
CITY OF KELOWNA
MEMORANDUM

Date: July 25, 2001
File No.: (3360-20) **Z00-1013**

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. Z00-1013

OWNER: VINCE AND GIOVANNIA
MAGALDI

AT: 2131 SCENIC ROAD

APPLICANT: VINCE MAGALDI

PURPOSE: TO REZONE THE SUBJECT PROPERTY TO THE RM3 – LOW
DENSITY MULTIPLE HOUSING ZONE TO PERMIT THE
CONSTRUCTION OF 14 SEMI - DETACHED DWELLING UNITS
WITHIN 7 BUILDINGS IN A MULTIPLE FAMILY FORM

EXISTING ZONE: A1 – AGRICULTURAL (LUC78-1009)

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, Sec. 4 & 9, TWP. 23, O.D.Y.D., Plan KAP61644, located on Scenic Road, Kelowna, B.C., from the A1 – Agricultural 1 (LUC78-1009) zone to the RM3 – Low Density Multiple Housing zone;

AND THAT Land Use Contract No. 78-1009 (Bylaw No. 4663-78) be quit claimed from Lot A, Sec. 4 & 9, Twp 23, O.D.Y.D., Plan KAP61644

AND THAT the zone amending and Land Use Contract discharge bylaws 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 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 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

Application to rezone the subject property from the existing A-1 Agricultural zone (LUC78-1009) to the R-3 Low Density - Multi-Family Residential zone was originally made in 1997. That application was reviewed and supported by the Advisory Planning Commission at the September 30, 1997 meeting. At that time, the application was for rezoning only. Since that time, the applicant has purchased some additional surplus land from the City of Kelowna adjacent to the future Glenmore Bypass and has increased the size of the development parcel. The revised application reflects the increase in lot size.

This revised application is for 7 semi-detached residential buildings in a multiple family form on the subject property. The site is accessed from Scenic Road, and backs onto the future Glenmore Bypass. The proposed layout has the building arranged around a central playground area. The proposed development is consistent with the future land use designation of the Official Community Plan.

2.1 Advisory Planning Commission

Please note that the application to rezone the subject property was originally reviewed by the APC as rezoning application Z97-1034.

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of September 30, 1997 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Application No. Z97-1034 (Vincent Magaldi – 2131 Scenic Road).

3.0 BACKGROUND

3.1 The Proposal

The applicant is a long time owner of the subject property. In 1978 the applicant negotiated a land use contract to acknowledge the existing 8 unit multiple family residential building (built in 1972) on an adjacent parcel and to facilitate a subdivision of the parcel.

In 1996, the City of Kelowna negotiated purchase of a 45m road right of way for the future Glenmore Bypass through the property. However, in 1998, it was determined that there had been an excess of 10m of right of way acquired, and the excess was sold back to the applicant.

This revised application is based on the current land configuration. The site plan shows access from Scenic Road, adjacent to the Glenmore Elision Improvement District pump house. The site plan indicates a total of 7 semi-detached residential buildings for a total of 14 residential units. The units are arranged around the perimeter of the subject property, with a playground and parking area in the centre of the lot. There is a small structure located near the north property line to enclose the garbage and recycling bins.

The proposed buildings are each 2 storey, 2 family buildings, with a single garage, dining room, kitchen, laundry room, ½ bath, and living room for each unit on the ground floor. There are 3 bedrooms and bathroom proposed for each unit on the second floor.

The exterior finishes of the building are anticipated to be white stucco, painted trim, and dark coloured asphalt roof shingles.

The conceptual landscape information provided indicates perimeter plantings around the property, and a landscaped median island located at the site entrance. There is space available for a landscaped play area in the centre of the site.

The applicant has provided a conceptual plan of development and staff are satisfied that the property can support a development under the proposed RM3 – Low Density Multiple Housing zone. However, the conceptual plan lacks some areas of detail that will have to be addressed through the formal Development Permit application.

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

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	4,994m ²	900m ²
Site Width (m)	49.4m	30m
Site Coverage (%)	21% buildings only 50% bldgs, & pvmt,	40% buildings 50% bldgs, pvmt, dwys, parking
Total Floor Area (m ²)	2,100m ²	
F.A.R.	0.42	Base FAR = 0.5
Storeys (#)	2 storey	2 ½ storeys max
Setbacks (m)		
- Front	4.5m	4.5m
- Rear	4.5m *	7.5m
- North Side	4.5m	4.5 for 2 ½ storey
- South Side	4.5m	4.5 for 2 ½ storey
Parking Stalls (#)	14 in garages 14 surface stalls	2 per 3 bedroom unit 14 stalls required
Private Open Space	400m ² provided	25.0m ² per unit 350 m ² required

* NOTE: Site plan will have to be revisited to revise the rear yard setback to conform zone requirements of 7.5m, or a Development Variance Permit application made.

3.2 Site Context

The subject property is vacant, and is generally flat, sloping down from Scenic Rd. towards the future Glenmore Bypass location.

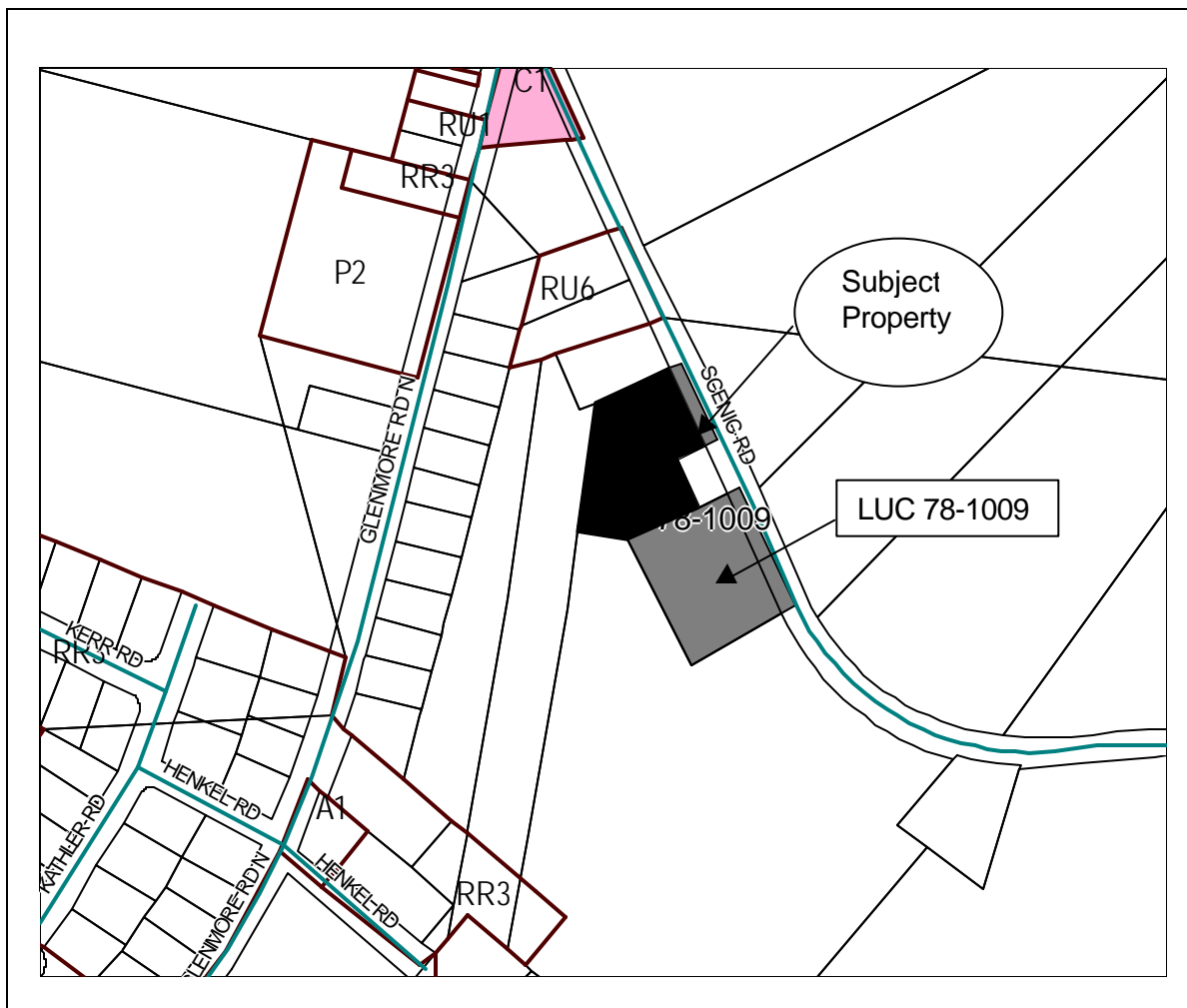
Adjacent zones and uses are, to the:

North - A1 – Agricultural 1 / single family residential uses
 East - A1 – Agricultural 1, / Scenic Road, agricultural uses
 South - A1 – Agricultural 1 / (LUC78-1009) Multi-family residential uses
 West - A1 – Agricultural 1 / Glenmore Bypass, Vacant

3.3 Existing Development Potential

The current Land Use Contract permits the use of the subject property for A1 – Agricultural uses as defined in the City of Kelowna Zoning bylaw 4500. This zone includes; All Agricultural uses (with the exception of hog farms, farms for the purpose of breeding and raising fur bearing animals, poultry farms and feed lots), Mushroom farms (on sites over 2 ha.), Boarding and breeding kennels (on sites over 2 ha.), Commercial nurseries and commercial greenhouses, Riding stables, and Single family residential as principal permitted uses, and Seasonal fruit and vegetable stands, Secondary residential buildings, cottage wineries, The cutting and wrapping of wild game, Child care for a maximum of 8 children, Bed and breakfast accommodation, the keeping of not more than 2 lodgers, Veterinary services - Major, and Farm retail sales as permitted secondary uses.

Property Location Map



3.4 Current Development Policy

3.4.1 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 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.

3.4.2 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 7.3...

“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.”

3.4.3 Glenmore/Clifton/Dilworth Sector Plan

The subject property is located near the northern limit of the Glenmore/Clifton/Dilworth Sector Plan, and is designated for Multiple Family Residential - low density uses.

The Glenmore/Clifton/Dilworth Sector Plan also includes Multiple Unit Residential Development Permit Guidelines;

- Multiple unit residential development is encouraged to be sensitive to and compatible with the massing and rhythm of the established streetscape,

- The number of access points to multiple unit residential development from arterial or collector roads should be minimized,
- Where a site is to contain several buildings, careful attention should be given to the provision of usable open space, trail linkages between buildings, and other potential development enclaves. Walkways and trails shall be indicated on the site plan,
- All waste disposal bins should be completely screened with in an enclosure,
- Recreation or play areas should be provided within each project and should be sensitive to the needs of all age groups likely to reside within the development

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments as part of the original application Z97-1034, and the following relevant comments have been submitted:

4.1 Fire Department

No objection

4.2 Inspection Services Department

A geotechnical report will be required at building permit stage

4.3 Parks Manager

1. All plant material (trees, shrubs, ground covers and seed/sod) used in blvd. To be reviewed by parks division. All materials specified to meet city standard for size and method of installation.

Plant material specifications should be as follows:

deciduous trees caliper size not height
shrubs spread and pot size
coniferous trees by height
coniferous shrubs by spread and pot size

2. Blvd. Frontage along Scenic Rd. to be irrigated and maintained by owner.

4.4 Shaw Cable

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

4.5 Telus

Will provide u/g facilities. Developer to supply & install

4.6 West Kootenay Power

WKP will provide underground electrical service to this proposed development.

4.7 Works and Utilities Department

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

1. Sanitary Sewer

- a) A sewer connection will be installed upon the applicant making application for it and paying appropriate charges. Connection charges will be determined at the time of application for a building permit. The estimated cost submitted on March 23, 1998 is no longer applicable and will have to be amended to reflect current labour and material prices.
- b) The property is not within a sewer service area; therefore, it will be necessary to expand the service boundary to include the property in Sewer Specified Area No 1.
- c) A sanitary sewer main traverses the southeasterly corner of the property and verification is required that a statutory right-of-way has been registered in favour of the City to protect the sanitary sewer facility. The existing service to lot CP-K334 will have to be preserved.

2. Domestic Water and Fire Protection

- a) The property is within the boundaries of the Glenmore-Ellison Improvement District (GEID). The applicant must make application to GEID for the provision of water for domestic and fire protection purposes meeting City bylaw requirements.
- b) Hydrants will be required to the satisfaction of the Fire Department and Development Engineer.
- c) A water meter is mandatory, as is a sewer credit meter to measure all irrigation water. Water meters must be housed in an aboveground, heated, accessible but secure building, either as a part of the main site buildings or in a separate building. Remote reader units are also mandatory on all meters.

3. Drainage.

- a) Provide a detailed storm water management plan as required by the City Storm Water Management Policies and Design Manual for this site including downstream drainage upgrade if required to accommodate a minimum of 10 year storm events within pipes and 100 year storm events over land routes. The plan must also provide lot-grading plans, minimum basement elevations (MBE) and ground water elevations for each lot.
- b) The subject property is located within an area that is limited for detention and disposal of stormwater, according to the "Hydrogeological and Geotechnical assessment for stormwater management and Planning Report". All properties located within non-permeable soils area must have an overflow connection to the municipal drainage system in order to avoid potential flood damage to the downstream properties.

4. Power and Telecommunication Services.

- a) The services to 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 servicing works.

- b) All the aerial trespasses must be removed. The overhead power service to the GEID booster station appears to trespass over the Northeast corner of the subject parcel.

5. Road Improvements.

- a) The Scenic Road frontage should be upgraded to an urban standard which includes the design and construction of monolithic curb, gutter and sidewalk, road widening, piped storm drainage, landscaped boulevard complete with irrigation, street lighting, and the removal or re-location of existing utilities as may be required. The work is estimated to cost \$25,300.00 without escalation. We recommend that the developer make a one-time payment for these improvements. The City would then schedule the work with a future improvement program to realign a portion of Scenic Road to tie-in with the proposed construction of the Glenmore Road by-pass.
- b) The Glenmore Road by-pass frontage must be upgraded to a full urban standard including curb and gutter, separate sidewalk, piped storm drainage system, fillet pavement, landscaped boulevard complete with underground irrigation system, street lights, and adjustment and/or re-location of existing utility appurtenance if required to accommodate this construction. The estimated cost of this work is \$48,900.00 without escalation. We recommend that the developer make a one-time payment for these improvements. The City would then schedule the work with the proposed construction of the Glenmore Road by-pass.

6. Geotechnical Report.

- a) As a requirement of this application and/or prior to subdivision preliminary layout approval (PLA), the applicant shall provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address items as follows:
- b) Area ground water characteristics, including springs and overland surface drainage courses traversing the property.
- c) Site suitability for development.
- d) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- e) Extraordinary requirements for construction of roads, utilities, and building structures.

7. Site Layout.

- a) Proposed Unit No 8 appears to encroach into the 4 m width sanitary sewer right-of-way.
- b) It is recommended that the developer meet with the Transportation Planner to review fencing and building options that may be incorporated into the project design to address sound attenuation.
- c) Where a vehicular access from a collector street is restricted by a locking gate, there shall be provided off the street carriageway sufficient space to turn an SU-9 standard size vehicle around to permit forward return to the street, if the vehicle is not able to

gain access onto the site. Once on the site, an SU-9 and WB-15 vehicle must be able to manoeuvre on site and exit to the street in a forward motion. The need for a turn-around at the entranceway is obviated if the applicant does not install a locking gate. Scenic Road is a collector road and the foregoing would be applicable if a locking gate is to be installed.

- d) A section 219 Covenant must be registered prohibiting vehicular access from the site onto the Glenmore Road By-pass.

8. Design.

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.

9. Bonding and Levy Summary.

Performance Bonding	N/A
Levies	
Scenic Road Improvement	\$25,300.00 (951-10-**-DF---)
Glenmore Rd by-pass Improvement	\$48,900.00 (951-10-**-DR955)
Specified Area #1 inclusion	<u>\$ 250.00</u>
Total Levies	\$74,450.00

The foregoing levies may, at the applicant's option, be covered by the provision of a separate Irrevocable Letter of Credit upon the understanding that the City will convert the Letter of Credit to cash upon final adoption of the Zone Amending Bylaw or approval of the Development Permit.

In the event that the process is not complete within a one-year period, the developer will be required to renew the Letter of Credit at an escalated level in accordance with the change in the CPI index.

If the developer elects to provide for the levies via a Letter of Credit rather than cash, a \$50.00 non-refundable processing fee will be payable to the City upon provision of the Letter of Credit.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The proposed land use is consistent with the OCP designation of Multiple Family Residential – low density, which supports row housing and semi-detached forms of development. The proposed semi-detached dwelling units each contain 1 attached, enclosed garage unit. The layouts of the proposed dwelling units each contain 3 bedrooms and 1 ½ bathrooms, making these units attractive to families, which may have small children.

The proposed buildings appear to be reasonably well designed units, suitable for family accommodation. However, the site plan requires some further work to address the necessary buffering required adjacent to the neighbouring uses, and to buffer the

development from the future Glenmore Bypass route. The site plan also requires review in order to amend the rear yard setback adjacent to the future Glenmore Bypass to bring the setback into conformance with the rear yard setback requirements of the RM3 zone.

The site plan and associated concept plans will have to be revised to address the above noted concerns prior to City Council's consideration of the Development Permit application. However, the Planning and Development Services Department is of the opinion that the conceptual drawings do indicate that the site will support a RM3 Low Density Multiple Housing form of development.

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

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

PMc/pmc
Attach.

FACT SHEET

- | | |
|--|---|
| 1. APPLICATION NO.: | Z00-1013 |
| 2. APPLICATION TYPE: | Rezoning |
| 3. OWNER: | Vince & Giovannia Magaldi |
| . ADDRESS | 374 Glenmore Rd. N |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 7P9 |
| 4. APPLICANT/CONTACT PERSON: | Vince Magaldi |
| . ADDRESS | 374 Glenmore Rd. N |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 7P9 |
| . TELEPHONE/FAX NO.: | 762-0640 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | August 25, 1997 |
| Date Application Complete: | September 3, 1997 |
| Servicing Agreement Forwarded to Applicant: | June 15, 2001 |
| Servicing Agreement Concluded: | June 27, 2001 |
| Staff Report to Council: | July 25, 2001 |
| 6. LEGAL DESCRIPTION: | Lot A, Sec. 4 & 9, Twp 23, O.D.Y.D.,
Plan KAP61644 |
| 7. SITE LOCATION: | West side of Scenic Road, south of
Glenmore Road N. |
| 8. CIVIC ADDRESS: | 2131 Scenic Road |
| 9. AREA OF SUBJECT PROPERTY: | 4,994 m ² |
| 10. AREA OF PROPOSED REZONING: | 4,994 m ² |
| 11. EXISTING ZONE CATEGORY: | A1 – Agricultural 1 (LUC78-1009) |
| 12. PROPOSED ZONE: | RM3 – Low Density Multiple Housing |
| 13. PURPOSE OF THE APPLICATION: | To rezone the subject property to the
RM3 – Density Multiple Housing zone
to permit the construction of 14 semi –
detached dwelling units within 7
buildings in a multiple family form. |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | N/A |

**15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS**

General Multi-Family; notify GIS of
addition

Attachments

Subject Property Map
Schedule A, B & C (pages)
3 pages of site elevations / diagrams