
CITY OF KELOWNA

MEMORANDUM

Date: November 12, 2003
File No.: Z03-0024

To: CITY MANAGER

From: PLANNING AND CORPORATE SERVICES DEPARTMENT

Subject:

APPLICATION NO. Z03-0024

OWNER: Jack Scherle and
481124 BC Ltd

AT: 1430, 1440, 1460, 1480 HWY 33 W

APPLICANT: DON GREEN

PURPOSE: TO REZONE THE PROPERTY FROM RU1- LARGE LOT HOUSING TO RM3 – LOW DENSITY MULTIPLE HOUSING TO ALLOW 28 UNITS OF ROW HOUSING.

EXISTING ZONE: RU1- LARGE LOT HOUSING

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z03-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 4, 5 & 6, DL 125, ODYD, Plan 9286 except Plan 39705 & Lot A, DL125, ODYD, PPlan 17322 except Plan 39705, located on Highway 33 W, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RM3 - Low Density Multiple Housing zone be considered by Council;

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 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 final adoption of the zone amending bylaw be considered subsequent to the requirements of the Ministry of Transportation being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be considered following consolidation of the lots.

2.0 SUMMARY

The applicant is proposing to construct 28 units of two-storey row housing to be located in a total of eight buildings. The units are configured on the site along three internal roads with access to the development provided via both Mayden Road & Mills Road. A development variance permit is required as the proposed development does not meet the regulations for site setbacks and lot coverage as outlined in the Zoning Bylaws

3.0 ADVISORY PLANNING COMMISSION

The above-noted applications were reviewed by the Advisory Planning Commission at the meeting of June 3, 2003, and the following recommendations were passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z03-0024, 1430/1440/1460/1480 Hwy 33 West, Lots 4, 5 & 6, Plan 9286 and Lot A, Plan 17322, Sec. 27, Twp. 26, ODYD by Don Green, to rezone the properties from the RU1- Large Lot Housing Zone to the RM3- Low Density Multiple Housing;

4.0 BACKGROUND

4.1 The Proposal

The applicant is proposing to construct 28 units of two-storey row housing to be located in a total of eight buildings. The units are configured on the site along three internal roads with access to the development provided via both Mayden Road & Mills Road.

The proposed exteriors of the buildings are to be finished with grey vinyl siding and white stucco with slate coloured trim. Roofing is to consist of charcoal toned asphalt shingles.. The proposed layout of each unit is identical. The main floor consists of a living/dining room, kitchen, and half-bathroom. The second level contains three bedrooms, and a bathroom. Each unit also has an unfinished basement.

At the rear of the units, private yards provided outdoor amenity space for the tenants. The proposed landscaping on the site consists of grassed yards. The 13 yards adjacent Highway 33 each contain one coniferous or deciduous trees. Additional trees are proposed adjacent to Mills and Mayden Roads. A privacy fence will be located around the development with chain link fencing located between individual yards. Sufficient on-site parking is provided. The required two parking stalls per unit are provided in a single car carport and a parking space adjacent to each unit. Bicycle parking will be provided within the carports.

The applicant has applied for a development variance permit as the proposed development does not conform to the Zoning Bylaw. With the exception of the front yard setback along Highway 33, the proposal does not meet the site setback requirements. The required rear yard setback is 7.5 metres. The applicant is proposing a rear yard setback of only 1.5 metres on the east side of the site. On the west side of the site, the rear yard setback is only 2.44m. In addition, both side yard setbacks are deficient. The required side yard setback is 4.5 m on one side with 3.0 m permitted on the other. The proposed east side yard setback is 1.5 metres with a 2.44 m setback proposed on the west side of the site.

A variance is also required to allow the proposed development to exceed the permitted lot coverage including buildings, parking, and driveways. The applicants are proposing a lot coverage of 57% where only 50% is permitted.

The application meets the requirements of the proposed RM3- Zone as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	6364m ²	900m ²
Site Width (m)	103.48m	30.0m
Site Depth (m)	42.73m	30.0m
Site Coverage (%)	34% buildings 57% incl. bdgs, dwys, pkg❶	40% or 50% including buildings, driveways, and parking
F.A.R.	0.48	0.5
Height (m)	6.34m	9.5m 4.5m for accessory building
Storeys (#)	2 storeys	2.5 storeys
Setbacks (m)		
- Front (south)	6.1m	4.5m
- Rear (north)	4.5m❷	7.5m
- Side (east)	4.5m	4.5m (one sideyard 3.0m)
- Side (west)	4.5m	4.5m
Private open space	33.7m ² per dwelling unit	25m ² per 2+ bedroom dwelling
Separation between principal buildings	3.0	3.0m
Parking Stalls (#)	56 stalls	56 stalls (2 per 2 bedroom dwelling unit)
Bicycle Stalls (#)	14	14 class I, 3 class II (.5 per dwelling unit Class I, 0.1 per dwelling unit Class II)

Variances are required to allow:

- ❶ a site coverage of 57% including buildings, driveways, and parking where 50% is permitted.
- ❷ a rear yard setback of 4.5m where 7.5m is required.

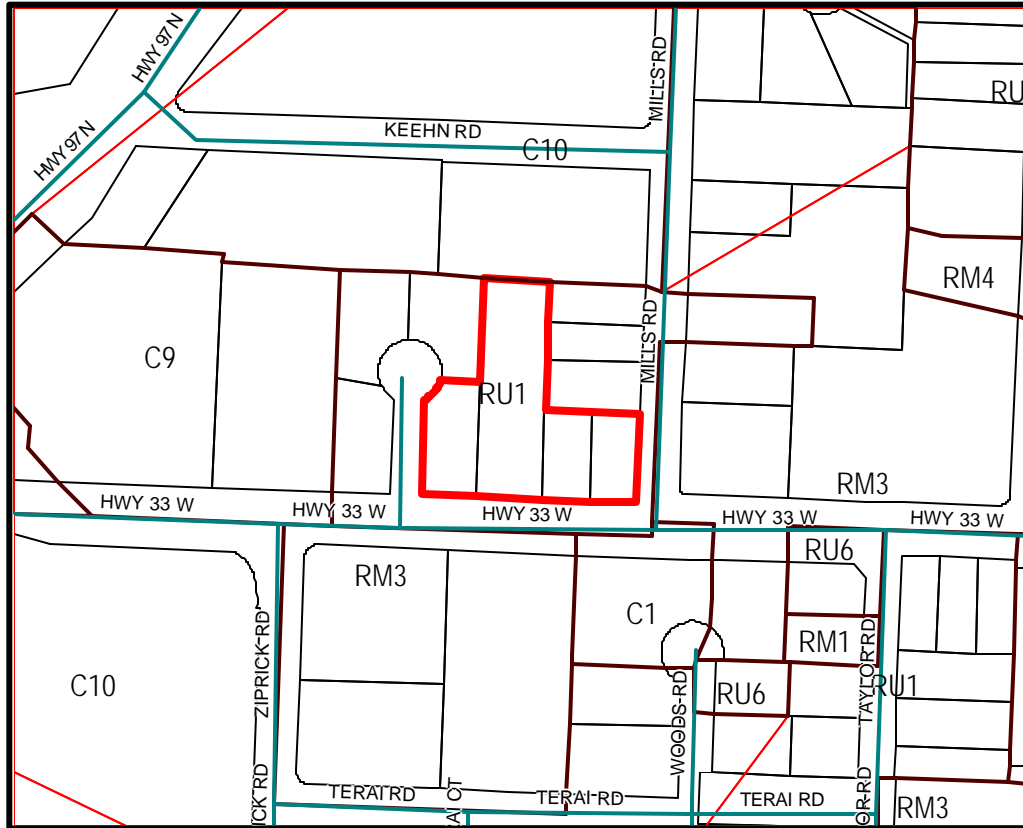
4.2 Site Context

The subject property is located on Highway 33 between Mills Road & Mayden Road.

Adjacent zones and uses are:

- North - C10 - Service Commercial
- RU1 – Large Lot Housing
- East - RM3 - Low Density Multiple Housing
- South - RM3 – Low Density Multiple Housing
- West - RU1 - Large Lot Housing

Site Location Map



4.3 Existing Development Potential

The property is zoned RU1 – Large Lot Housing. The purpose of this zone is to provide for single detached housing as a principal use, and compatible secondary uses, such as bed and breakfast homes, minor care centres and group homes, as well as home based businesses.

Secondary suites are permitted on lots with RU1s – Large Lot Housing with Secondary Suite zoning

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “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” (Objective 1.1). The proposal is consistent with these objectives and with their accompanying strategies.

4.4.2 Kelowna Official Community Plan

The proposal is consistent with the land use designation Low Density Multiple Family in the Official Community Plan future land use designation (OCP, Chapter 15). In issuing conditions relating to a development permit the City will specify how development permit objectives can be satisfied. This should include consideration of the following guidelines, as examples of how to meet the objectives:

Relationship to the Street

- First storey units should ideally provide ground-level access and outdoor amenity space
- The principle front entranceway should be clearly identified and in scale with the development.

Building Massing

- Developments with multiple, separate buildings should be designed in such a manner that individual buildings contain different, but compatible shapes, masses, and/or exterior finishes.
- Developments should be sensitive to and compatible with the massing and rhythm of the established streetscape.
- Sub-roofs, dormers, balconies, and bay windows should be encouraged.

Walls

- End walls visible from a public street or residential lot should be finished to provide an attractive appearance. Blank or solid walls (without glazing) should not be longer than 5 m. Walls longer than 5 m should incorporate wall detailing that will provide visual interest.

Crime Prevention

- Guidelines for Crime Prevention Through Environmental Design Guidelines (CPTED) should be followed.

Amenities

- Appropriate high quality public spaces, which provide links to surrounding areas and open space relief within the development should be encouraged.

Parking

- Underground parking is encouraged.

4.4.3 Crime Prevention Through Environmental Design (1999)

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

Will provide underground electrical service.

5.2 Fire Department

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

5.3 Inspection Services

A Hydrant shall be located within 90 m of the every main entrance of each suite. An onsite hydrant may be required. The centre line turning radius of the driveway shall be 12 m. A turn-around is required for any dead end portion of the driveway over 90 m.

5.4 Rutland Waterworks

The above noted application has been reviewed for water supply considerations and the comments are as follows:

- 5.4.1 The development proposed in the application consists of nine buildings containing 28 residential units in RM3 zone.
- 5.4.2 The fire flow required for the building shown on the plans submitted with the application is calculated to be about 11,000 lpm (2400 lgpm). The estimate assumes that an internal sprinkler system will not be installed although the plans do not show this feature.
- 5.4.3 An analysis of the distribution system has not been made for water availability at this specific location, but from calculations made for other developments in the area, it is known that the system can supply fire flows well in excess of the 11, 000 lpm required.
- 5.4.4 While the distribution system can provide the necessary flows, the existing fire hydrants on Highway 33 and Mills Road are not quite close enough to the rear buildings to comply with the City of Kelowna standards. One additional hydrant may be required on the building access road.
- 5.4.5 The property does not have adequately sized domestic water service connection and a new connection on Mills Road is required. The cost of the installation is estimated to be \$3000.00. The estimate assumes that replacing of sidewalk, pavement, and curbs will be done in conjunction with other construction, and will the responsibility of the Owner.
- 5.4.6 In addition, to the installation cost, Capital Expenditure Charges (CECs) must be paid prior to the issuing of a building permit. The amount of CECs calculates to be $28-4 = 24$ units @ \$1500 = \$36,000. The existing lots have four single family dwellings, so a credit of four CECs have been applied in the calculations.
- 5.4.7 The owner will have to install a water system within the development that meets City of Kelowna Standards. The District will require a copy of the approved water system drawings.

- 5.4.8 In summary, the costs to service the proposed development area as follows:

1. Domestic Water Services	\$ 3,000.00
2. Capital Expenditures Charges	\$36,000.00
TOTAL	\$39,000.00

5.5 Ministry of Transportation

We have no objections to the proposed rezoning of the above-noted properties from RU1 to RM3 subject to:

1. Removal of all existing curb drops on Highway 33.
2. Restoration of sidewalk and non-mountable curb to Ministry specifications.
3. 15m dedication from existing mean centreline of Highway 33.
4. 4.5m building setback from new property line on Highway 33.
5. Corner cut-offs at both intersections.
6. No direct access to Highway 33.

5.6 Parks Manager

Boulevard Landscaping.

5.7 Interior Health

Sanitary sewer & community water required.

5.8 RCMP

No comment.

5.9 School District No. 23

No response.

5.10 Telus

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

5.11 Terasen

No comment.

5.12 Works & Utilities

The Works & utilities Department comments and requirements regarding this application to rezone from RU-1 (Large Lot Housing) to RM-4 (Transitional Low density Housing) are as follows (These are W. & U. initial comments and are subject to MOT requirements):

5.12.1 Subdivision

- a) Consolidate the lots.
- b) Highway 33 to be established as required by the Ministry of Transport from existing mean centreline by survey plan registered in the Land Title Office.
- c) Provide easements as may be required.

5.12.2 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,

5.12.3 Domestic water and fire protection.

- a) 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.
- b) 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.

5.12.4 Sanitary Sewer.

A new sanitary service, sized and conveniently located to accommodate the proposed development has been installed in conjunction with the Mills Road sanitary sewer trunk construction. All the existing 100 mm. dia. services must permanently disconnected .The cost of disconnecting the old services and installing a new service is estimated at \$2,500.00.

5.12.5 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 facilities 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.

5.12.6 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.

5.12.7 Road improvements.

a) Hwy.33

The applicant is responsible for the removal of the existing drop curbs on Hwy. 33 and the construction of non-mountable curb and gutter to MOTH 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 portion of separate sidewalk. The boulevard must be constructed with interlocking bricks and irrigated trees set in a 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. The foregoing is the minimum requirement and does not include any requirement that might be expected by the MOT.

b) Mills Road.

The applicant is responsible to upgrade Mills Road to a paved urban collector standard. The construction consists of curb, gutter and sidewalk, fillet paving, storm drainage works, removal and/or relocation of utilities as may be required, etc. The estimated cost for this work, for bonding purpose, would be \$30,000.00, inclusive of a bonding contingency (Utility poles relocation not included).

c) Mayden Road.

Mayden Road will ultimately be closed as indicated in the long term plans for the area, therefore, no upgrading is required along the frontage of Mayden Road under this application.

5.12.8 Street lights.

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

5.12.9 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.

5.12.10 DCC Credits.

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

5.12.11 On-site layout.

The roadway layout as proposed on the sketches do not permit an SU-9 vehicle to safely negotiate the corners without driving onto the inside curb. Solid waste pickup vehicle will have to back up one way or the other in order to collect the waste from the northerly units.

5.12.12 Bonding and Levies Summary.

a) Performance Bonding

Hwy.33 frontage upgrading	\$18,000.00
Mills Road frontage upgrading	\$30,000.00

b) Levies

Sanitary sewer service (Connection charges not included)	\$2500.00
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6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns with the proposed rezoning. The proposed land use conforms to the Official Community Plan and is consistent with the City of Kelowna Strategic Plan. The subject property is designated as Multiple Unit Residential - low density in the OCP and as such this proposal would be in compliance and could be supported. A condition of the approval will be the consolidation of the lots.

Due to the proposed density of the property, the applicant will be required to note that future development potential of the unfinished basement will be limited. The owners have very limited potential to develop the basement as a floor area ratio of 0.48 is proposed. Development that exceeds the permitted 0.50 will not be allowed.

Staff are supportive of the proposed rear yard variances. The request to vary the site coverage from 50 % to 57% is also supported. However, in light of the increased lot coverage, the Department recommends that the applicant add more landscaping to visually enhance the proposed development. In general, Staff feel that the proposed landscaped treatment is inadequate. Based on the Landscaping Plan provided, it appears that the landscaping merely consists of grassed yards with a minimal number of trees. In addition, despite the fact that the proposal does not have adequate setbacks, the applicant has proposed little buffering to the adjacent properties.

While staff acknowledge that owners of the units will likely provide landscaping in individual yards at a later date, the developer is encouraged to enhance the proposed landscaping in other areas of the development. In particular, Staff are concerned with the lack of landscaping that the applicant has provided along the Highway 33 frontage. The provision of lava rock over landscaping fabric is not seen as an adequate or appropriate landscaping treatment along this frontage. Staff would like to see landscaping treatment along Highway 33 be consistent with existing multi-family developments in the area. Staff therefore have requested that improved landscaping plan showing plantings be submitted for the Development Permit application which will be forwarded to Council under a separate report.

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.: | Z03-0024 |
| 2. | APPLICATION TYPE: | Rezoning |
| 3. | OWNER: | Scherle Enterprises Ltd. |
| | · ADDRESS | 4-1699 Powick Rd |
| | · CITY | Kelowna, BC |
| | · POSTAL CODE | V1X 4L1 |
| 4. | APPLICANT/CONTACT PERSON: | Don Green |
| | · ADDRESS | 1402 Highland Dr S |
| | · CITY | Kelowna, BC |
| | · POSTAL CODE | V1Y 3W1 |
| | · TELEPHONE/FAX NO.: | 860-2566 |
|
APPLICATION PROGRESS: | | |
| | Date of Application: | May 6, 2003 |
| | Date Application Complete: | October 1, 2003 |
| | Servicing Agreement Forwarded to Applicant: | n/a |
| | Servicing Agreement Concluded: | n/a |
| | Staff Report to APC: | May 28, 2003 |
| | Staff Report to Council: | n/a |
| 6. | LEGAL DESCRIPTION: | Lot 4, 5 & 6, DL 125, ODYD, Plan 9286 except Plan 39705 & Lot A, DL125, ODYD, PAn 17322 except Plan 39705 |
| 7. | SITE LOCATION: | on Hwy 33 between Mayden & Mills Roads |
| 8. | CIVIC ADDRESS: | 1430, 1440, 1460, 1480 Hwy 33 W |
| 9. | AREA OF SUBJECT PROPERTY: | 6698 m ² |
| 10. | AREA OF PROPOSED REZONING: | 6698 m ² |
| 11. | EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 12. | PROPOSED ZONE: | RM3 – Low Density Multiple-Family |
| 13. | PURPOSE OF THE APPLICATION: | TO REZONE THE PROPERTY FROM RU1- LARGE LOT HOUSING TO RM3 – LOW DENSITY MULTIPLE HOUSING TO ALLOW 28 UNITS OF ROW HOUSING. |
| 14. | MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | u/k |
| 15. | DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | Multi-Family |

ATTACHMENTS

(not attached to the electronic version of the report)

- **Location of subject property**
- **Site plan**
- **Elevations**
- **Floor Plans**