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

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**Date:** December 13, 2000  
**File No.:** (3360-20) **Z00-1048**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

APPLICATION NO. Z00-1048

OWNER: YELLOW ROSE  
VENTURES LTD.

AT: 2260 BENVOLIN ROAD

APPLICANT: FWS CONSTRUCTION  
LTD.

PURPOSE: TO REZONE PROPERTY TO PERMIT CONSTRUCTION OF A  
58 UNIT MULTI-FAMILY NON-PROFIT RESIDENTIAL  
DEVELOPMENT FOR SPECIAL NEEDS HOUSING

EXISTING ZONE: A1 – AGRICULTURAL 1

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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1.0 RECOMMENDATION

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, DL 128, O.D.Y.D., Plan 8771 Exc. Plan KAP61007, located on Benvoulin Road, Kelowna, B.C., from the A1 – Agricultural 1 zone to the RM3 – Low Density Multiple Housing zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

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

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT subsequent to final adoption of the zone amending by-law, the Mayor and City Clerk be authorized to sign and seal, on behalf of the City of Kelowna, a Housing Agreement;

AND THAT subsequent to final adoption of the zone amending by-law, the applicant register the Housing Agreement on title;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

## 2.0 SUMMARY

The applicant proposes the construction of a 58 unit, non-profit housing development on the subject property. The site development is designed as one apartment building and four townhouse buildings arranged along an access driveway with surface parking. The 38 unit apartment building is built over a parking structure for 39 vehicles. The remaining 20 residential units are contained within the 4 townhouse buildings and conform to the requirements of the RM3 zone. An application for a Development Variance Permit has also been made in conjunction with the applications for rezoning and Development Permit, as the proposed 3½ storey or 11 m building height of the apartment building exceeds the maximum permitted 2½ storey or 9.5 m building height permitted in the RM3 – Low Density Multiple Housing zone. The Development Variance Permit application also seeks approval of a reduction of the required parking from the 97 stalls parking required to the 80 parking stalls which have been provided for on site. The development proposal conforms to the density provisions of the RM3 – Low Density Multiple Housing zone, and conforms to the Multiple Family Residential - low density future land use designation of the Official Community Plan.

### 2.1 Advisory Planning Commission

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of October 24, 2000 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Application No. Z00-1048 by FWS Construction Ltd., (Del Juba), 2260 Benvoulin Road.

AND THAT the following safety concerns be addressed prior to this development proceeding to Council:

- Traffic flow with respect to the ingress/egress from Benvoulin Road; and
- Provision of a sidewalk link north of the site to the existing sidewalk on Cooper Road

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant wishes to construct a 58 unit multiple family residential development on the subject property to be used as “special needs housing” for the physically disabled and financially disadvantaged residents. The proposed development is anticipated to be sponsored by the Father DeLestre Housing society with financing by BC Housing. The applicant proposes to enter into a Housing Agreement which is anticipated to deal with the tenancy of the proposed units for occupancy by tenants that meet the criteria of the sponsor (Father DeLestre Housing society) for tenants that are physically disabled or meet financial status which will be outlined in the Housing Agreement. The Housing Agreement will be completed prior to the Public Hearing.

The project is designed as a blend of 20 townhouse units arranged in four buildings, and 38 apartment units in one apartment building. The site plan is arranged in such a manner that there is a 7.5 m landscaped buffer adjacent to the existing agricultural lands

to both the west and the north of the subject property. The main access point to the site from Benvoulin Road is located adjacent to the southern property line. The site plan indicates a substantial landscaped buffer area adjacent to Benvoulin Road to shield the site from traffic and noise, as well as a substantial landscaping buffer from the agricultural lands. The site plan also incorporates a system of pedestrian pathways around the apartment building to serve as a connection to the playground area. The playground area is located at the west end of the parking lot, adjacent to the landscape buffer that is next to the agricultural lands. The site plan indicates enclosed garbage containers located at the west end of the parking lot across from the playground, and adjacent to the access driveway to the parking area under the apartment building. The landscape plan associated with the site plan includes a number of landscape islands within the parking lot in addition to the perimeter landscaping required as part of the landscape requirements of the zoning bylaw.

The 38 unit apartment building is located in the north west corner of the property, and is designed as a three storey building constructed above a concrete parking structure which is set partially into the ground, and is designed to provide parking for 39 vehicles. The resulting building height for this apartment building is 3½ storeys or 11 m, where the RM3 zone permits a maximum building height of 2½ storeys or 9.5 m. A Development Variance Permit application has been made in conjunction with the associated Development Permit application to authorize this increase in maximum building height. The vehicle access to the under building parking structure is located east end of the building. The apartment building is designed with six one-bedroom units, twenty-nine two-bedroom units, and three three-bedroom units, for a total of thirty-eight dwelling units. The main floor plan for the apartment building shows a common room located at the east end of the building, adjacent to both the outdoor children's play area and the laundry room. The apartment building also has the main pedestrian entrance from the parking lot located in the approximate centre of the south side of the building.

The 2½ storey townhouse units are arranged such that there are three buildings located near the south side of the property adjacent to existing "Arboretum" residential apartment development. The fourth townhouse building is located at the end of the apartment adjacent to Benvoulin Road.

The exterior of the five buildings employ common design and detail elements, such as similar gable end details and eave brackets. Each of the five building utilize paint details and horizontal vinyl siding in complementary colours, where buildings A & D are blends of light and dark "Tan", buildings B & E are blends of dark and light "Grey", and building "C" is a blend of light and dark "Yellow". The apartment building incorporates open balconies for each of the dwelling units. The townhouse units incorporate gable roof features over the exterior entry doorways. As well, the townhouse units also incorporate unfinished basement areas.

The proposed site development is designed with a FAR of 0.624, where the base FAR for the RM3 zone is 0.5. The RM3 zone does have provision for a density of FAR = 0.55 if a housing agreement is utilized as outlined in section 6.9, as well as an additional bonus of a maximum of 0.2 for underground parking. This provides for a maximum FAR of 0.63 for the development proposal as submitted. The proponents of this development propose to enter into a housing agreement as part of the approval process, to ensure that the development is used as "special needs housing" for both physically disabled and financially disadvantaged occupants. The housing agreement will be in place prior to the pending Public Hearing date.

The proposal as compared to the RM3 zone requirements is as follows:

CRITERIA	PROPOSAL	R3 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	8,382 m <sup>2</sup>	900 m <sup>2</sup>
Site Width (m)	69.7 m	30.0 m
Site Coverage (%)		40% for buildings 50% for buildings, dwys, prkg area
Total Floor Area (m <sup>2</sup> )	5,233 m <sup>2</sup>	5,280.6 m <sup>2</sup> @ FAR = 0.63
F.A.R.	0.624	Base FAR = 0.5 FAR = 0.55 with housing agr. Max 0.2 bonus for U/G parking Max. allowable FAR = 0.63
Storeys (#)	3½ storeys (11 m) *	2½ storeys (9.5 m)
Setbacks (m)		
- Front	4.5 m	4.5 m 6.0 m for garage & carport
- Rear	7.5 m	7.5 m 4.5 for common bldgs 1.5 for accessory bldgs
- North Side	7.5 m to apartment 6.0 m to townhouse	4.0 m for 1 or 1½ storey 4.5 m for 2 or 2½ storey
- South Side	4.5 m	4.0 m for 1 or 1½ storey 4.5 m for 2 or 2½ storey
Private Open Space	1,402 m <sup>2</sup> provided	15.0m <sup>2</sup> for 1 br, 25.0m <sup>2</sup> for greater 1,390 m <sup>2</sup> required
Parking Stalls (#)	80 stalls provided **	97 stalls required

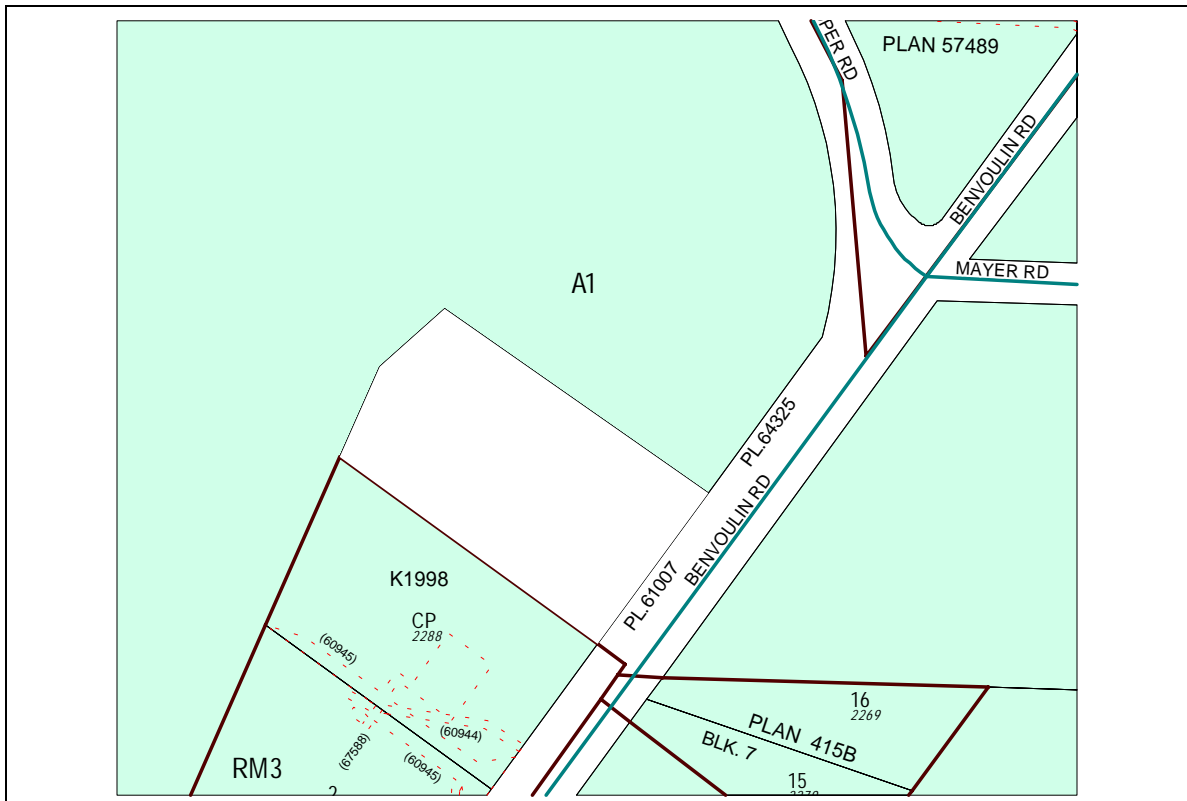
Variances Required;

- \* Vary permitted building height from 2½ storeys or 9.5 m permitted to 3½ storeys or 11 m proposed,
- \*\* Vary parking stalls from 97 stalls required to 82 stalls proposed

### 3.2 Site Context

The subject property is generally level, currently has an older single family dwelling located on site, and the property is used for agricultural purposes.

### Site Location Map



Adjacent zones and uses are, to the:

- North - A1 – Agricultural 1/Farm uses
- East - A1 – Agricultural 1/Benvoulin Road - Farm uses
- South - RM3 – Low Density Multiple Housing – “The Arboretum” apartments
- West - A1 – Agricultural 1/Farm uses

### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The proposal is generally consistent with the Multiple Family Residential – low density future land use designation of the Official Community Plan.

The Official Community Plan also includes general Multiple Family Residential Development Permit Guidelines. The proposal is generally consistent with the following guidelines;

- All buildings, structures, and physical improvements thereto shall be designed in a manner which gives consideration to the relationship with adjacent building and open areas, the efficiency of the circulation system, the design, scale and siting compatibility with surrounding development,
- Multiple Family development is encouraged to be sensitive to and compatible with the massing and rhythm of the established streetscape,
- The use of sub-roofs, dormers, balconies, bay windows, and shadowing to break up the massiveness of the structure is encouraged,
- The first storey units are encouraged to have ground access and outdoor amenity space for family use. Variation between architecture bays within each façade is encouraged while the use of identically cloned bays is discouraged,
- The principal front entrance shall be clearly identifiable and in scale with the development,
- Where multiple family developments are situated adjacent to arterial roads, measures should be taken to minimize the impacts of noise and exhaust emissions.
- Underground parking for multi-family residential development is encouraged,

### 3.3.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the urban form objectives of the Kelowna Strategic Plan which encourages “a more compact urban form by increasing densities through infill and re-development within existing urban areas...”

As well, the City of Kelowna Strategic Plan also encourages the proposed development as follows;

Objective 7.1...

“To encourage the provision of an adequate supply of housing for families and seniors who require assistance.”

Objective 7.2...

“To encourage the provision of an adequate supply of housing for people with special needs.”

Objective 7.3...

“To ensure that there is a range of housing types and sizes, including socially assisted housing in all major sectors of Kelowna to meet the changing needs of current and future residents.”

3.3.3 South Pandosy/KLO Sector Plan

The proposal is consistent with the “Multiple Family Residential (Low Density)” designation of the South Pandosy/KLO Sector Plan.

4.0 TECHNICAL COMMENTS

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

4.1 Agricultural Advisory Committee

Medium density residential, especially family oriented units, is incompatible adjacent to active agricultural uses. The residents should be made aware of existing farming through signs, covenant on title, as well as on rental / lease / sales agreements. Also, the proposed buffer is not high enough to protect from trespass and spray.

4.2 B.C. Gas

Gas is available to this development. Gas applications are required allowing 4 to 6 weeks design time.

4.3 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw.

Engineered fire flows should determine hydrant requirements.

4.4 Parks Manager

1. The following standards are being applied for all boulevard (Blvd) landscaping:

- a) All plant material (trees, shrubs, ground covers and seed/sod) used in Blvd to be reviewed by City Parks Division. All materials located in Blvd to meet City standard for size and method of installation.
- b) The use of rock for a mulch will not be accepted.
- c) Plant material specifications are as follows for:
  - i) Deciduous Tree - caliper @300 mm above rootball (min. 60 mm)
  - ii) Deciduous Shrub - spread (min. 450 mm)
  - iii) Coniferous Tree - height (min. 2.5 m)
  - iv) Coniferous Shrub - spread (min. 450 mm)
  - v) Seed/Sod mix according to location and proposed activity use.
- d) d. Blvd maintenance is responsibility of owner / occupant.
- e) e. All Blvd tree maintenance is responsibility of Parks Division.
- f) f. All planting plans to include a proper plant materials list:
  - i) Latin name

- ii) common name
  - iii) size at planting
  - iv) plant symbol key
  - v) indicate existing trees
2. Construction drawings to include all u/g utility locations in Blvd.
  3. Blvd landscape and irrigation to be approved by Parks Division.
  4. It would be best that no Shubert Chokecherry (*Prunus virginiana* "Shubert")
  5. are planted along frontage of Benvoulin. This will avoid need to keep sidewalk clean of cherries.

#### 4.13 Shaw Cable

Owner/Contractor to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

#### 4.14 Telus

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

#### 4.14 West Kootenay Power

WKP will provide underground electrical service.

#### 4.14 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application to rezone from A1 (Agricultural 1) to RM3 (Low density Multiple Housing) are as follows:

##### 1. Roads and access.

- a) Benvoulin Road alignment at the intersection with Cooper Road has not been finalized to date. The final alignment is hinged upon land acquisition issues toward Dilworth Drive.
- b) Benvoulin Road frontage must be partially urbanized with a separate concrete sidewalk and landscaped boulevard. The cost of this installation is estimated at \$11,500.00 which includes a bonding escalation.
- c) Benvoulin Road requires curb and gutter and approx. 0.5 m. fillet paving in order to meet current Bylaws requirements, however due to the uncertainty of the final alignment we require that the developer makes a one time cash payment in the amount of \$5,400.00 which does not include a bonding escalation. The City will use these funds to complete Benvoulin Road construction when the final alignment is finalized.
- d) The proposed development is a housing project for low to moderate income and designed for special needs of some of the occupants, the location was specifically chosen for that purpose. The applicant must provide a temporary sidewalk from the proposed development to the intersection of Benvoulin road and Cooper Road. The temporary sidewalk must be separated vertically and horizontally from the existing pavement edge. The temporary sidewalk can be constructed of hot mix asphalt. The cost of this installation is estimated at \$5,100.00, which includes a bonding escalation.

2. Domestic Water and Fire protection.

- a) The property is serviced by the City of Kelowna Municipal water distribution system. An adequately sized service will be required for this development and must be installed by the City at the time of the building and plumbing permits applications
- b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation Bylaws. The developer or the building contractor must purchase the meter from the City at the time of application for a building permit from the inspection Services Department, and prepare the meter setter at his cost.
- c) The developer must also purchase an irrigation sewer credit from the City and prepare the meter setter at his cost.
- d) There is a Latecomer charge against the property for the installation of the watermain along the frontage on Benvoulin Road. The current amount due is \$39,071.03. The Latecomer will be payable at the time of the building permit application.

3. Drainage.

- a) A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. The storm water must be detained on site by providing catch basins, drywells all interconnected by perforated pipes.
- b) It might be necessary for this development to install a storm drainage service for overflow at the developer's cost. The service must be installed by the City with approval from the City Engineer.

4. Sanitary Sewer.

- a) The property is not currently serviced and in that respect this application is premature. The City of Kelowna is in the process of obtaining proposals for the design of the Benvoulin / Baron sanitary sewer trunk. The construction of the sanitary trunk main is tentatively scheduled for the year 2002.
- b) The property could be, in the interim, serviced by the combination of an extension of the gravity system as far as the road grade will permit and the installation of a temporary on-site private lift station discharging into the extended gravity sanitary sewer pipe
- c) The on-site system must be designed in a manner that would readily convert to the future sanitary sewer trunk by using the existing "dry" service located at the south end of the property.
- d) An administration levy of \$250.00 is required to incorporate this development into the existing sewer serviced area.

5. Power and Telecommunication Services.

The services to and fronting this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works. This requirement would be triggered under a building permit application as defined in Bylaw 7900 and current policies

6. Engineering.

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.

7. DCC Credits.

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

8. Levies and performance bonding.

**Performance bonding**

Sidewalk and boulevard	\$11,500.00
Temporary asphalt sidewalk	\$5,100.00
Temporary sanitary service	<u>\$ 42,000.00</u>
Total performance bonding	<u>\$58,600.00</u>

**Levies.**

Curb, gutter and asphalt fillet	\$5,400.00
Latecomer	<u>\$39,071.03</u>
Total Levies	<u>\$44,471.03</u>

Note; The applicant has reviewed the above noted requirements, and has agreed orally to enter into a servicing agreement prior to final adoption of the zone amending bylaw.

## 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The applicant has worked on revisions to the original development proposal with a view to add additional architectural detailing to the building exteriors to provide improved visual interest, and to rework the site plan in order to relocate the playground out of the required agricultural buffer setback area.

The Planning and Development Services Department does not have concerns with the proposed development. The proposed development is sponsored by the Province of BC (BC Housing), and the Father DeLestre Housing society, and provides for much needed housing options for the physically disabled and financially disadvantaged persons, segments of the housing market that have not usually been addressed. The needs for these particular types of housing are critical in Kelowna. The City's 1999-2000 Housing Study compared assisted housing supply, with numbers of low-income households, using the 1996 Census. The Study demonstrated deficiencies in housing for low-income families totalling 3,660 units. In terms of income-assisted housing for those with physical disabilities, who are not seniors, there was virtually no supply.

The Official Community Plan (OCP) and the South Pandosy / KLO Sector Plan both designate the subject property as Low Density Multiple Family Residential. The proposed residential use is consistent with the direction of these policy documents.

Benvoulin Road is identified in the OCP as a Major Road. This road, along with proper landscaping and screening adjacent to the road and around the perimeter of the subject property, would provide a proper buffer between the property and the adjacent rural agricultural lands around it.

The site has been designed with a number of positive features that should make the proposed development a positive living experience, in that there is an on-site playground for children of the complex, a substantial amount of landscaping provided along the perimeter to form a buffer from the agricultural lands to the north and west, as well as a landscaped area to shield the proposed development from the traffic on Benvoulin Road.

The fact that the many of the units are ground-oriented and that some of the parking is located underground are positive design factors. Ground-oriented housing offers some of the same amenities as single-detached housing at a reduced cost. Amenities, such as direct access to the outdoors and private open space, are highly valued and appropriate to the Kelowna housing market.

The application for the height variance is considered supportable as the higher apartment building is located adjacent to the northern property line adjacent to the ongoing agricultural activities, and not adjacent to the existing 2½ storey apartment building (The Arboretum) located on the property to the south.

The variance under application to reduce the required parking is also considered supportable, as it is anticipated that the financial limitations of the prospective residents is thought to make the ownership of vehicles less likely for the anticipated occupants, and therefore the parking requirements for this proposed development should have a lesser impact when compared conventional market housing. The form of tenure will be controlled through the use of a housing agreement, which also provides for bonusing of the density provisions of the RM3 zone as well.

In light of the above, the Planning and Development Services Department supports this application, and recommends for Council's positive consideration.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning and Development Services

PM/hb  
Attach.

**FACT SHEET**

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|--|--|
| <b>1. APPLICATION NO.:</b>   | Z00-1048   |
| <b>2. APPLICATION TYPE:</b>  | Rezoning   |
| <b>3. OWNER:</b>   | Yellow Rose Ventures Ltd.<br>(Inc. No. 556128)   |
| <ul style="list-style-type: none"><li>• ADDRESS</li><li>• CITY</li><li>• POSTAL CODE</li></ul>                                   | 431 Okaview Rd<br>Kelowna, BC<br>V1Y 7R3   |
| <b>4. APPLICANT/CONTACT PERSON:</b>  | FWS Construction Ltd./Del Juba   |
| <ul style="list-style-type: none"><li>• ADDRESS</li><li>• CITY</li><li>• POSTAL CODE</li><li>• TELEPHONE/FAX NO.:</li></ul>      | 1540 KLO Road<br>Kelowna, BC<br>V1W 3P6<br>717-3918/717-3948   |
| <b>5. APPLICATION PROGRESS:</b>  |  |
| Date of Application:   | September 21, 2000   |
| Date Application Complete:   | September 25, 2000   |
| Servicing Agreement Forwarded to Applicant:  | November 16, 2000  |
| Servicing Agreement Concluded:   | November 27, 2000 (oral agreement)   |
| Staff Report to Council:   | December 13, 2000  |
| <b>6. LEGAL DESCRIPTION:</b>   | Lot 3, DL 128, O.D.Y.D., Plan 8771<br>Exc. Plan KAP61007   |
| <b>7. SITE LOCATION:</b>   | West Side Benvoulin Road, south of<br>Cooper Road  |
| <b>8. CIVIC ADDRESS:</b>   | 2260 Benvoulin Road  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  | 8,382 m <sup>2</sup>   |
| <b>10. AREA OF PROPOSED REZONING:</b>  | 8,382 m <sup>2</sup>   |
| <b>11. EXISTING ZONE CATEGORY:</b>   | A1 – Agricultural 1  |
| <b>12. PROPOSED ZONE:</b>  | RM3 – Low Density Multiple Housing   |
| <b>13. PURPOSE OF THE APPLICATION:</b>   | To Rezone Property to Permit<br>Construction of a 58 Unit Multi-Family<br>Non-Profit Residential Development<br>For Special Needs Housing, |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b><br><b>NOTE: IF LANDS ARE WITHIN 800 m OF A</b><br><b>CONTROLLED ACCESS HIGHWAY</b> | N/A  |

**15. DEVELOPMENT PERMIT MAP 13.2  
IMPLICATIONS**

General Multi-Family; notify GIS of  
addition

Attachments that are missing from electronic version of the report;

Subject Property Map

Site plan, Floor plans, Building Elevations ( 7 pages)