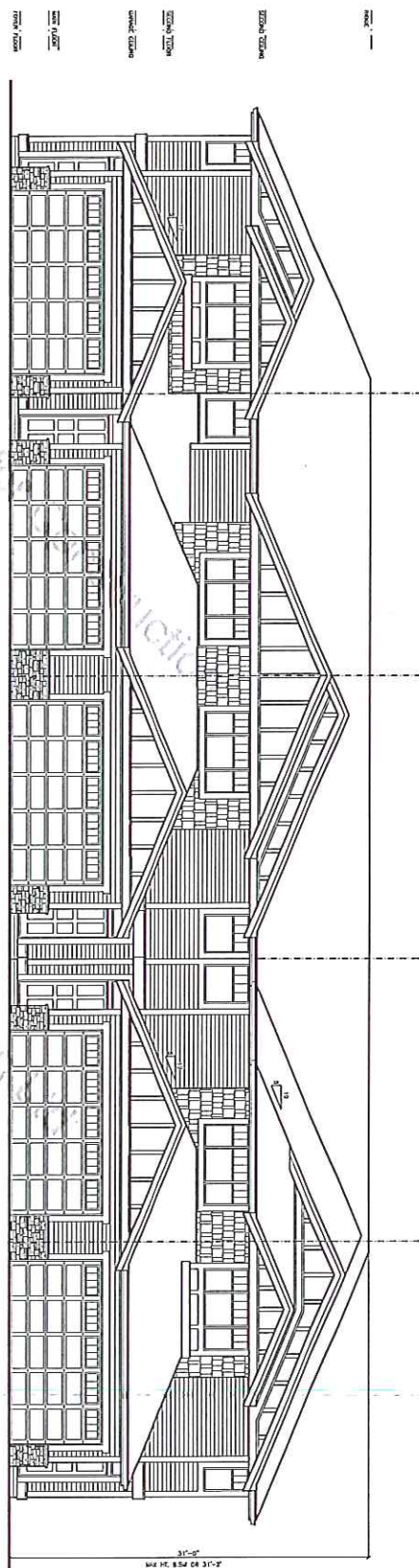
CITY OF KELOWNA  
Land Use Management

MULTI-UNIT DEV.  
SECOND FLOOR PLAN

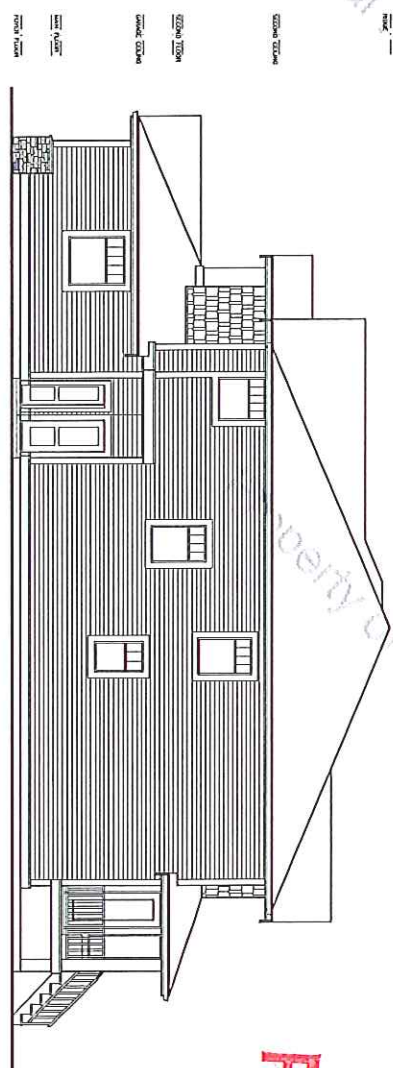


For Approval Purposes Only - Not for Construction

Property of Jewish House Design Ltd



FRONT ELEVATION



SIDE ELEVATION

**REVISED**

**JUL 15 2013**

**CITY OF KELOWNA  
Land Use Management**

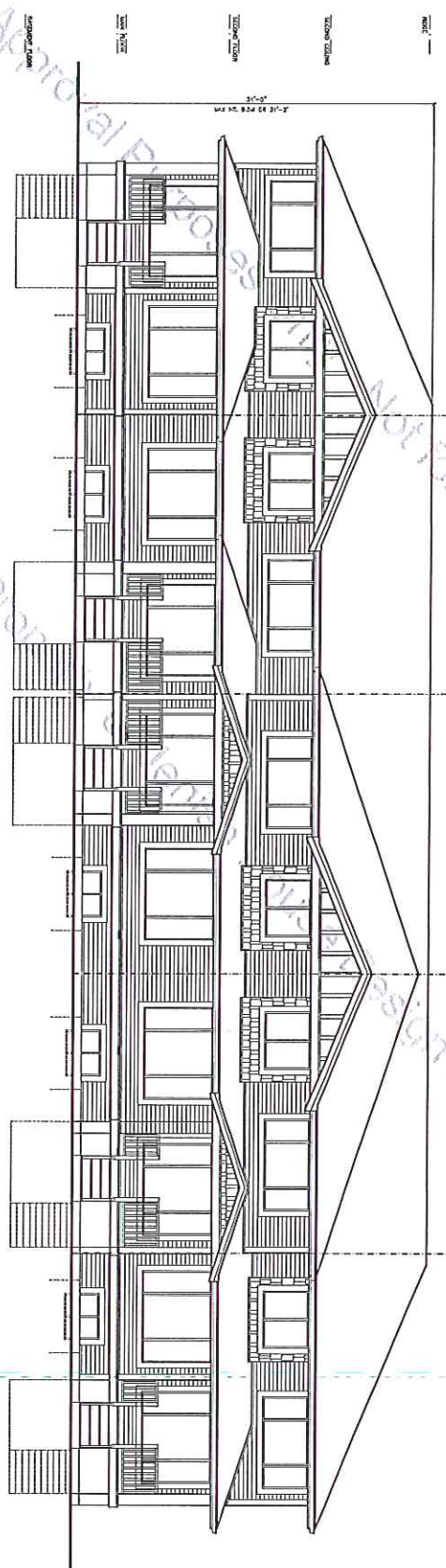
MULTI FAMILY

REVISION	DATE	BY	CHKD BY	DESCRIPTION



**JENISH HOUSE DESIGN LIMITED**

450 8716  
250-111 254 KIPOL RD-4  
1750 W. 82. ST. #401  
CHICAGO, IL 60657  
TEL: 773-452-1111  
FAX: 773-452-1111



REAR ELEVATION

**REVISED PLANS**

JUL 15 2014

MULTI FAMILY

CITY OF ...  
Land Use ...

For Approval Purposes Only Not for Construction

**JENISH HOUSE DESIGN LIMITED**

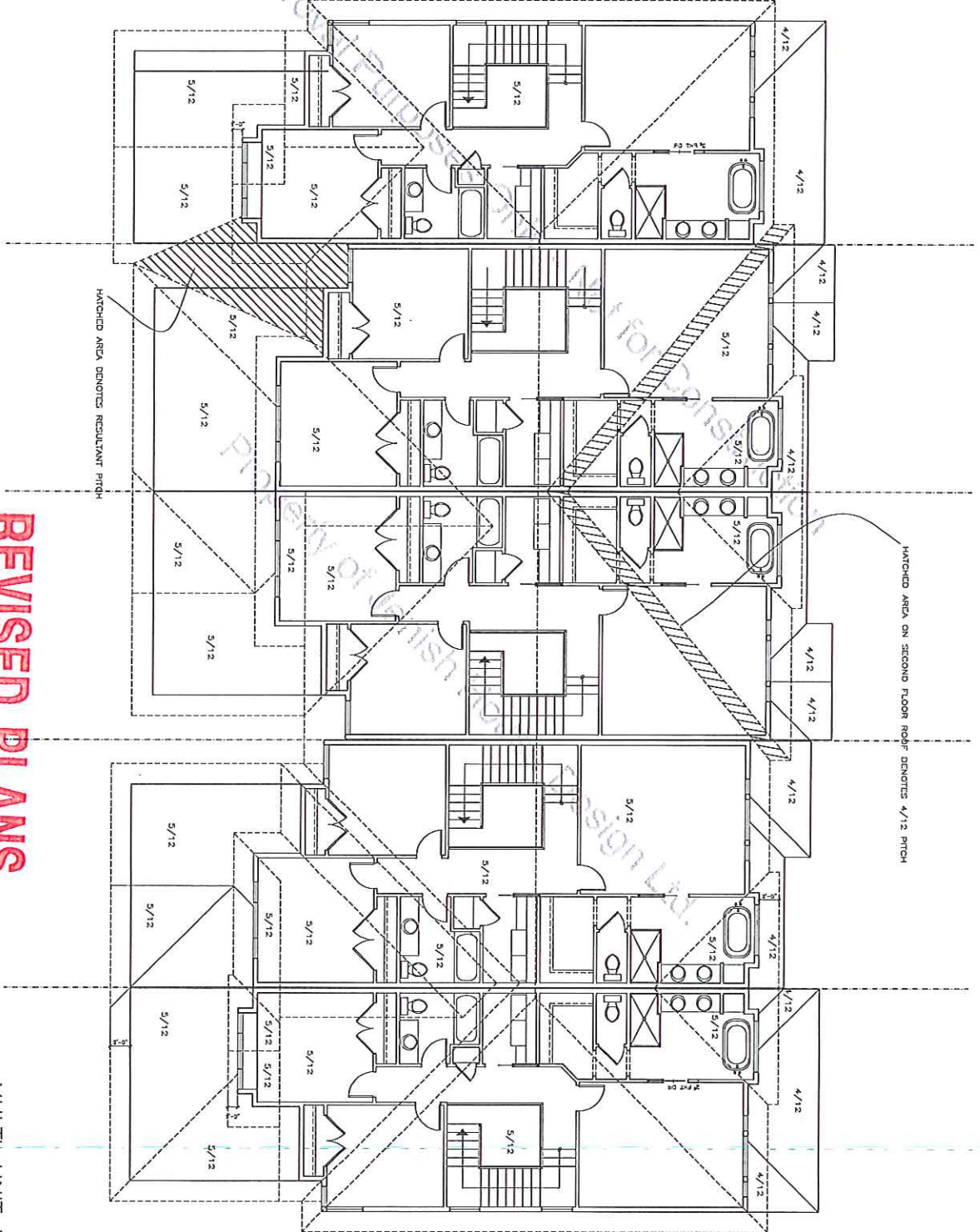


HEAD OFFICE:  
103-101 GUYANA RD, SUITE 101  
RICHMOND, ONT. L4B 3N6  
(778) 732-6332  
TOLL FREE 1-888-456-1111

DATE	DESCRIPTION
JUL 15 2014	REVISED PLANS
DRAWN BY: ...	
CHECKED BY: ...	
DATE: ...	
SCALE: ...	
PROJECT: ...	
SHEET: ...	
SHEET NO. OF ...	
PLAN NUMBER: ...	
OWNER: ...	

For Approval Purposes Only

Property of Jenish House Design Ltd.



REVISED PLANS

JUL 15 2014

CITY OF KELOWNA  
Land Use Management

MULTI-UNIT DEV.  
ROOF LAYOUT

DATE	APR 2014
BY	JENISH HOUSE DESIGN LTD.
FOR	CITY OF KELOWNA
PROJECT	1000 10th St
SHEET	4 OF 4
SCALE	AS SHOWN
DATE	JUL 15 2014
BY	JENISH HOUSE DESIGN LTD.
FOR	CITY OF KELOWNA
PROJECT	1000 10th St
SHEET	4 OF 4
SCALE	AS SHOWN



JENISH HOUSE DESIGN LIMITED

1000 10th St  
Kelowna BC V1Y 9C6  
Tel: 250-860-4444  
Fax: 250-860-4445

PLAN OF PROPOSED SUBDIVISION OF LOT 1 SECTION 29  
 TOWNSHIP 26 ODYD PLAN 29608

SCALE: 1:400 METRES



1280 GLENMORE DRIVE  
 PID: 004-249-437



DATE: MAY 12, 2014

Ferguson Land Surveying & Geomatics Ltd.  
 B.C. AND CANADA LAND SURVEYORS  
 404-1630 PANDOSY STREET, KELOWNA, B.C.  
 TELEPHONE (250) 763-3115 FAX (250) 763-0321

JOB No 19875-PROP-SUB

S:\Shared (Aug 16, 2009)\job\_files\19875\19875-PROP-SUB.DWG  
 DWTB BY: GP P2/1/0

# REPORT TO COUNCIL



**Date:** October 6, 2014  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Urban Planning, Community Planning & Real Estate (LB)  
**Application:** Z14-0035 **Owner:** Orchard Park Shopping Centre Holdings Inc.  
**Address:** 2271 Harvey Avenue **Applicant:** Kelowna Farmers' & Crafters' Market  
**Title:** 2014 09 24 Report Z14-0035 2271 Harvey Ave  
**Existing OCP Designation:** MXR - Mixed Use (Residential / Commercial)  
**Existing Zone:** C6 - Regional Commercial  
**Proposed Zone:** C6rls - Regional Commercial (Retail Liquor Sales)

---

## 1.0 Recommendation

THAT Rezoning Application No. Z14-0035 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot 1, District Lot 127, ODYD, Plan KAP53260 except Plans KAP56123 and EPP3467, located on 2271 Harvey Avenue, Kelowna, BC, from the C6 - Regional Commercial zone to the C6rls - Regional Commercial (Retail Liquor Sales) zone, as shown on Map "A" attached to the Report of the Urban Planning Department dated October 6, 2014, be considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

## 2.0 Purpose

To consider a proposal to rezone a portion of the subject property to allow for licensed manufacturers of liquor to sell products and offer samples at the Kelowna Farmers' and Crafters' Market.

## 3.0 Urban Planning

Staff support the proposed rezoning to allow for licensed manufacturers of liquor to sell and offer samples at the Kelowna Farmers' and Crafters' Market. The proposal is consistent with the Zoning Bylaw regulations for the C6rls zone and the Official Community Plan (OCP) direction to support farmers' markets.

## 4.0 Proposal

### 4.1 Project Description

The Kelowna Farmers' and Crafters' Market is seeking to rezone the east portion of 2271 Harvey Avenue to the C6rls - Regional Commercial (Retail Liquor Sales) zone to allow licensed manufacturers of liquor to sell and offer product samples at the Market. This could include licensed wineries, breweries and distilleries. The Market typically operates at this location on Wednesdays and Saturdays between 8 am and 1 pm from April through October.

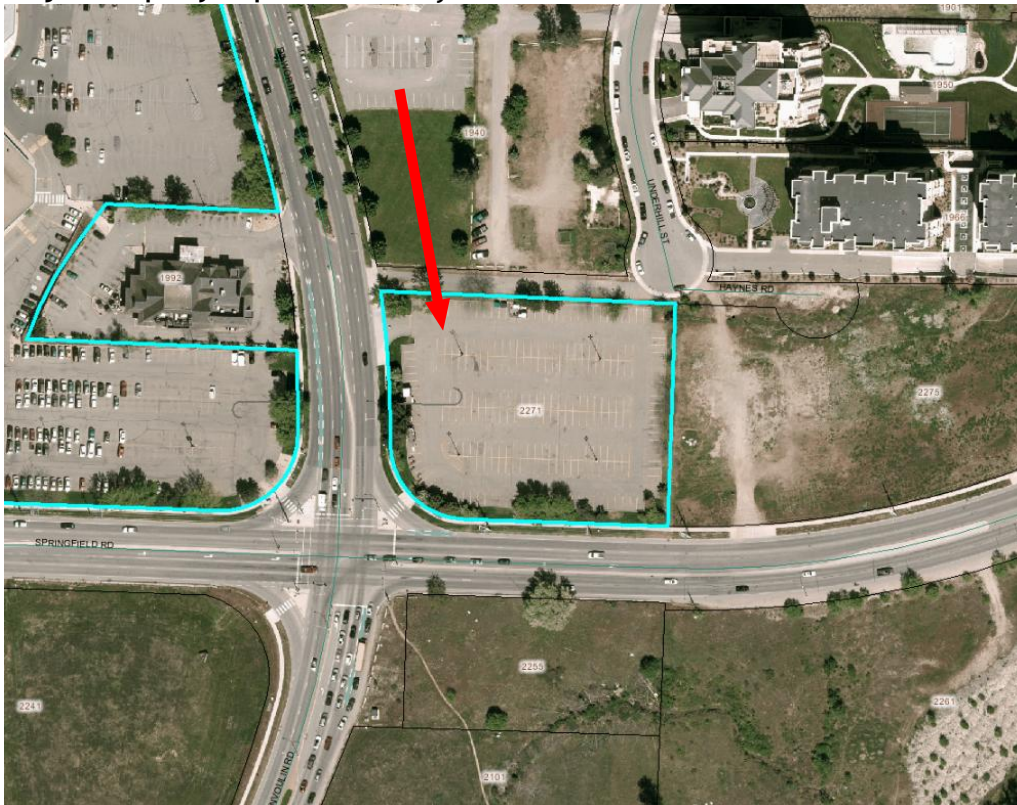
### 4.2 Site Context

The subject property is a parking lot owned by Orchard Park Shopping Centre Holdings Inc. The OCP Future Land Use designation of the subject property is MXR - Mixed Use (Residential / Commercial), and it is within the Permanent Growth Boundary and the Midtown Urban Centre. The surrounding area is a mix of commercial, institutional and residential uses as well as vacant agricultural land.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C6 - Regional Commercial A1 - Agriculture 1	School District No. 23 Administration Office Vacant land
East	A1 - Agriculture 1	Vacant land
South	A1 - Agriculture 1	Vacant land
West	C6 - Regional Commercial	Orchard Park Shopping Centre

Subject Property Map: 2271 Harvey Avenue



**5.0 Current Development Policies**

**5.1 Kelowna Official Community Plan (OCP)**

**Development Process**

**Farmer’s Markets.**<sup>1</sup> Support the development of farmer’s markets on non-ALR sites. ALR sites located near the urban - rural edge, in accessible, central locations may be considered if a non-ALR alternative cannot be secured.

**6.0 Technical Comments**

**6.1 Development Engineering Department**

The requested application does not compromise any municipal infrastructure or services.

This application does not trigger any offsite upgrades. See attached memorandum dated September 11, 2014.

**6.2 Interior Health**

Provided this application is serviced by community sewer and water this office has no concerns with liquid waste or drinking water.

If this application is to proceed, permitting may be required and questions can be directed to the Kelowna Health Centre, Health Protection Office.

**6.3 RCMP**

No comments received.

**7.0 Application Chronology**

Date of Application Received: September 3, 2014

**Report prepared by:**

\_\_\_\_\_  
Laura Bentley, Planner

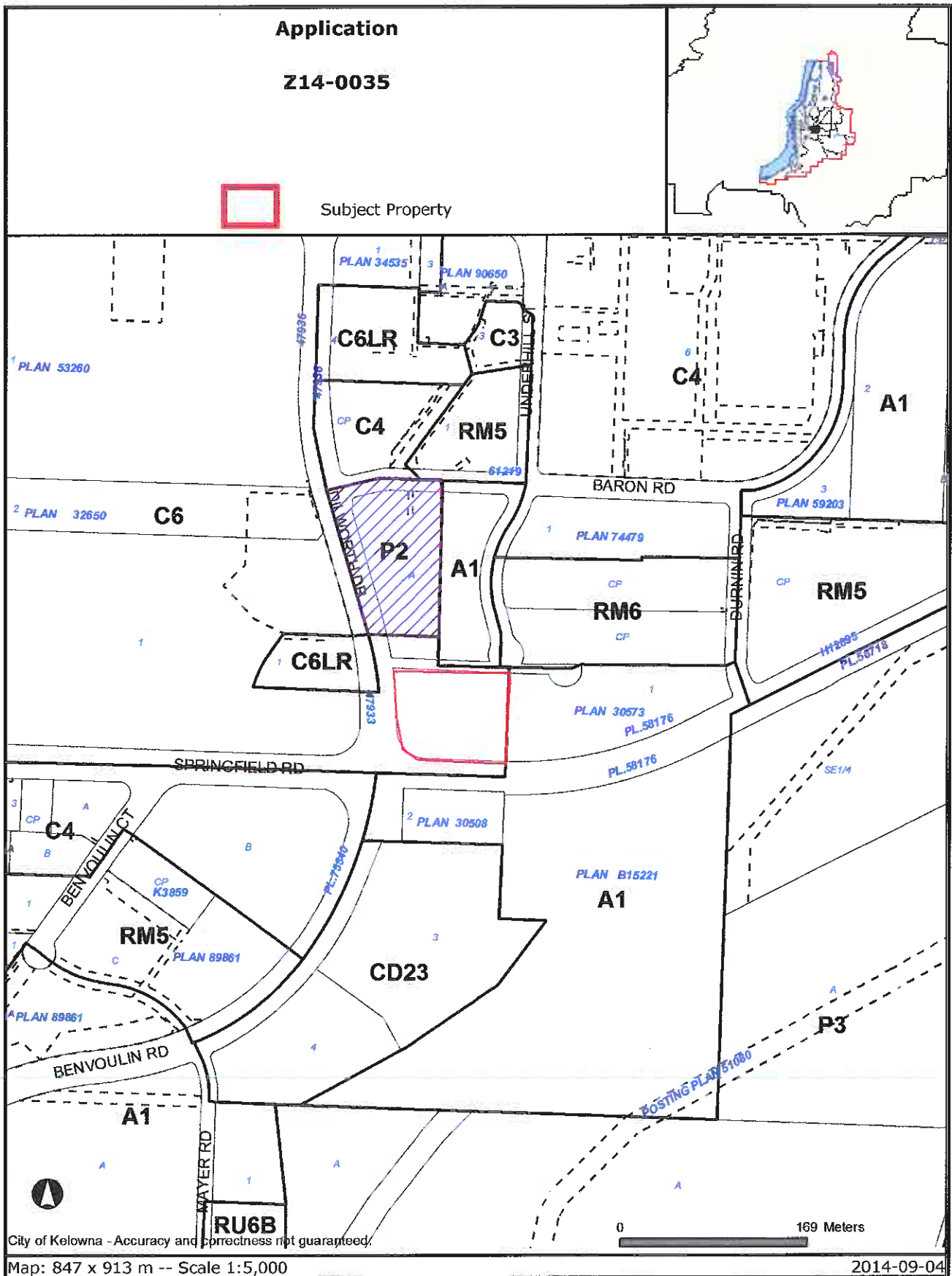
**Reviewed by:**  L. Ganczar, Urban Planning Supervisor

**Approved for Inclusion**  R. Smith, Urban Planning Manager

**Attachments:**

Map “A”  
Development Engineering Memorandum

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.12.1 (Development Process Chapter).



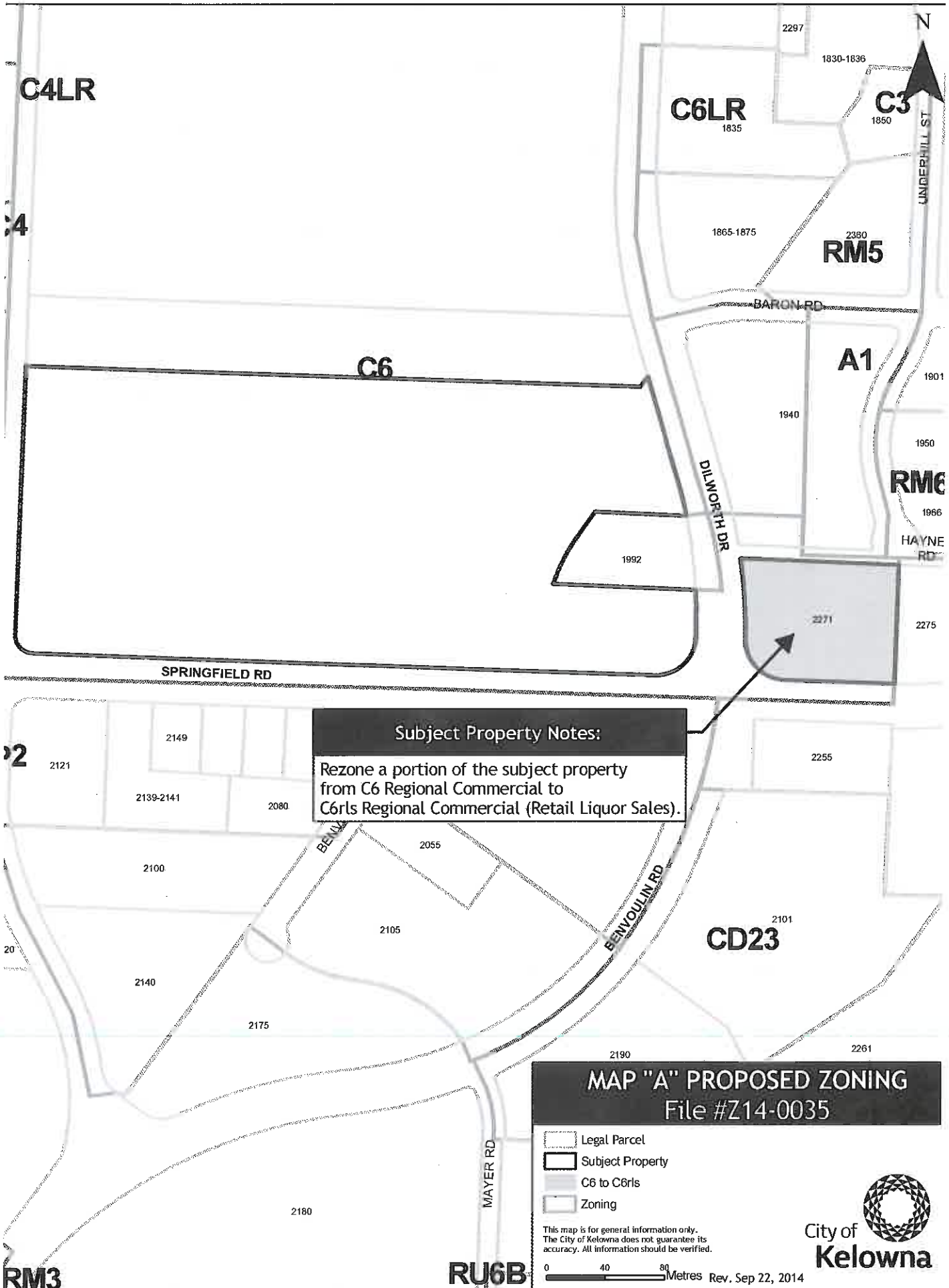
City of Kelowna - Accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2014-09-04

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.





**Subject Property Notes:**  
 Rezone a portion of the subject property from C6 Regional Commercial to C6rls Regional Commercial (Retail Liquor Sales).

**MAP "A" PROPOSED ZONING**  
 File #Z14-0035

- Legal Parcel
- Subject Property
- C6 to C6rls
- Zoning

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

0 40 80 Metres Rev. Sep 22, 2014



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

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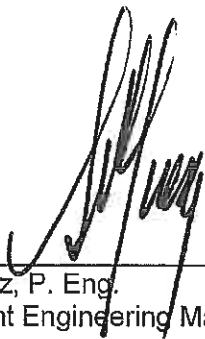
**Date:** September 11, 2014  
**File No.:** DVP14-0134 214-0035  
**To:** Urban Planning (LB)  
**From:** Development Engineer Manager (SM)  
**Subject:** 2217 Harvey Ave. Lot 1 Plan 53260, D.L. 127, ODYD

---

The Development Engineering Branch comments and requirements regarding for this rezoning application to allow the retail of alcoholic wares are as follows:

1. General.

- a) The requested application to allow manufacturers of alcohol based products to provide samples and sell their merchandise at the Farmers and Crafters market does not compromise any Municipal infrastructure or services.
  
- b) This application does not trigger any offsite upgrades.



---

Steve Muenz, P. Eng.  
Development Engineering Manager

B<sup>2</sup>