

# REPORT TO COUNCIL



**Date:** 12/5/2016  
**RIM No.** 0940-40  
**To:** City Manager  
**From:** Community Planning Department (AC)  
**Application:** DP16-0107      **Owner:** Kinnikinnik Developments Inc, No. BC0622664  
**Address:** (W OF) McKinley Beach Dr      **Applicant:** Kinnikinnik Developments Inc  
**Subject:** Development Permit Application  
**Existing OCP Designation:** MXT - Mixed Use Tourism  
**Existing Zone:** CD18 - McKinley Beach Comprehensive Resort Development

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Permit DP16-0107 for Lot 72, Section 29, Township 23, ODYD, Plan EPP62265, located on (W OF) McKinley Beach Dr, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land to be in general accordance with Schedule "C";
4. That the applicant be required to post with the City, a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permit to be issued;

AND FURTHER THAT this Development Permit be valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2.0 Purpose

To review a phased form and character Development Permit for a phase 1 four level boat storage facility and a phase 2 eighteen-unit multi-family building above it.

### 3.0 Community Planning

Council approved the original area structure plan and comprehensive development zone (CD18) in 2004. CD18 included only a few development restrictions while guaranteeing 1300 residential units. Achieving that amount of density on the hillside area is technically challenging and will diverge from some of the City's Hillside Guidelines. For example, the development site has steep slopes in excess of 45 degrees and most of the site is above 30 degrees (see Figure 1 Slope Analysis on page 4). Furthermore, see Section 5.0 to view a summary of the City's Hillside Design Guidelines. The boat storage building and the townhouses on top of the boat storage building will be a significant structure and mass. The building is oriented with the natural topography (i.e. the greatest horizontal dimension is parallel with, not perpendicular to, the natural contour of the land). The building is sited beyond the standard 15.0 m riparian area setback from Okanagan Lake. In section 4.2 (site context) there is a series of photos identifying the approximate location of the project on the hillslope.

The project does not need any variances. The applicant is proposing to locate the off-street parking requirements generated by the boat storage building on-street. However, Arrowroot Drive is a private strata road and Staff have considered private roads as adequate to locate off-street parking.

Overall, Community Planning is supportive of the Development Permit in order to achieve the approved density for this 'tourist' neighbourhood and the associated amenities (i.e. boat storage building). The urban design guidelines encourage mixed use and if phase 2 is developed, this will help improve the form and character of the overall development.

Fig 1.0: Rendering of Phase 1 - Boat Storage



Fig 1.1: Rendering of Phase 1 - Boat Storage with Residential Units



#### Notification Policy

Council Policy No. 367 respecting public consultation does not apply to Development Permits.

## 4.0 Proposal

### 4.1 Project Description

The proposed project consists of stacked townhouses located above a large boat storage facility. The 4-level boat storage facility has a boat ramp that facilitates direct launching of watercraft into Okanagan Lake. The facility will have a maximum capacity for 153 boats. There are 18 stacked townhouse style residential units located above the boat storage facility. The upper 9 units have direct driveway access to the east from the strata road. The lower 9 units have vehicular and pedestrian access through a below grade parade but still located above the boat storage facility. The residential parking is met within the parkade and within the private garages. The off-street parking requirement for the boat storage (18 stalls) is located along the east side of the strata road.

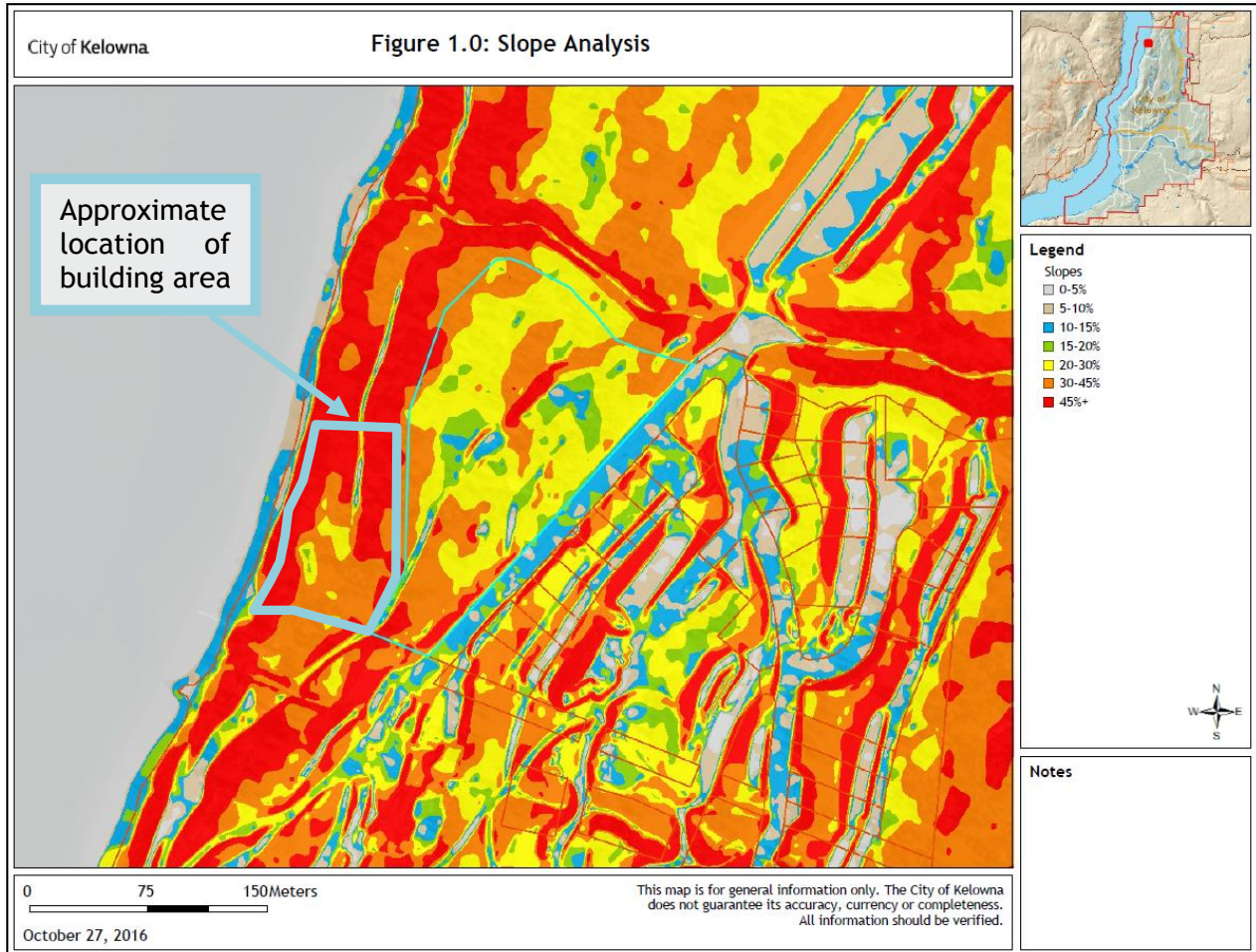
The landscape plan includes ornamental grass, perennial plantings, and columnar deciduous trees between each set of residential stacked townhouses which are all located above the boat storage facility. The landscape bonding only includes the planting located on the building site. The natural environment and hazardous condition Development Permit will bond for:

- the revegetated disturbed slope located to the east of the strata road;
- the staircase;
- associated plantings between the cul-de-sac and McKinley Beach Drive; and
- the boat launch.

The project is divided into two phases. The first phase is only the boat storage building and the second phase is the residential townhouses. An alternative solution will be required to meet the BC Building Code due to the unique nature of the building and the need for fire separation between uses. Due to timing, the applicant decided to split the project into two phases in order to work out the building permit issues while beginning construction of the boat storage building.

#### 4.2 Site Context

The subject parcel is the McKinley Beach area and is designated as MXT -Mixed Use Tourism in the OCP. The lot is within the Permanent Growth Boundary and the adjacent land uses are all zoned CD18 - McKinley Beach Comprehensive Resort Development.



Subject Property Map: (W OF) McKinley Beach Dr



Location of development on hillslopes



4.3 Zoning Analysis

<b>Zoning Analysis Table - Phase 1 (boat storage only)</b>		
<b>CRITERIA</b>	<b>CD18 ZONE REQUIREMENTS</b>	<b>PROPOSAL</b>
<b>Development Regulations</b>		
Height	29.5 m / 6.5 storeys	10.0m / ~ 3 stories
Front Yard Setback	0.0 m	0.0 m
Side Yards Setback	0.0 m	0.0 m
Rear Yard Setback	0.0 m	0.0 m
Site coverage of buildings	n/a	n/a
Site coverage of buildings, driveways & parking	n/a	n/a
FAR	n/a	n/a
<b>Parking Regulations</b>		
Minimum Parking Requirements	1 per 10 boat storage stalls + 2 employees = 18 spaces	0 stalls onsite 18 stalls on strata road
Minimum Bicycle Parking	Class 1: 0.5/ D.U = 32 stalls Class 2: 0.1 / D.U = 7 stalls	Class 1: 64 stalls Class 2: 7 stalls

<b>Zoning Analysis Table - Phase 2</b>		
<b>CRITERIA</b>	<b>CD18 ZONE REQUIREMENTS</b>	<b>PROPOSAL</b>
<b>Development Regulations</b>		
Height	29.5 m / 6.5 storeys	10.0m / ~ 3 stories
Front Yard Setback	0.0 m	0.0 m
Side Yards Setback	0.0 m	0.0 m
Rear Yard Setback	0.0 m	0.0 m
Site coverage of buildings	n/a	n/a
Site coverage of buildings, driveways & parking	n/a	n/a
FAR	n/a	n/a
<b>Parking Regulations</b>		
Minimum Parking Requirements	18 stalls (boat storage) + 36 stalls (residential) + 3 visitor = 57 stalls	36 stalls onsite (private garages) 18 stalls on strata road and 6 stalls (visitor) = 60 stalls
Minimum Bicycle Parking	Class 1: 0.5/ D.U = 14 stalls Class 2: 0.1 / D.U = 2 stalls	Class 1: 16 stalls Class 2: 2 stalls

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5 - 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.

#### Chapter 5 - Development Process - Policy 10 - North McKinley:

- Not approve any additional residential uses or densities (beyond existing zoning) for lands in the North McKinley area designated in the OCP for mixed use tourism use.

#### Chapter 13 - Hazardous Condition DP - General Guidelines:

- Disturbance of steep slopes and hazardous condition areas will be avoided in accordance with City of Kelowna hillside development guidelines.

#### Chapter 14 - Comprehensive Development Permit Area (Multiple Unit Residential, Commercial, and Industrial Design Guidelines):

##### OBJECTIVES

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Promote alternative transportation with enhanced streetscapes and multimodal linkages;
- Highlight the significance of community institutional and heritage buildings; and
- Protect and restore the urban ecology (i.e. architectural and site consideration with respect to the ecological impact on urban design).
- Moderate urban water demand in the City so that adequate water supply is reserved for agriculture and for natural ecosystem processes.
- Reduce outdoor water use in new or renovated landscape areas in the City by a target of 30%, when compared to 2007.

#### Chapter 16 - Intensive Residential (Hillside Design Guidelines):

##### OBJECTIVES

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

- Promote development that respects the terrain, vegetation, drainage courses and constraints related to the hillside environment of the site;
- Promote the siting of buildings and designs that are compatible with the steep slope context;
- Minimize visual impact on the hillside through appropriate siting, finishes, materials and colours;
- Preserve the natural, hillside character and avoid scarring;
- Ensure compatibility with existing neighbourhood or streetscape; and
- Promote a high standard of design, construction and landscaping.
- Ensure road design and anticipated use (e.g. parking) provides for a safe environment and ease of on-going maintenance.

## POLICIES

- (1.3) Set buildings into the hillside and step up or down the slope to mimic the natural topography;
- (1.4) Avoid placing tall buildings at high points on the site or in highly visible areas;
- (1.9) Ensure any structures, building faces, street or building lighting do not dominate the landscape.
- (2.1) Preserve any slopes greater than 30% as undisturbed unless roads are required to access developments;
- (2.4) Minimize cut and fill excavation to preserve the natural topography of the hillside. Necessary cuts and fills should be balanced to reduce trucking costs;
- (5.3) Stagger siting of buildings and screen with mature vegetation to minimize the "wall effect".

## 6.0 Technical Comments

### 6.1 Building & Permitting Department and Fire Department

- Reviewed and supported subject to technical comments.

### 6.2 Development Engineering

- See attached Memo dated May 26<sup>th</sup> 2016

## 7.0 Application Chronology

Date of Application Received: April 18<sup>th</sup> 2015  
Date of Public Consultation<sup>1</sup>: n/a

<sup>1</sup>There are no public consultation/notification requirements for a Development Permit.

**Report prepared by:** Adam Cseke, Urban Planner

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved by:** Ryan Smith, Community Planning Manager

## Attachments:

Development Engineering Comments dated May 26<sup>th</sup> 2016



Development Permit

# DEVELOPMENT PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT

**File Number** DP16-0107  
**Issued To:** Kinnikinnik Developments Inc, No. BC0622664  
**Site Address:** (W Of) McKinley Beach Dr  
**Legal Description:** Lot 72, Section 29, Township 23, ODYD, Plan EPP62265  
**Zoning Classification:** CD18 - McKinley Beach Comprehensive Resort Development  
**Development Permit Area:** Comprehensive Development Permit Area

### SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

### 1. TERMS AND CONDITIONS

THAT Development Permit No. DP16-0107, located at (W Of) McKinley Beach Dr Kelowna, BC be approved subject to general conformance to the drawings (Schedule "A", "B", & "C") attached to this permit.

### 2. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permit Holder and be paid to the Permit Holder if the security is returned. The condition of the posting of the security is that should the Permit Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permit Holder, or should the Permit Holder carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permit Holder. There is filed accordingly:

- a) Cash in the amount of \$ 61,688.75 OR
- b) A Certified Cheque in the amount of \$ 61,688.75 OR

c) An Irrevocable Letter of Credit in the amount of \$ 61,688.75 .

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

**3. DEVELOPMENT**

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

The issuance of this Permit grants to the municipality a save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.

**4. APPROVALS**

Issued and approved by Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
 Ryan Smith, Community Planning Department Manager  
 Community Planning & Real Estate

\_\_\_\_\_  
 Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall be returned to the PERMIT HOLDER.**