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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** September 4, 2002  
**File No.:** OCP02-0008 / Z02-1031

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

APPLICATION NO. OCP02-0008 / OWNER: H. BENSON ELECTRIC LTD  
Z02-1031

AT: 1229 & 1239 KLO ROAD APPLICANT: PATRICK McCUSKER

PURPOSE: TO CHANGE THE FUTURE LAND USE DESIGNATION FROM LOW  
DENSITY MULTIPLE UNIT RESIDENTIAL TO LOW DENSITY  
TRANSITION MULTIPLE UNIT RESIDENTIAL

TO REZONE THE SUBJECT PROPERTY FROM THE A1 – LARGE LOT  
HOUSING TO THE RM4 – TRANSITIONAL LOW DENSITY HOUSING  
ZONE

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: RM4 – TRANSITIONAL LOW DENSITY HOUSING

REPORT PREPARED BY: KIRSTEN G. BEHLER

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**1.0 RECOMMENDATION**

THAT OCP Application No. OCP02-0008 to amend City of Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 by changing the Generalized Future Land Use Map 19.1 designation of Lots 2 & 3, D.L. 131, ODYD, Plan 17528 except Plan H17514 located on KLO Road, Kelowna, B.C. from Multiple Unit Residential (Low Density) to Multiple Unit Residential (Low Density-Transitional) be considered by Council;

AND THAT Rezoning Application No. Z02-1031 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 2 & 3, D.L. 131, ODYD, Plan 17528 except Plan H17514, located on KLO Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the RM4 – Transitional Low Density Housing zone be considered by Council;

AND THAT the Official Community Plan and zone amending bylaws be forwarded to a Public Hearing for further consideration;

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

## 2.0 SUMMARY

The applicant proposes to construct a 33-unit condominium building on KLO Road. The 3 ½ storey building would include twenty four two-bedroom units and nine one-bedroom units. The proposed development requires an OCP amendment for the Future Land Use Designation from Low Density Multiple Unit Residential to Low Density Transitional Multiple Unit Residential, as well as a zone amendment to RM4 – Transitional Low Density Housing. Furthermore, applications have been made for a Development Permit and a Development Variance Permit to be considered by Council in conjunction with final adoption of the rezoning and OCP text amendment bylaws. The variance requested is to increase the height of the building from three storeys permitted to 3 ½ storeys proposed.

## 3.0 ADVISORY PLANNING COMMISSION

The Advisory Planning Commission has reviewed the applications at their meeting of August 6, 2002 and passed the following resolutions:

THAT the Advisory Planning Commission supports OCP amendment OCP02-0008 and Rezoning Application No. Z02-1031, 1229/1239 KLO Road, Lots 2 & 3, Plan 17528, Sec. 18, Twp. 26, ODYD, by Patrick McCusker, to amend the future land use designation from Low Density Multiple Unit Residential to Low Density Transition Multiple Unit Residential and to rezone from the A1 – Agriculture 1 zone to the RM4 – Transitional Low Density Housing zone in order to permit the construction of a multiple unit condominium building;

THAT the Advisory Planning Commission supports Development Permit Application No. DP02-0064, 1229/1239 KLO Road, Lots 2 & 3, Plan 17528, Sec. 18, Twp. 26, ODYD, by Patrick McCusker, to obtain a Development Permit for the form and character of a 33 unit condominium building subject to an entrance feature being incorporated on the subject property at the access to KLO Road;

AND FURTHER THAT the Advisory Planning Commission supports Development Variance Application DVP02-0065, 1229/1239 KLO Road, Lots 2 & 3, Plan 17528, Sec. 18, Twp. 26, ODYD, by Patrick McCusker, to vary the height of the proposed condominium building from three storeys permitted to 3 ½ storeys requested.

## 4.0 BACKGROUND

### 4.1 The Proposal

The applicant is proposing the development of a 33 unit condominium building on the south side of KLO Road, east of Gordon Drive. The proposed development triggers an amendment of the Official Community Plan to change the future land use designation from Low Density Multiple Unit Residential to Low Density Transitional Multiple Unit Residential. The Official Community Plan lists a number of criteria that should be considered to support higher densities. The application meets most of them, except for the provision of affordable special needs or rental housing. In addition to the OCP amendment, the applicant is requesting a rezoning to rezone the subject property from A1 – Agriculture 1 to RM4 – Transitional Low Density Housing.

The building would be oriented sideways on the site, the main entrance facing the east side. The main floor consists of the lobby and mail area, as well as eight two-bedroom and three one-bedroom units. The same number of units is located on the second and third floor respectively, with an additional amenity area on each floor. The basement contains 37 parking stalls, bike lockers and a bicycle storage room, as well as 36 storage lockers. The remainder of the site will be mainly taken up by 15 surface parking stalls, drive aisles and landscape buffers. Open space requirements are met through the provision of individual decks and open space in front of the building.

The applications include a variance application to be permitted to increase the height of the building from three storeys permitted by bylaw to 3 ½ storeys. The variance, as well as the form and character of the proposed development, will be discussed in more detail in a report to be submitted to Council concurrently with adoption of the OCP and zone amending bylaws.

The application meets the requirements of the RM4 – Transitional Low Density Housing zone as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	3798m <sup>2</sup>	900m <sup>2</sup>
Lot Width	45.8m	30.0m
Lot Depth	82.8m	30.0m
F.A.R.	0.0801	0.65 plus 0.154 for underground parking: 0.804
Site coverage	33.4% 59.6%	50% 60% with buildings, driveways and parking
Height (# of storeys/m)	13.0m / 3 ½ storeys ❶	13.0m or 3 storeys
Setbacks (m)		
- Front	6.0m	6.0m
- Rear	11m	9.0m
- West Side	4.5m	4.5m
- East Side	18m	4.5m
Private Open Space	750m <sup>2</sup>	15.0m <sup>2</sup> per 1-bdrm unit 25.0m <sup>2</sup> per 2-bdrm unit Total: 735m <sup>2</sup>
Bicycle Parking	14 bike lockers, bike room for appr. 3 bicycles, bike rack outside	Class I: 0.5 per dwelling unit: 16.5 Class II: 0.1 per dwelling unit: 3.3
Parking Stalls (#)	52	1.25 per 1-bdrm unit: 11.25 1.5 per 2-bdrm unit: 36 Total: 48

Notes:

- ❶ The applicant has requested a variance to increase the maximum height from 3 storeys permitted to 3 ½ storeys requested.

#### 4.2 Site Context

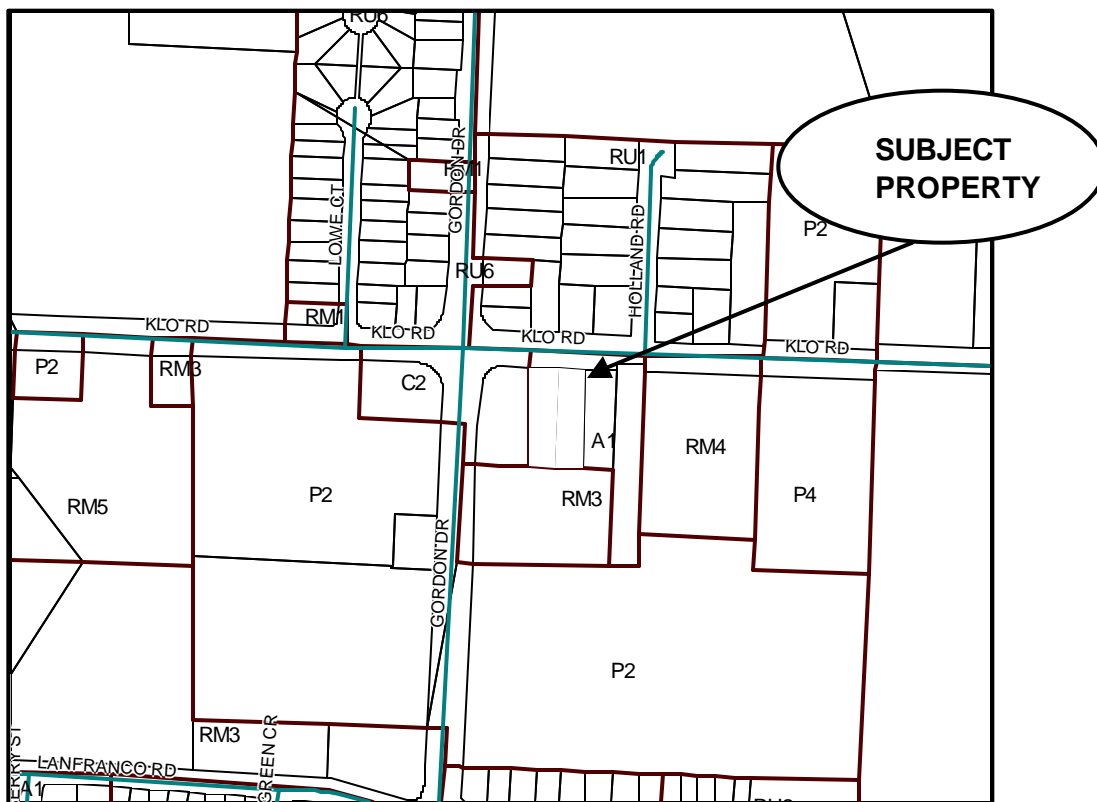
The subject site is located in the South Pandosy/KLO Sector. The two lots are on the south side of KLO Road, east of Gordon Drive. The area has a multitude of residential, commercial and institutional zones, with neighbourhood commercial uses on the corner of KLO Road and Gordon Drive, other multiple unit residential developments on Gordon Drive and KLO Road,

single-detached housing north of KLO Road, as well as a school on KLO Road. The office of the Central Okanagan Regional District and the City of Kelowna Parks Department are located to the east of the subject properties on KLO Road.

Adjacent zones and uses are to the:

- North - RU1 – Large Lot Housing – Single-detached housing
- East - A1 – Agriculture 1 – Single detached unit
- South - RM3 – Low Density Multiple Housing - Townhomes
- West - C2 – Neighbourhood Commercial

#### Site Map



#### 4.3 Existing Development Potential

The property is zoned A1, a zone intended for rural areas and agricultural uses, as well as other complementary uses suitable in an agricultural setting.

#### 4.4 Current Development Policy

##### 4.4.1 Kelowna Official Community Plan

The Official Community Plan designates the future land use of this site as Low Density Multiple Unit Residential. The proposed medium density multiple unit residential use is not entirely consistent with the direction of the OCP. However, Section 8.4.30 of the OCP states that the City will consider an OCP amendment

and rezoning application for residential densities greater than those provided for on the Future Land Use Map 19.1. Provided that the developer is prepared to upgrade the necessary infrastructure, it can be argued that the subject application meets most of the criteria, which allow for this consideration. The one criteria (the policy requires that all criteria be met) which the applicant does not meet is that a portion of the proposed units have not been identified as being available for affordable, special needs or rental housing. The applicant is therefore encouraged to consider the provision of some affordable and/or rental units, or incorporate some special needs housing component into the development.

The Development Permit Guidelines address the relationship of proposed development to the street. One of the items addressed is that the front entrance should be clearly identified. The proposed development is oriented sideways to KLO Road and the main entrance is not visible from the street. The applicant is encouraged to address this item at the development permit stage.

#### 4.4.2 Strategic Plan

The Strategic Plan includes the objective to develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas.

#### 4.4.3 South Pandosy/KLO Sector Plan

The sector plan encourages multiple unit development to concentrate around the Pandosy Urban Town Centre. The proposed development is directly adjacent to the town centre and abutting and in close proximity to other multiple unit developments, although these have slightly lower densities. The South Pandosy/KLO Sector Plan limits height of residential development to three storeys above structured parking. Despite the variance to 3 ½ storeys, the proposed development would only have three storeys of residential units.

### 5.0 TECHNICAL COMMENTS

The applications were circulated to several departments and agencies, and the following comments have been received:

#### 5.1 WORKS & UTILITIES

The Works & Utilities Department comments and requirements regarding this application to rezone the subject property from A1 (Agricultural 1) to RM4 (Transitional Low Density Housing) are as follows:

##### 1. Subdivision

- a) Provide easements as may be required.
- b) Consolidate the parcels.

##### 2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics

and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays,

3. Domestic water and fire protection.

This development is within the City of Kelowna water service area. A new water service adequately sized for the proposed development and the decommission of the existing services might be required. All the charges for service connection, and upgrading costs are to be paid directly to the City at the time of the application for a new connection.

A watermeter is mandatory as well as a sewer credit meter to measure all the irrigation water. Watermeters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

4. Sanitary Sewer.

The subject property currently serviced by the municipal sanitary sewer collection system. A new sanitary sewer service adequately sized for the proposed development might be required. All the charges for service connection and upgrading costs are to be paid directly to the City at the time of the request for a new connection.

5. Drainage.

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.

6. 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.

7. Road improvements.

a) KLO Road

The applicant is responsible to upgrade KLO Road to an arterial standard. The construction consists of a separate sidewalk, curb and Gutter, storm drain extension, removal and/or relocation of utilities as may be required. The estimated cost for this work is \$35,800.00 inclusive of a bonding escalation.

8. Access.

KLO Road is classified as an arterial road and ultimately driveways accesses will be restricted to right-in and right-out only by the erection of a median along the center of KLO Road at some point in the future.

Works and Utilities recommends that the on-site parking layout for the proposed development includes provision for a potential connection, at the south east corner of the proposed development, to the existing private lane that is located opposite to Holland

Road. Cross-access agreements will be obtained at the time of the redevelopment of the remaining parcels between the lane and the subject property.

9. Street lights.

Streetlights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

10. 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.

11. DCC Credits.

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

12. Bonding and Levies Summary.

a) Performance Bonding

KLO Road frontage upgrading	<u>\$35,800.00</u>
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b) Levies	At the time of building permit and services permit application
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Additional comments for DP02-0064:

1. KLO Road is classified as an arterial road and ultimately driveways accesses will be restricted to right-in and right-out only by the erection of a median along the center of KLO Road at some point in the future.

The on-site circulation appears acceptable, however, Works and Utilities recommends that the on-site parking layout for the proposed development includes provision for a potential connection, at the south east corner of the proposed development, to the existing private lane that is located opposite to Holland Road. Cross-access agreements will be obtained at the time of the redevelopment of the remaining parcels between the lane and the subject property.

2. 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.

## 5.2 INSPECTION SERVICES DEPARTMENT

This is a 4 storey sprinklered building facing 2 streets from a code point of view. (see Article 3.2.2.45). This is a 3.5 storey building with respect the zoning bylaw. A fire hydrant shall be located 90 m from the main entrance and shall be 45 m from the fire department connection. The area between the building and the driveway marked P.O.S may needed to be widened for fire fighting purposes. Check with the fire prevention officers.

### 5.3 FIRE DEPARTMENT

Engineered fire flows will be required. Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Hydrant required within 45m of the fire department connection, if building is sprinkled.

### 5.4 BC GAS

A main extension may be required to serve this development. Abandonment of existing services is required prior to any demolition on site. Service application is required 8-10 weeks before install needed to meet construction schedules.

### 5.5 PARKS MANAGER

1. All entry feature signs for the proposed development to be located on private property and not on city Blvd. This includes any landscape treatment.

Landscape Plan Requirements:

2. The following applies for all boulevard (BLVD) landscape on city ROW and is standard information required on a landscape plan:
  - A. Planting plan to include a plant materials list:

i) Latin name	iv) plant symbol key
ii) common name	v) indicate existing trees
iii) size at planting	vi) indicate existing trees to be removed
  - B. Minimum plant material specifications for blvds. as follows:
    - i) Deciduous Tree – caliper @300mm above rootball (min. 60mm)
    - ii) Deciduous Shrub - spread (min. 450mm)
    - iii) Coniferous Tree - height (min. 2.5m)
    - iv) Coniferous Shrub - spread (min. 450mm)
    - v) Seed/Sod Mix according to location and proposed activity use.
  - C. Shrub beds require plastic edge beside all areas abutting a city sidewalk or city land to prevent migration of mulch.
  - D. Scale of plan and north arrow clearly indicated on plan.
  - E. Planting plan to include all u/g utility locations in BLVD.
3. 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.
4. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
5. BLVD tree maintenance is responsibility of Parks Division.
6. Planting plan to include all u/g utility locations in BLVD.

### 5.6 SHAW CABLE



Owner/contractor to supply & install conduit system as per Shaw Cable drawings and specifications.

#### 5.7 TELUS

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

#### 5.8 AQUILA NETWORKS CANADA

ANC will provide underground electrical service.

#### 6.0 PLANNING COMMENTS

The Planning and Development Services Department notes that the requested zone permits higher densities than those permitted under the current OCP future land use designation. However, the subject properties are located adjacent to commercial land uses and in close proximity to other multiple unit residential development of slightly lower densities. The applicant is encouraged to consider an affordable, rental or special needs housing component to meet all OCP criteria for residential densities greater than those provided for under the current land use designation.

Certain changes to the form and character of the proposed development are suggested by this department, such as the enhancement of the main entrance in order to create its visibility from KLO Road, for example through the use of a porte-cochère. These items should be addressed as part of the Development Permit application, to be considered by Council concurrently with the variance and final adoption of the OCP and zone amending bylaws.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

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

KGB  
Attach.

### **FACT SHEET**

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| 1. APPLICATION NO.:  | OCP02-0008 / Z02-1031 / DP02-0064 / DVP02-0065   |
| 2. APPLICATION TYPE:   | OCP amendment, rezoning, Development Permit, Development Variance Permit                                       |
| 3. OWNER:  | H. Benson Electric Ltd., Inc. No. 347936   |
| . ADDRESS  | #212 – 1626 Richter Street   |
| . CITY   | Kelowna, BC  |
| . POSTAL CODE  | V1Y 2M3  |
| 4. APPLICANT/CONTACT PERSON:                                   | Patrick McCusker   |
| . ADDRESS  | 1450 Pandosy Street  |
| . CITY   | Kelowna, BC  |
| . POSTAL CODE  | V1Y 1P3  |
| . TELEPHONE/FAX NO.:   | 860-8185 / 860-0985  |
| 5. APPLICATION PROGRESS:                                       |  |
| Date of Application:   | July 11, 2002  |
| Date Application Complete:                                     |  |
| Servicing Agreement Forwarded to Applicant:                    |  |
| Servicing Agreement Concluded:                                 |  |
| Staff Report to APC:   | July 29, 2002  |
| Staff Report to Council:                                       | September 4, 2002  |
| 6. LEGAL DESCRIPTION:  | Lot 2, D.L. 131, ODYD, Plan 17528  |
| 7. SITE LOCATION:  | South Pandosy / KLO Sector, on the south side of KLO Road, east of Gordon Drive                                |
| 8. CIVIC ADDRESS:  | 1229 & 1239 KLO Road   |
| 9. AREA OF SUBJECT PROPERTY:                                   | 3798m"   |
| 10. EXISTING ZONE CATEGORY:                                    | A1 – Agriculture 1   |
| 11. TYPE OF DEVELOPMENT PERMIT AREA:                           | Multiple Unit Development Permit   |
| 13. PURPOSE OF THE APPLICATION:                                | To develop a 33-unit condominium building; to vary the height from 3 storeys permitted to 3 ½ storeys proposed |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:                         | N/A  |
| NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY |  |
| 15. DEVELOPMENT PERMIT MAP 6.2 IMPLICATIONS                    |  |
| General Multiple Unit DP                                       | Mandatory DP   |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plan
- Elevations
- Floor plans
- Sample finishing materials
- Landscape plan