
CITY OF KELOWNA

MEMORANDUM

Date: July 3, 2003
File No.: DP00-10, 067, DVP03-0049
To: City Manager
From: Planning and Corporate Services Department
Subject:

APPLICATION NO. DP00-10,067/DVP03-0049
AT: 1939-1945 RICHTER AVE
OWNER: Rose Enterprises Ltd.
APPLICANT: Rose Enterprises (Doug Clark)

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT IN ORDER TO ALLOW THE CONSTRUCTION OF 6 UNITS OF TWO STOREY ROW HOUSING

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A LOT COVERAGE INCLUDING BUILDINGS, DRIVEWAY, AND PARKING AREAS OF 75.62% WHERE ONLY 60% IS PERMITTED.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A FRONT YARD SETBACK OF 4.30M AT THE SOUTHWEST CORNER OF THE BUILDING WHERE 4.5M IS REQUIRED.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW ASIDE YARD SETBACK OF 1.14 M WHERE 1.5 M IS REQUIRED FOR OFF-STREET PARKING.

EXISTING ZONE: RM4 – TRANSITIONAL LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP00-10,067 for Lots 1 & 2, DL 138, ODYD, Plan 3366 located on Richter Street, Kelowna, B.C. 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 "A";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";

4. 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 Council authorize the issuance of Development Variance Permit No. DVP03-0049; Lots 1 & 2, DL 138, ODYD, Plan 3366 located on Richter Street, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.10.5 (b) – Transitional Low Density Housing

A variance to allow a site coverage of 75.62% including building, driveway, and parking areas where only 60% is permitted.

Section 13.10.5 (d) – Transitional Low Density Housing

A variance to allow a front yard setback of 4.30 metres where 4.50 metres is required.

Section 13.10.5 (e) – Transitional Low Density Housing

A variance to allow a side yard setback of 1.14 metres where 1.50 metres is required

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

2.0 SUMMARY

In August of 2000, an application was made for a 3 storey, 14 unit apartment building on the subject property. The applicant, however, decided not to proceed with the original proposal and has thus submitted revised plans. The new proposal is for 6 units of two-storey row housing with parking provided at the rear of the property.

3.0 ADVISORY PLANNING COMMISSION

At the Advisory Planning meeting of May 20, 2003 the following recommendations were passed:

That the Advisory Planning Commission supports Development Permit Application No. DP00-10,067, 1939-1945 Richter Street, Lots 1 & 2, Plan 3366, Sec 19, Twp. 26, ODYD, by Rose Enterprises Ltd. (Doug Clark), to obtain a development permit to allow for the construction of a 6 unit, two storey row housing development;

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP03-0049, 1939-1945 Richter Street, Lots 1 & 2, Plan 3366, Sec 19, Twp. 26, ODYD, by Rose Enterprises Ltd. (Doug Clark), to vary the lot coverage, parking setback and front

4.0 BACKGROUND

4.1 The Proposal

The proposed development consists of 6 units of two-storey row housing. Each unit consists of living/dining room, kitchen, bedroom, half-bathroom and bathroom on the main floor. The second level contains a loft area, bedroom, bathroom and storage room. The units are configured on the site in a “U” shape, creating a small courtyard accessed from the parking area at the rear of the property. Each unit has entry from the courtyard. On the opposite side of the building, each unit also has ground level patios providing private open space to the tenants of the building.

Sufficient on-site parking is provided at the rear of the property. The attached carports can accommodate 6 vehicles. In addition, three parking spaces are provided adjacent to the carports. As there is no rear lane, driveway access is provided off of Elliot Avenue. A 1.52 metre fence with climbing vines screens the property from the adjacent houses to the north (side) and east (rear) of the subject property. The existing trees adjacent to Richter Street and Elliot Avenue will be retained where possible. In addition, planting beds are located along the Richter Street frontage. A screened garbage enclosure is located at the northeast corner of the site. The four bicycle parking spaces provided on site are well visible from the adjacent parking area and Elliot Avenue.

The applicant has applied for a development variance permit to address setback deficiencies and lot coverage regulations of the Zoning Bylaw. The southwest corner of the building projects slightly into the required front yard setback. In addition, the small car parking on the north side of the site has a side yard setback of 1.14 metres where 1.5 metres is required. The lot coverage of the proposed development is approximately 75% including buildings, driveways, and parking areas where only 60% is permitted.

The proposed exterior of the building is to be finished with beige vinyl siding and cultured stone facing. The trim and window frames will be white with the roofing consisting of brown laminated asphalt shingles. Dormers containing arched windows on the second storey provide architectural detail to the building.

The application meets the requirements of the proposed RM4- Zone as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Site Area (m ²)	1319m ² (1232m ² after road dedication of 2.144 and corner rounding)	900m ²
Site Width (m)	32.50m (31.36 m after road dedication)	30.0m
Site Depth (m)	39.60m	30.0m
Site Coverage (%)	49.76% 75.62%❶	50% (60% including buildings, driveways and parking)
F.A.R.	0.57	0.65
Height (m)	6.9m	13.0m
Storeys (#)	2	3
Setbacks (m)		
- Front (east)	4.38m❷	4.5m
- Rear (west)	7.78m 7.5m to parking	7.5m 1.5m to parking
- Side (south)	4.88m 3.05m	4.5m to flanking street 3.0m to parking
- Side (north)	2.44m 1.14m to parking❸	2.3m 1.5m to parking
Private Open Space	154.15m ² (47.8m ² courtyard) (40.39m ² patios) (65.96m ² landscaped yard – not in required setback)	25.0m ² per dwelling with more than 1 bedroom (150.0m ²)
Building Frontage	23.16m	65.0m for a 2 storey building
Parking Stalls (#)	9 stalls	9 stalls (1.5 m per 2 bedroom dwelling unit)
Bicycle Stalls (#)	4	0.5 per dwelling unit (Class 1) 0.1 per dwelling unit (Class 2)

❶ A variance is required to allow a lot coverage including buildings, driveway, and parking areas of 75.62% where only 60% is permitted.

❷ A variance is required to allow a front yard setback of 4.30m at the southwest corner of the building where 4.5m is required.

❸ A variance is required to allow as side yard setback of 1.14 m where 1.5 m is required for off-street parking.

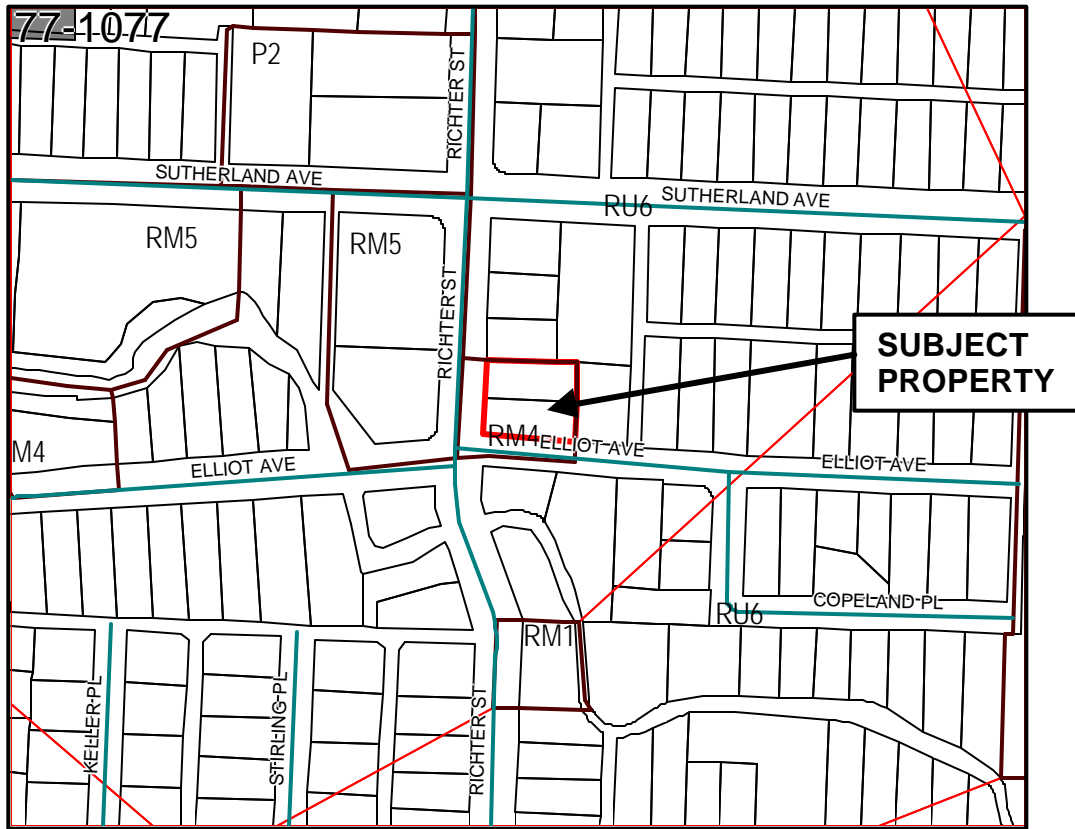
4.2 Site Context

The subject property is located on the northeast corner of Richter Street and Elliot Avenue. The property is located in the South Central Neighbourhood Structure Plan.

Adjacent zones and uses are:

North - RU6 – Two Dwelling Housing - Single detached house
 East - RU6 – Two Dwelling Housing – Single detached house
 South - RU6 – Two Dwelling Housing – Single detached house
 West - RM5 – Medium Density Multiple Housing - Apartments

Site Location Map



4.3 Existing Development Potential

The purpose of RM4- Transitional Low Density Housing is to provide for low rise low density apartment housing with urban services as a transition between low and medium density development. Principle uses include apartment housing, boarding or lodging houses, congregate housing, group home (major) religious assemblies, row housing, and stacked row housing. Secondary uses include care centres (major) and home based businesses (minor).

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The proposal is generally consistent with the future land use designation of Multiple Family (Medium Density Transitional) in the Official Community Plan. The OCP 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 window, 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 used. Variation between architecture bays within

each façade is encouraged while the use of identically cloned bays is discouraged.

- Loading, garbage and other ancillary services should be located at the rear of buildings.

4.4.2 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.

4.2.3 South Central Neighbourhood Structure Plan

The subject properties are located within an area identified as the “R2 Densification Area” of the South Central Neighbourhood Structure Plan. However, the structure also notes that:

Rezoning to two storey multifamily forms (like the R3 Townhouse zone) will be considered for major arterial road sites where the front yard setback is reduced by public right-of-way dedication, along Mill Creek, and at other appropriate locations. Design guidelines will be used to encourage the compatibility of the new development with neighbouring homes and with the overall character of the area. Large, unbroken wall expanses will be discouraged.

4.2.4 Crime Prevention Through Environmental Design (1992)

The City of Kelowna Crime Prevention Through Environmental Design guidelines include the following suggestions for Multiple Unit Residential Developments;

Natural Surveillance

- building entrances and exterior doors should be clearly visible from the street or by neighbours;
- all four facades of a building should have windows;
- visitor parking should be designated;
- parking areas should be visible from windows and doors;
- parking areas and pedestrian walkways should be well-lit;
- dumpsters should not create blind spots or hiding areas;
- elevators and stairwells should be clearly visible from windows and doors;
- buildings should be sited so that the windows and doors of one unit are visible from another;

Territorial Reinforcement

- property lines should be defined by landscaping or fencing which does not create a visual barrier;
- building entrances should create a strong sense of identity and presence on the street with the use of architectural elements, lighting and /or landscaping;
- balconies should be large enough to provide a useable activity area for residents, thereby increasing influence over the adjacent neighbourhood;

Natural Access Control

- balcony railings should never be a solid opaque material;
- entrances into parking lots should be defined by landscaping, or architectural design;
- access to the building should be limited to no more than two points.

Target Hardening

- cylinder dead bolt locks should be installed on all exterior doors;

5.0 TECHNICAL COMMENTS

5.1 Aquila Networks Canada

Will provide underground electrical service.

5.2 Terasen Utility Corp.

Will provide underground electrical service.

5.3 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Engineered fire flows will be required.

5.4 Inspections Department

Applicant should ensure spatial separation of north elevation complies with the code. No other concerns.

5.5 Shaw Cable

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

5.5 Telus

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

5.7 Works & Utilities

The Works & Utilities Department comments and requirements regarding this application are as follows:

5.7.1 General

- (a) Works and Utilities requirements and comments for this application were addressed in our report under file Z98-1018 and DP98-10,042
- (b) A site grading plan, a site servicing plan and a storm drainage plan are a requirement of this application. Site servicing issues will be reviewed and comments related to site development will be addressed when these plans are provided or building permit application is received.
- (c) A bike rack must be provided in accordance with current bylaws and policies.
- (d) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.
- (e) The property has several mature healthy trees along both road frontages. Excavation and lot grading within the drip-line of the evergreens will have to be done with great care. Heavy equipment and storage of building materials within the tree drip-lines may result in soil compaction around tree root systems causing stress to the trees and possibly killing them.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning & Development Services Department is generally supportive of the proposal. A development variance is being requested to allow the proposed development to have lot coverage of approximately 75% including buildings, parking, and driveway where only 60% is permitted. The applicant has revised the landscaping plan to provide additional planting in order to mitigate the excess in site coverage and visually enhance the proposed development.

The applicant has also revised the elevation drawings to address staff's concern with regard to the character of the building. The addition of gabled dormers with brackets below has provided architectural detail to the building. The applicant has enlarged and added mullions to the arched windows that are located in dormers. In addition, dormer windows have been added to the east elevation of the building where there were previously none.

The applicant has applied for a development variance permit to address inconsistencies with the setback and lot coverage requirements of the Zoning Bylaw. Adequate private open space is provided on the ground floor patios as well as the internal courtyard. There is sufficient vehicle and bicycle parking on site and a screened garbage enclosure is provided at the rear of the property.

The building has merit with respect to use of a development site on a high traffic street within an area of similar development. The existing multi-family residential development located across Richter Street to the west, is a three storey multi-family building developed under the former R4 (medium density multiple housing) and is located on the same busy network road as the subject property. The proposed building therefore creates a reasonable transition from the existing medium density multi-family development to the west across Richter Street, and to the existing single/two family development to the south across Elliot Avenue and to the east of the subject properties.

Andrew Bruce
Development Services Manager

Approved for inclusion
R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Corporate Services

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Attach.

FACT SHEET

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| 1. APPLICATION NO.: | DP00,1067/DVP03-0049 |
| 2. APPLICATION TYPE: | Development Permit |
| 3. OWNER: | Rose Enterprises Ltd. |
| . ADDRESS | 765 Copeland Place |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 5S6 |
| 4. APPLICANT/CONTACT PERSON: | Rose Enterprises Ltd. (Doug Clark) |
| . ADDRESS | 765 Copeland Place |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 5S6 |
| . TELEPHONE/FAX NO.: | 763-1687 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | April 10, 2003 |
| Date Application Complete: | April 10, 2003 |
| Servicing Agreement Forwarded to Applicant: | n/a |
| Servicing Agreement Concluded: | n/a |
| Staff Report to APC: | April 29, 2003 |
| Staff Report to Council: | |
| 6. LEGAL DESCRIPTION: | Lots 1 & 2, DL 138, ODYD, Plan 3366 |
| 7. SITE LOCATION: | Northeast corner of Richter Street and Elliot Avenue |
| 8. CIVIC ADDRESS: | 1939 & 1945 Richter Street |
| 9. AREA OF SUBJECT PROPERTY: | 1319 m ² |
| 10. AREA OF PROPOSED REZONING: | 1319 m ² |
| 11. EXISTING ZONE CATEGORY: | RM4 – Transitional Low Density Housing |
| 12. PROPOSED ZONE: | n/a |
| 13. PURPOSE OF THE APPLICATION: | to allow for the construction of six units of row housing.
to vary the front and side yard setback requirements.
to allow a lot coverage exceeding that permitted. |
| 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 13.2 IMPLICATIONS | Multi-family development |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plans
- Floor plans
- Elevations
- Landscaping Plan
- Colour Scheme