
CITY OF KELOWNA

MEMORANDUM

Date: October 30, 2002
File No.: Z02-1038/OCP02-0011
To: City Manager
From: Planning and Development Services Department
Subject:

APPLICATION NO. Z02-1038/ OCP02-0011 OWNER: Salem's Developments Ltd.,
Abougoush, T., Abougoush Holdings Ltd.
AT: 1075/1095 Highway 33 APPLICANT: MKS Resources Inc.
145/165/175 Gerstmar Rd.

PURPOSE: TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND
USE DESIGNATION OF MULTIPLE UNIT RESIDENTIAL-LOW
DENSITY TO MULTIPLE UNIT RESIDENTIAL-LOW DENSITY
TRANSITIONAL;

TO REZONE THE SUBJECT PROPERTIES FROM THE
EXISTING RU1 – LARGE LOT HOUSING TO THE RM4 –
TRANSITIONAL LOW DENSITY HOUSING ZONE;

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RM4 – TRANSITIONAL LOW DENSITY HOUSING

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT OCP Application No. OCP02-0011 to amend City of Kelowna Official Community Plan (1994-2013) Bylaw No. 7600 by changing the Generalized Future Land Use Map 15.1 designation of Lots 3, 4 & 5, Sec. 22, Twp. 26, Plan 3401; Lot A, Secs. 22 & 27, Twp. 26, Plan 11038 and Lot 3, Secs. 22 & 27, Twp. 26, Plan 2082, ODYD, Kelowna, B.C. from Residential-Low Density to Multiple Unit Residential (Low Density-Transitional) be considered by Council;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of 145/165/175 Gerstmar Road, Lots 3, 4 & 5, Plan 3401, Sec. 22, Twp. 26; and 1075/1095 Highway 33 West, Lot A, Plan 11038 and Lot 3, Plan 2082, Secs. 22 & 27, Twp. 26, ODYD, Kelowna, BC, from an RU1 – Large Lot Housing zone to an RM4 – Medium Density Multiple Housing zone;

AND THAT OCP Bylaw Text Amendment No. OCP02-0011 and the zone amending bylaw be forwarded to a Public Hearing for further consideration;

2.0 SUMMARY

The applicant seeks to amend the Official Community Plan future land use designation of Multiple Unit Residential – Low Density to Multiple Unit Residential – Low Density Transitional. Furthermore the applicant would like to rezone the subject properties from RU1 – Large Lot Housing to RM4 – Transitional Low Density Housing for a proposed 89 unit strata apartment building. The applicant is also seeking to vary the maximum allowable building height and minimum allowable accessory setback for the proposed development in DVP02-0084/DP02-0083.

3.0 ADVISORY PLANNING COMMISSION

The proposal was reviewed by the Advisory Planning Commission at their October 15th, 2002 meeting and it was resolved that:

That the Advisory Planning Commission supports Official Community Plan Amendment No. OCP02-0011 and Rezoning Application No. Z02-1038, 145/165/175 Gerstmar Road, Lots 3,4 & 5, Plan 3401, Sec. 22, Twp. 26, and 1075/1095 Hwy 33 W, Lot A, Plan 11038 and Lot 3, Plan 2082, Secs. 22 & 27, Twp. 26, ODYD, MKS Resources Inc. to change the Future Land Use Designation of the Official Community Plan from Multiple Unit Residential-Low Density to Multiple Unit Residential-Low Density Transitional and to rezone from the RU1-Large Lot Housing zone to the RM4-Transitional Low Density zone to allow for the development of an 89 unit strata apartment building;

AND THAT the Advisory Planning Commission supports Development Permit Application No. DP02-0083, 145/165/175 Gerstmar Road, Lots 3,4 & 5, Plan 3401, Sec. 22, Twp. 26, and 1075/1095 Hwy 33 W, Lot A, Plan 11038 and Lot 3, Plan 2082, Secs. 22 & 27, Twp. 26, ODYD, MKS Resources Inc. to allow for the development of a proposed 89 unit strata apartment building;

AND ALSO THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP02-0084, 145/165/175 Gerstmar Road, Lots 3,4 & 5, Plan 3401, Sec. 22, Twp. 26, and 1075/1095 Hwy 33 W, Lot A, Plan 11038 and Lot 3, Plan 2082, Secs. 22 & 27, Twp. 26, ODYD, MKS Resources Inc. to seek a development variance permit to vary the maximum building height from the 3 storeys permitted to the 4.5 storeys proposed and to vary the accessory building setback requirement to 0.0 m.

**Note:* Please note that the Advisory Planning Commission had concerns with the parking adjacent to Highway 33 relative to the streetscape and encourages the applicant to use landscaping and screening to help lessen the impact. It was also suggested that the areas shown as sloped but flat roofs should be fully peaked and that the massing should be broken up with a greater variety of building materials, rather than reliance on the two colors of siding.

4.0 BACKGROUND

4.1 The Proposal

The applicant is proposing an OCP amendment and rezoning for the five subject properties on the corner of Gerstmar Road and Highway 33. The Official Community Plan designates the area as Multiple Unit Residential – Low Density. The applicant is proposing an amendment to the OCP future land use designation from Multiple Unit Residential –Low Density to Multiple Unit Residential – Low Density Transitional. The Multiple Unit Low Density Transitional designation is intended to provide a transition between high intensity commercial or medium density multiple unit residential and lower density multiple or single / two unit designations.

The existing zoning of the five subject properties is RU1 – Large Lot Housing. The applicant would like to rezone the lots to RM4 – Transitional Low Density Housing for a proposed 89 Unit Strata Apartment Building. The apartment building will include 3-One Bedroom Units, 77-Two Bedroom Units, and 9-Three Bedroom Units. The applicant plans to introduce all units as affordable rental units. The applicant is also seeking to vary the maximum height of the building from 3 storeys to 4.5 storeys proposed and the accessory setback from 1.0m required to a proposed 0.052m.

The application meets the requirements of the RM4 zone as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Lot Area (m ²)	12, 447m ²	900m ²
Lot Width (m)	112.0m	N/A
Lot Depth (m)	145.0m	N/A
Building Site Coverage (%)	37.3%	50%
Total Site Coverage (%)	58.4%	60%
Total Floor Area (m ²)	15012.5m ²	N/A
Total Floor Area Ratio (FAR)	0.69	0.78 (max)
Parking Spaces	145 Spaces	138 Spaces (min)
Storeys (#)❶	4.5	3
Height (m)	13.0m	13.0m
Setbacks (m)		
- Front	6.036m	6.0m (min)
- Rear	9.69m	7.5m (min)
- North Side ❷ (Service Station- Accessory Setback)	0.0m	2.3m (min)
- North Side (Hwy. 33)	25.744m	4.5m (min)
- South Side	6.552m	2.3m (min)
Useable Private Open Space	4777.8m ²	1402.5m ² (min)

❶ Note: Applicant has requested to vary the maximum building height from 3 to 4.5 storeys in Development Variance Permit 02-0084.

❷ Note: Applicant is proposing to vary the accessory setback from the 1.0m required to 0.052m proposed in DVP02-0084.

4.2 Site Context

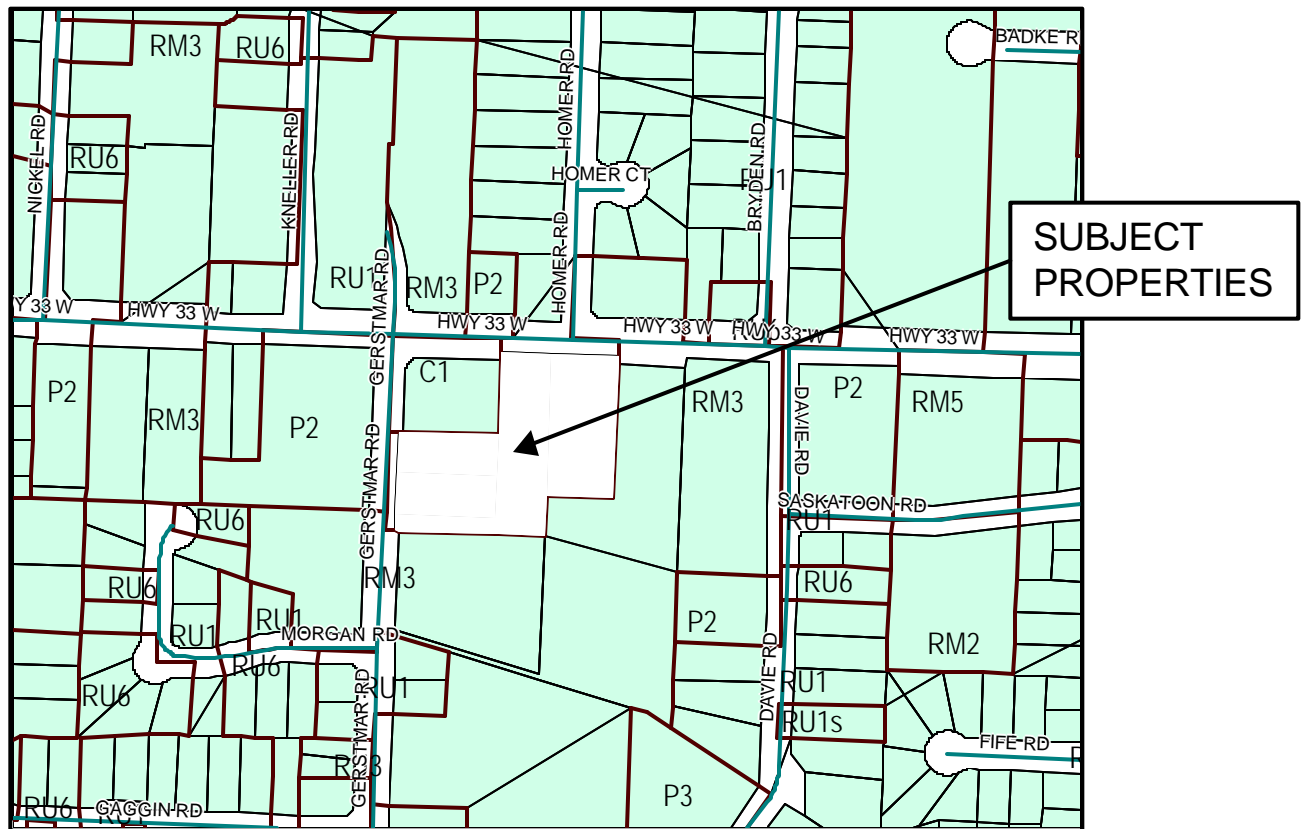
The subject properties are included in the Rutland Sector Plan and surround the service station that occupies the southwest corner of Highway 33 and Gerstmar Road.

Adjacent zones and uses are:

North - P2- Education and Minor Institutional/RM3- Low Density Multiple Housing
 East - RM3- Low Density Multiple Housing
 South - RM3- Low Density Multiple Housing
 West - P2- Education and Minor Institutional – Church
 Northwest -C1- Local Commercial – Service Station

4.3 Site Location Map

Subject Properties: 145/165/175 Gerstmar Road and 1075/1095 Highway 33.



4.4 Existing Development Potential

The subject properties are currently zoned RU1 – Large Lot Housing. The purpose of this zone is to provide for single detached housing and compatible secondary uses, on larger serviced urban lots.

4.5 Current Development Policy

4.5.1 Kelowna Official Community Plan

The subject properties are designated multi-family low-density in the Kelowna Official Community Plan future land-use designation. The OCP also amends and rezonings to higher densities greater than those provided for on the general land-use map in cases where:

- A portion of the units are available for affordable, special needs or rental housing, guaranteed through a housing agreement;

- Supporting infrastructure is sufficient to accommodate the proposed development;
- Proposed densities do not exceed the densities provided for on map 19.1 by more than one increment;
- Provided the project can be sensitively integrated into the surrounding neighbourhood;
- Contributes to the City's goal of over the 1994-2013 timeframe of having 67% of new residential units to be in the form of apartments, townhouses and multi-unit dwellings;
- Support a land use approach where residential densities increase as proximity to the core of Urban Centres increases, as shown on future land use map 19.1.

4.5.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and redevelopment within existing urban areas and to provide for increased densities within future urban areas. Also redeveloping transitional area to increase densities for more efficient use of existing land. Also recommended is that the City will emphasize a density of development higher than presently occurring to allow for more efficient use of the land.

4.5.3 Rutland Sector Plan (1997)

The Rutland Sector Plan acknowledges that given the general lack of vacant land for development in the Rutland area, new housing will be primarily redevelopment to higher densities. As these densities require sanitary sewer, development will occur within close proximity to the Rutland Town Centre or along existing sanitary sewer corridors.

5.0 TECHNICAL COMMENTS

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

5.1 Works and Utilities

5.1.1 Subdivision

- a) Consolidate the lots.
- b) Highway 33 to be established 15m. from existing mean centreline by survey plan registered in the Land Title Office.
- c) Gerstmar Road to be established 10.0m from existing mean centreline by legal survey plan in the Land Title Office.
- d) 6.0m *6.0m corner cut-off to be established at the intersection of Hwy. 33 and Taylor Road by legal plan registered in the Land Title Office.
- e) Provide easements as may be required.

5.1.2 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 analyze 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 and the presence or absence of clays.

5.1.3 Domestic water and fire protection.

This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection, and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.

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.

5.1.4 Sanitary Sewer.

A new sanitary service, sized and conveniently located to accommodate the proposed development will be required. All the existing 100 mm. dia. services must permanently be disconnected. The cost of disconnecting the old services and installing a new service will be determined when an application for the new service is received by the City Inspection Services Department.

5.1.5 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. The drainage study should indicate the size and location of the detention pond(s) and provide for a positive outflow to the existing municipal storm drainage system. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

5.1.6 Power and Telecommunication Services.

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 works.

5.1.7 Road improvements.

a) Hwy.33

The applicant is responsible for the removal of the existing drop curbs on Hwy. 33 and the construction non-mountable curb and gutter to MOTHS standard. The existing portion of the sidewalk constructed adjacent to the curb must be removed and relocated by the property line at the same alignment as the existing separate sidewalk. The boulevard must be constructed with interlocking bricks and irrigated trees set in concrete barrels. The location of the trees and species are to be approved by the City of Kelowna Parks Department. The estimated cost of this work, for bonding purpose would be \$18,000.00, inclusive of a bonding contingency.

5.2 Ministry of Transportation

The Ministry has no objection to the proposed rezoning, development permit or development variance permit in principle however, given increasing traffic volumes on Highway #33 we are not prepared to support direct access. Good alternate access to the development exists via Gertsmar Road and therefore we require the site to be redesigned to show all access via Gertsmar Road.

In addition, prior to formal approval of the bylaw, we will require the following items to be addressed:

- Highway 33 to be established 15m from existing mean centreline by legal survey plan.
- Existing drop curbs on Highway 33 within the frontage of the property be removed and replaced with Ministry standard non-mountable curb, to the satisfaction of both the Ministry and the City of Kelowna.

5.2 Rutland Waterworks District

The fire flow requirements calculated using the Fire Underwriters Survey guidelines are quite large and upgrading of the distribution system is required. The proposed building has three fire walls but no internal sprinkler system and requires a fire flow of 365 lbs (4800lpm) for a duration of 5.0 hours, as shown on the attached calculation sheet. Three hydrants are required to supply this flow and the use of the Black Mountain Irrigation District water system is a must. One hydrant on the BMID system is required to provide a flow of approximately 1500lpm. The remaining flow of approximately 3300 lpm must be provided by the Rutland Waterworks District System. In addition, these hydrants must be located a maximum distance of 90m from the principle entrance to the building. The upgrading required involves replacing the 200mm watermain along Gertsmar Road from Highway 33 to Gaggin Road with a 250mm watermain. Also, a hydrant should also be installed on the RWWD water system, along Highway 33 to the north of the property to meet the 90m maximum distance criteria.

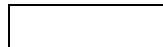
The District can approve this development subject to the above noted improvements being completed.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department feels that a case can be made to amend the Official Community Plan future land use designation of Multiple Unit Residential – Low Density to Multiple Unit Residential – Low Density Transitional and furthermore to rezone the subject properties from RU1 – Large Lot Housing/RM3 – Low Density Multiple Housing to RM4 – Transitional Low Density Housing. It is felt that the commercial use that lies adjacent to the subject property provides an opportunity for a transitional style development, should the form and character of the proposal display appropriate transitional elements. Staff is continuing to work with the applicant on design drawings and will present those under separate report for the Development Permit and Development Variance Permit to be considered by Council concurrently with final adoption of the Zoning and OCP Bylaw.

It is also noted that the applicant held an information meeting for residents of the neighbourhood and met with the Rutland Residents Association to gain support for the project. The applicant reports that there has been no significant opposition to the proposed development.

Andrew Bruce
Current Planning Manager



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

RWS
Attach.

FACT SHEET

1. **APPLICATION NO.:** Z02-1038
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** Salem's Developments Ltd.
Abougoush, T
Abougoush Holdings Ltd.
1155 Highway 33 W
Kelowna, BC
V1X 1Y9
 - . **ADDRESS**
 - . **CITY**
 - . **POSTAL CODE**
4. **APPLICANT/CONTACT PERSON:** MKS Resources
 - . **ADDRESS** 546 Bernard Avenue
 - . **CITY** Kelowna, BC
 - . **POSTAL CODE** V1Y 6P1
 - . **TELEPHONE/FAX NO.:** 861-3413
5. **APPLICATION PROGRESS:**
 - Date of Application:** Aug.29, 2002
 - Date Application Complete:** Sept.3, 2002
 - Servicing Agreement Forwarded to Applicant:** N/A
 - Servicing Agreement Concluded:** N/A
 - Staff Report to Council:**
6. **LEGAL DESCRIPTION:** Lots A,3,3,4,5; Section 22; TWP 26; ODYD; Plans 11038,2082,3401 (except plan 39705)
7. **SITE LOCATION:** HWY 33 and Gerstmar Rd.
8. **CIVIC ADDRESS:** 1075/1095 Highway 33
145/165/175 Gerstmar Rd.
9. **AREA OF SUBJECT PROPERTY:** 12, 447m²
10. **AREA OF PROPOSED REZONING:** 12, 447m²
11. **EXISTING ZONE CATEGORY:** RU1 – LARGE LOT HOUSING/
RM3 – LOW DENSITY MULTIPLE HOUSING
12. **PROPOSED ZONE:** RM4 – TRANSITIONAL LOW DENSITY HOUSING
13. **PURPOSE OF THE APPLICATION:** -OCP AMENDMENT
-REZONE FROM RM3 TO RM4
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:**
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** N/A

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Landscaping plan