
CITY OF KELOWNA
MEMORANDUM

Date: January 29, 2003
File No.: (3060-20) **DP03-0170**

To: City Manager

From: Planning & Corporate Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION NO. DP03-0170 OWNER: CEDAR GROVE DEVELOPMENTS CORP. (INC. NO. 670216)

AT: 710 RUTLAND ROAD N. APPLICANT: FINTRY DEVELOPMENTS

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE CONSTRUCTION OF A 36 UNIT APARTMENT BUILDING AS THE LAST PHASE OF DEVELOPMENT ON THE SUBJECT PROPERTY

EXISTING ZONE: RM4 – TRANSITIONAL LOW DENSITY HOUSING

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP03-0170 for Lot 1, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP65999, located on Rutland Road North, 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 "B";
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 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

The subject property was rezoned to the RM4 – Transitional Low Density Housing zone, in order to authorize development of a multi-level care facility in 1999. The subject property is the last phase of development for this 1999 proposal.

The original development was designed to consist of a 196 bed multi-level care facility providing accommodation and care options ranging from “Independent Living” (apartment housing) and “Assisted Living” (congregate housing), to “Licensed Care” (group home – major). This current Development Permit application seeks approval for the “Independent Living” (apartment housing) component of that proposal as the last phase of construction.

The original 1999 application also included an application for a Development Variance Permit application to permit a four storey building height where the bylaw permits a maximum three storey building height. That issued Development Variance Permit also included a request to vary the required side yard setback to zero in order to permit the construction of a connecting link across a property line as well as a rear yard variance from 9.9 m to 7.5 m, so that the “Independent Living” portion of the project could be subdivided off of the parent site in the future. The original development site has been subdivided to create a separate titled lot for the “Independent Living” portion of this development.

As the first phases of construction as authorized by the original Development Permit DP99-10,061 have taken place, the associated DVP99-10,062 has been commenced, and is considered still valid. If the landscape bonding had not been returned and DP99-10,061 closed, that Development Permit would have been considered still valid and this current Development Permit application would not have been required.

As this current application is the same as the previously approved Development Permit, it was determined that review by the Advisory Planning Commission was not required.

3.0 BACKGROUND

3.1 The Proposal

There had been an application made in 1999 to rezone the development properties located at the north west corner of Rutland Road and Leathead Road in order to develop a multi-level care facility designed to consist of three linked buildings, creating a building totalling approximately 8,561 m² in net floor area. The associated Development Permit (DP99-10,061) had been issued in January 2000 to authorize development.

To date, only the four storey “Assisted Living” (Congregate Housing) portion of the building located within the central part of the site, and the two storey “Licensed Care” (group home – major) portion of the building located on the southern portion of the site adjacent to Leathead Road have been constructed. The holder of the associated landscape bond had requested the return of the letter of credit which was in place as landscape bond, so the remaining portion of the issued Development Permit was closed.

This current application seeks a new Development Permit to authorize construction of the last phase of development of the site. The three storey, “Independent Living” (apartment housing) portion of the proposed building is located near the northern boundary of the subject property adjacent to the existing Church property. This portion of the building is designed to consist of 23 two bedroom units and 16 one bedroom units, for a total of 39 dwelling units. The total gross floor area for this portion is approximately 3,486 m².

The original development site was subdivided to separate the “Independent Living” building from the remainder of the development. As the “Independent Living” building is intended to be joined with the remainder of the buildings on the original development site by an elevated connecting corridor crossing a property line, a Development Variance Permit was issued at the same time as the original Development Permit to vary the required side yard setback to zero to authorize construction of the proposed pedestrian link. As well, DVP99-10,061 varied the rear yard setback for the “Independent Living” building from 9.0 m to 7.5 m to the new property line. The previous applicant also entered into a Housing Agreement in order to increase the permitted F.A.R. up to 0.95. This document has been registered on title.

The exterior of the proposed “Independent Living” building is designed to be finished with a combination of “beige” and “green” coloured “hardiplank” siding, stucco finished accents, cultured stone veneers, and “dark yellow” painted formed metal detailing to the eaves and gable roof ends. The roof is proposed to be finished with asphalt shingles. The exterior facades of the building are designed with a substantial amount of articulation to provide relief to the building exterior, combined with a number of balconies and gable roof elements to break up the building exterior to create an interesting residential appearance. This is the same form and character detail that was constructed on site with the first two phases.

The site plan submitted with the application indicates the provision of 39 parking stalls located beneath the “Independent Living” building and 8 surface stalls which provides a total of 47 off-street parking stalls for the “Independent Living” portion of the project. This is consistent with the original development proposal.

This current development proposal proposes that this last phase of site development will result in the “Independent Living” building portion of the original development proposal will be constructed upon a separate lot from the remainder of the development site. This “Independent Living” building is proposed to be connected to the remainder of the existing development by means of an elevated connecting corridor. This will result in the same configuration as was proposed by the original Development Permit application in 1999.

The existing development consists of an “Assisted Living” (Congregate Housing) component and a “Licensed Care” component, of which the Congregate Housing portion is approximately 2,632 m² while the Licensed Care portion is approximately 2,443 m². The RM4 – Transitional Low Density Housing zone permits congregate housing as a principal permitted use in the zone, while Group Homes major is a secondary permitted use.

The proposal as compared to the RM4 zone requirements for the “Independent Living” portion building **after** subdivision, is as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Site Area (m ²)	3,730 m ²	900 m ² minimum
Site Width (m)	48.3 m	30 m minimum
Site Coverage (%)	50% buildings	50% buildings 60% buildings and paved areas
Total Floor Area (m ²)	3,486.7 m ²	3,543.5 m ² maximum
F.A.R.	FAR = 0.95 ^③	FAR = 0.75 maximum (with Housing Agreement) plus 0.20 bonus for parking below building
Storeys (#)	3 storeys	3 storeys maximum
Setbacks (m)		
- Front (Rutland Rd.)	6.0 m (3 storey bldg)	4.5 m minimum (two storeys) 6.0 m minimum (three storeys)
- Rear	7.0 m ^①	7.5 m minimum (two storeys) 9.0 m minimum (three storeys)
- North Side	4.5 m	4.5 m for building over 2 storeys
- South Side	0.0 m ^②	4.5 m for building over 2 storeys
Parking Stalls (#)	39 stalls provided below bldg, 7 stalls provided at grade	55 stalls required

- ① Variance issued to permit 7.5 m rear yard setback.
- ② Variance issued to permitting 0.0 m side yard setback. Both variances are part of the height variance applied for (DVP99-10,062).
- ③ Housing Agreement to permit increased F.A.R. in place.

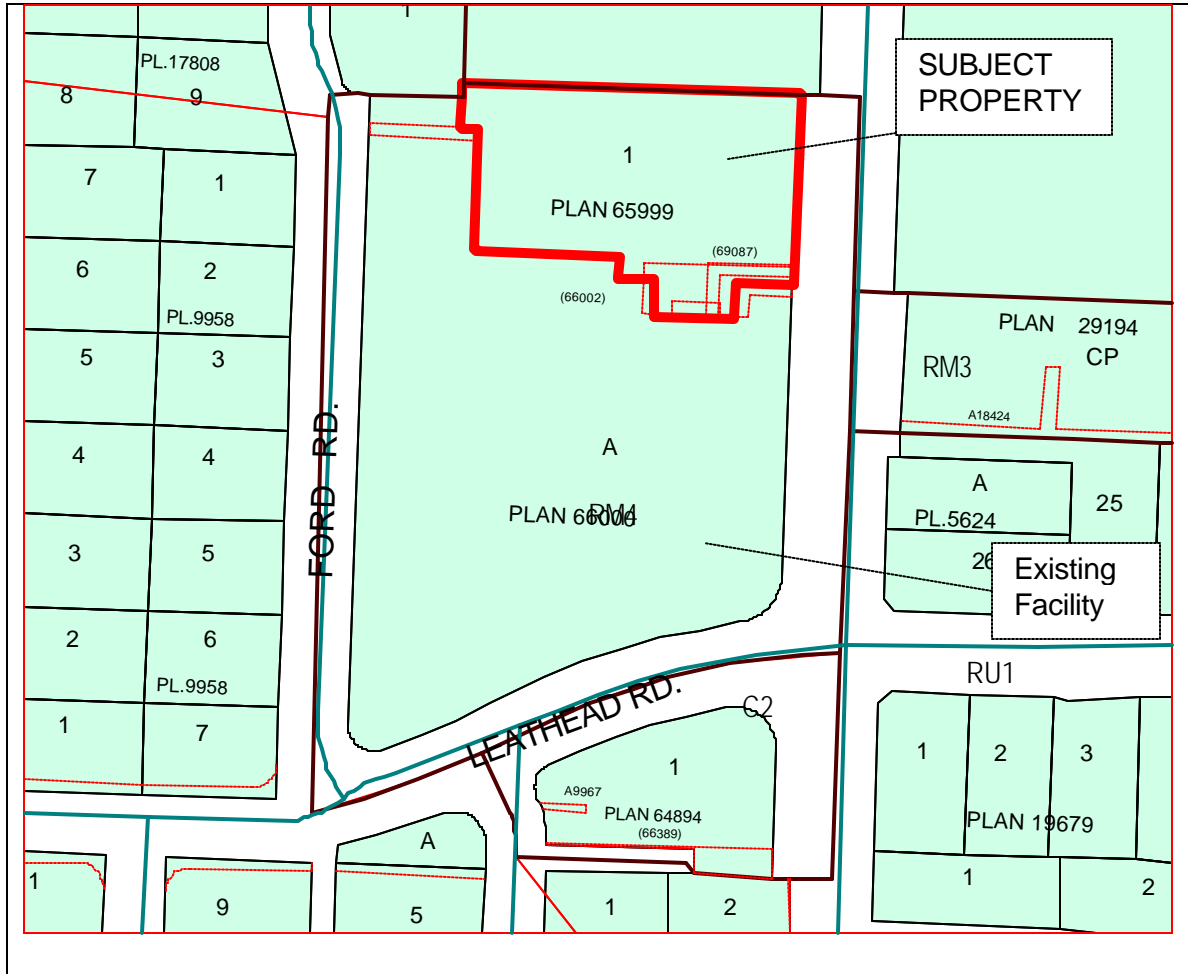
3.2 Site Context

The subject property is located in an older established neighbourhood of single and two family dwellings to the south and west of the subject property, St. Theresa's Catholic Church, and Rutland Middle School. The subject property is also close to both the Athans Pool and Rutland Seniors Activity Centre.

Adjacent zones and uses are, to the:

- North - P2 – Education and Minor Institutional – St. Theresa's Church
- East - P2 – Education and Minor Institutional – Rutland Secondary School
- RM3 – Low Density Multiple Housing – Townhouses
- RU1 – Large Lot Housing – Single Family Residential Uses – Rutland Road North
- South - RM4 – Transitional Low Density Housing – Congregate Housing Facility
- West - RM4 – Transitional Low Density Housing – Ford Road / Parking lot

SUBJECT PROPERTY MAP



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

This proposal is consistent with the "Multiple Unit Residential – Low Density Transitional" designation of the Official Community Plan.

3.3.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the intent of the Strategic Plan which states:

"The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill and will provide for an increased density of development within established urban areas through re-development of areas which are in transition. Urban areas which are targeted include the Central City area with emphasis on the waterfront and north end, Rutland, and South Pandosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor."

3.3.3 Rutland Sector Plan

This proposal is consistent with the "Multiple Family Residential – Low Density" designation of the Rutland Sector Plan. As well, the Rutland Sector Plan also states that; "The City of Kelowna will: ...Encourage opportunities for seniors to continue to live in Rutland (age in place) by supporting a housing mix that accommodates all age groups and life cycle stages".

3.3.4 Crime Prevention Through Environmental Design

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;
- parking spaces should be assigned to each unit located adjacent to that unit, and not marked by unit numbers (a numbered parking space separated from its assigned residential unit might enable pursuit of a victim without enabling surveillance over the space);
- 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;
- shrubbery should be no more than three feet (one metre) high for clear visibility;
- buildings should be sited so that the windows and doors of one unit are visible from another;
- stairwells should be well-lit and open to view; not behind solid walls.

Territorial Reinforcement

- property lines should be defined by landscaping or fencing which does not create a visual barrier;
- low shrubbery and fencing should allow visibility from the street;

- building entrances should create a strong sense of identity and presence on the street with the use of architectural elements, lighting and /or landscaping;
- all buildings and residential units should be clearly identified by street address numbers that are a minimum of five inches (12.5 cm.) high, and well-lit at night;
- balconies should be large enough to provide a useable activity area for residents, thereby increasing influence over the adjacent neighbourhood;
- mail-boxes should be located next to the appropriate residences.

Natural Access Control

- balcony railings should never be a solid opaque material;
- entrances into parking lots should be defined by landscaping, or architectural design;
- hallways should be well-lit;
- elevators and stairwells should be centrally located;
- 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;
- common building entrances should have locks that automatically lock when the door closes;
- common doorways should have windows and be key-controlled by residents;
- door knobs should be 40 inches (1 m.) from window panes;
- sliding glass doors should have one permanent door on the outside and on the inside moving door should have a lock device and a pin.

4.0 TECHNICAL COMMENTS

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

4.1 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. If the potential residents are to be receiving care, this building will not meet BCBC. Please confirm use.

4.2 Inspection Services Department

1. Parkade shall be sprinklered.
2. There is no stair access from the lobby. Building A and B have the fire fighters access from the end stair cases. The fire fighters access driveway comes off 2 different streets. Check with the fire department where they want the annunciator panel.
3. A hydrant shall be located within 90 m of each stair case.
4. Storage lockers shall be separated from parkade by a 1 1/2 hr. rated wall c/w 1 hr doors.

5. At BP stage details for the finishing of the ends of the firewall will be required.
6. Bridge shall be separated from each building also refer to 3.2.3.13.
7. A reciprocal encroachment agreement is required for the bridge. Also a variance for siting.

4.3 Irrigation District (B.M.I.D.)

The above property is within B.M.I.D. Boundaries and is currently serviced (from Ford Road) with a 150mm water service.

We have no objections to the development of the lot subject to:

1. A capital cost charge of \$800 per unit, 39 units = \$31,200.
2. A connection fee at time of building of \$150 per unit, 39 units = \$5,850.00

Fire flow is good in this area.

A meter and a backflow prevention device is required in this building.

4.4 Parks Manager

The landscape plan and planting list meets the satisfaction of Parks.

Please provide additional information on the perimeter fence wall treatment and gates including materials, height, width, etc.

All trees in grass Blvd to use root shield barriers, min 18 inch depth beside concrete infrastructure.

Shrub beds require plastic edge beside all areas abutting a city sidewalk or city land to prevent migration of mulch.

BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.

BLVD tree maintenance is the responsibility of Parks Division. However, the adjacent owner is responsible for watering and replacement of trees during the establishment period, for at least two years after planting..

4.5 Public Health Inspector

Sanitary sewer must be utilized.

4.6 Shaw Cable

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

4.7 Telus

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

4.8 Works and Utilities Department

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

1. Roads.

- a) The road frontage improvements for the development of the subject property was addressed in our report filed under Z99-1014 and Z99-1047. The construction is complete and no further upgrading is required.
- b) In order to provide a better transit transportation service to the proposed development, the City is envisaging the installation of a bus shelter. A 2.0m. x 6.0 m. Right of Way must be provided behind the sidewalk at a location to be confirmed by the City of Kelowna transportation division.
- c) Provide easements as required.

2. Domestic Water and Fire protection.

The property is serviced by the Black Mountain Irrigation District (BMID) and as such, all servicing arrangements are to be made with the District.

3. Drainage.

The site drainage is to be contained and detained on-site as per the current Storm Water Management Policy.

4. Sanitary Sewer.

The property is currently serviced by the Municipal wastewater collection system and all the fees and charges associated with the Sewer Service Area have been paid by the previous owner of the property.

5. Access.

- a) The existing combined accesses with the adjacent property are approved and no other access is permitted.
- b) The developer must be made aware that ultimately a median will be installed in the middle of Rutland Road and that the common Rutland Road driveway will be restricted to right-in/right-out only.
- c) A reciprocal access agreement between the two properties sharing the driveways must be registered if it has not been done to date.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

Development Permit DP99-10,061 and DVP99-10,062 were issued in January 2000, and authorized all three phases of construction of the proposed facility. However, only the first two phases (the congregate housing component, and the care component) were constructed. The issued development permit remained in place, as the landscape bond

and associated agreement covered the required landscape security for the entire property.

However, the holder of the landscape security requested that the letter of credit be returned. In order to accomplish this, the open Development Permit that was associated with the landscape security was closed, and the letter of credit was returned.

The current applicant has made an offer to purchase the property, and wishes to have the previous Development Permit reissued. The only means to do this is with a new Development Permit application. The proposed building under application is the same as the previously approved Development Permit DP99-10,061.

Since the proposed building was the same as the previously issued Development Permit, and since that application had been supported by the Advisory Planning Commission, this application was not circulated to the APC for review.

The Planning and Corporate Services Department supports this application as the proposed development is the same as the previously issued Development Permit.

In light of the above, the Planning and Corporate Services Department also recommends for positive consideration by Council.

Andrew Bruce
Manager of Development Services

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Community and Corporate Services

PMc/pmc
Attach.

FACT SHEET

- | | |
|--|---|
| 1. APPLICATION NO.: | DP03-0170 |
| 2. APPLICATION TYPE: | Development Permit |
| 3. OWNER: | Cedar Grove Developments Corp
Inc. 670216 |
| . ADDRESS | #106 – 1449 St. Paul St. |
| . CITY/POSTAL CODE | Kelowna, BC V1Y 2E5 |
| 4. APPLICANT/CONTACT PERSON: | Fintry Developments /
Ms. Barb Danielsen |
| . ADDRESS | 4976 Princeton Ave |
| . CITY/POSTAL CODE | Peachland BC V0H 1X8 |
| . TELEPHONE/FAX NO.: | 215-2846/766-0522 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | December 3, 2003 |
| Date Application Complete: | December 3, 2003 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | January 29, 2004 |
| 6. LEGAL DESCRIPTION: | Lot 1, Sec. 26, Twp. 26, O.D.Y.D.,
Plan KAP65999 |
| 7. SITE LOCATION: | West Side of Rutland Road N, North
of Leathead Road |
| 8. CIVIC ADDRESS: | 710 Rutland Rd. N. |
| 9. AREA OF SUBJECT PROPERTY: | 3,777 M ² |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | General Multiple Unit DP Area |
| 11. EXISTING ZONE CATEGORY: | RM4 – Transitional Low Density
Housing |
| 12. PURPOSE OF THE APPLICATION: | To Seek A Development Permit To
Authorize Construction Of A 36 Unit
Apartment Building As The Last
Phase Of Development On The
Subject Property |
| 13. DEVELOPMENT VARIANCE PERMIT
VARIANCES: | Previously Approved By
DVP99-10,062 |
| 14. VARIANCE UNDER DEVELOPMENT
PERMIT: | N/A |
| 15. DEVELOPMENT PERMIT MAP 6.2
IMPLICATIONS | N/A |

Attachments

Subject Property Map
Schedule A, B & C (4 pages)
5 pages of floor plan diagrams