
**CITY OF KELOWNA
MEMORANDUM**

Date: February 3, 2004
File No.: DP03-0088/DVP03-0120

To: CITY MANAGER

From: PLANNING AND CORPORATE SERVICES DEPARTMENT

Subject:

APPLICATION NO. DP03-0088/DVP03-0120 **OWNER:** G. TOYE
CONSTRUCTION

AT: 140-160 WOODS ROAD **APPLICANT:** G. TOYE
CONSTRUCTION

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE
CONSTRUCTION OF 14 UNITS OF ROW HOUSING.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW THE
PRIVATE OPEN SPACE TO BE LOCATED IN THE REQUIRED SIDE
YARD SETBACK.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW A SITE
COVERAGE OF 51.68% WHERE ONLY 50% INCLUDING BUILDING,
DRIVEWAYS, AND PARKING IS PERMITTED.

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 Final Adoption of Zoning Bylaw No. 9116 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP03-0088 for Lot B, Section 22, Township 26, ODYD, Plan 35387 & Lot 1, Section 22, Township 26, ODYD, Plan 23656 located on Woods Road, 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. A Restrictive Covenant be registered on title of the subject property limiting the units to two bedrooms and stating that the proposed unfinished basements may not be developed for living space.

4. Landscaping to be provided on the land be in general accordance with Schedule "C";
5. 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. DVP03-0120; Lot B, Section 22, Township 26, ODYD, Plan 35387 & Lot 1, Section 22, Township 26, ODYD, Plan 23656 located on Woods Road, Kelowna, B.C.;

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

Section 2.3.3 –General Definitions

A variance to allow the private open space to be located in the required side yard setback.

Section 13.9.5 (b) – RM3 – Low Density Multiple Housing

A variance to allow a site coverage of 51.68% where only 50% including building, driveways, and parking is permitted.

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 applicant is proposing to construct 14 units of two-storey row housing to be located in a total of four buildings. The units are configured on the site along an internal driveway with access to the development provided via Terai Road. A development variance permit is required as the proposed development does not meet the regulations for site coverage and private open space 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 September 23, 2003, and the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP03-0088, by 140/160 Woods Road, Lot B, Plan 35387, and Lot 1, Plan 23665, Sec. 22, Twp. 26, ODYD by G Toye Construction Ltd. (Gerry Toye) to obtain a Development Permit for the form and character of 14 units of row housing.

4.0 BACKGROUND

2.1 The Proposal

The applicant is proposing to construct 14 units of two-storey row housing to be located in a total of four buildings. The units are configured on the site along an internal driveway with access to the development provided via Terai Road.

The proposed exteriors of the buildings are to be finished with earth toned vinyl siding with tan trim. Roofing is to consist of charcoal toned asphalt shingles. Stone accents and cedar shakes provide detailing to the building elevations. 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 two bedrooms, loft space, and two bathrooms. Each unit also has an unfinished basement. As the floor area ratio of the proposed development is 0.49 where 0.50 is permitted,

the potential for future development of the basements will be limited. A restrictive covenant, registered on title, will state that the basements may not be developed for living space.

At the rear of the units, patios and lawn space provide outdoor amenity space for the tenants. Significant landscaping is proposed throughout the development. The required parking stalls are provided in a single car attached carport and a surface parking spaces. Bicycle parking will be accommodated within the attached garage. As the parking on site is based on a 2 bedroom units, the restrictive covenant to be registered on title will also limit the units to 2 bedrooms.

A variance is 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 51.68% where only 50% is permitted.

The application meets the requirements of the proposed RM3- Low Density Multiple Housing Zone as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	3240m ²	900m ²
Site Width (m)	53.10m	30.0m
Site Depth (m)	61.88m	30.0m
Site Coverage (%)	33.54% buildings 51.68% incl. buildings, driveways, parking ^①	40% or 50% including buildings, driveways, and parking
F.A.R.	0.49	0.5
Height (m)	7.0m	9.5m 4.5m for accessory building
Storeys (#)	2 storeys	2.5 storeys
Setbacks (m)		
- Front (south)	6.096m	4.5m
- Rear (north)	9.63m	7.5m
- Side (east)	6.05m	4.5m (one side yard 3.0m)
- Side (west)	4.87	4.5m
Private open space	56m ² per dwelling unit ^②	25m ² per 2+ bedroom dwelling
Separation between principal buildings	3.05m	3.0m
Parking Stalls (#)	22 stalls	21 stalls (1.5 per 2 bedroom dwelling unit)
Bicycle Stalls (#)	14	7 class I, 2 class II (.5 per dwelling unit Class I, 0.1 per dwelling unit Class II)

Variances are required to allow:

- ① A site coverage of 51.6% including buildings, driveways, and parking where 50% is permitted.
- ② A variance to allow the private open space to be located within required yards.

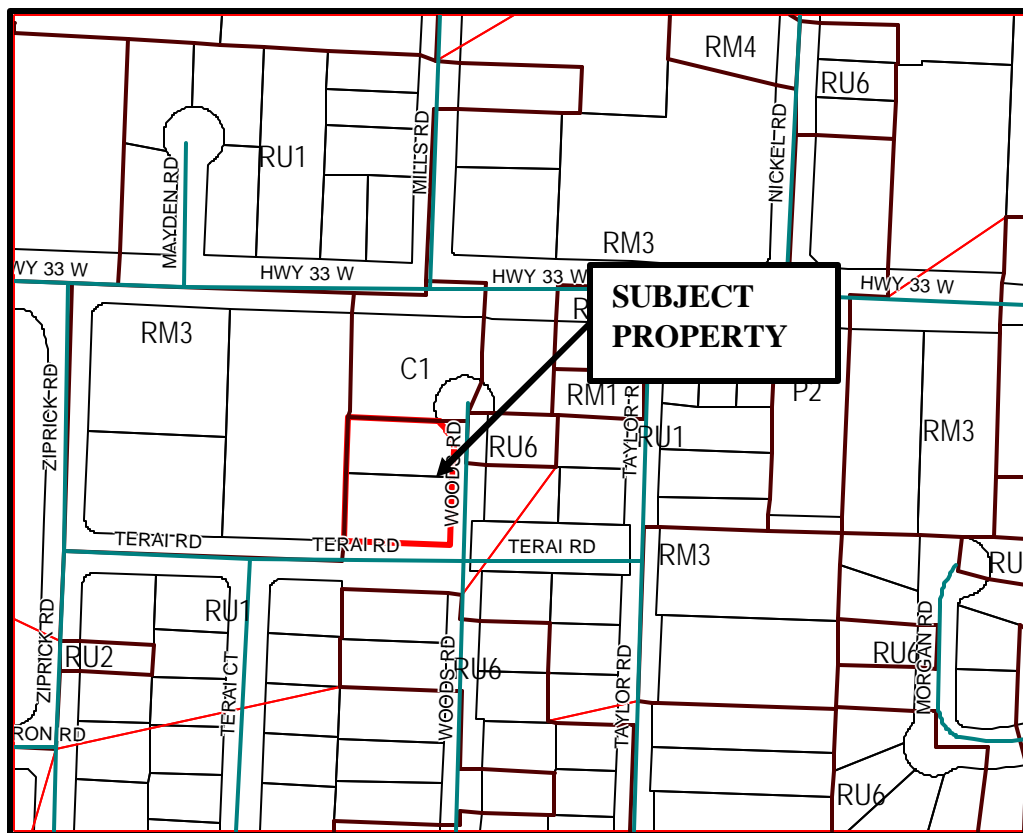
3.2 Site Context

The subject property is located on.

Adjacent zones and uses are:

- North - C1- Local Commercial
- RM3 - Low Density Multiple Housing
- East - RU1 - Large Lot Housing
- RU6 – Two Dwelling Housing
- South - RU6 – Two Dwelling Housing
- West - RM3 - Low Density Multiple Housing

Site Location Map



3.3 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.

3.4 Current Development Policy

3.4.1 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.

3.4.2 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.

3.4.3 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;

4.0 TECHNICAL COMMENTS

4.1 Aquila

Underground electrical service will be provided.

4.2 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. Hydrant required within 90m of each principal entrance.

4.3 Inspections Department

- 4.3.1 Parking calculation should be based on 14 3-bedroom units if lofts are bedrooms. As the parking calculation has been based on two bedrooms

per unit, the applicant must register a covenant on title limiting each unit to two bedrooms. In addition, the loft area will be required to be constructed with a half wall.

4.3.2 No other concerns

4.4 Parks Manager

Street trees contribute to the livability of a street. Trees modify the microclimate and foster a sense of comfort and safety for drivers and pedestrians. The Parks Division suggests the planting of street trees along both Terai Road and Woods Road consistent with the City of Kelowna's Urban Forestry Tree Planting Guide (available at the Parks Division).

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

Boulevard tree maintenance is the responsibility of Parks Division.

4.5 Public Health Inspector

No comment.

4.6 RCMP

No comment.

4.7 School District No. 23

No response.

4.8 Shaw Cable

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

4.9 Telus

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

4.10 Terasen

No comment.

4.11 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:

4.11.1 Subdivision

a) Consolidate the lots.

b) Provide a 6.0 m. corner cut off at the intersection of Woods Road and Terai Road

- c) Provide easements as may be required.

4.11.2 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.

4.11.3 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 fire flow requirements of 150 l/s.

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.

4.11.4. Sanitary Sewer.

- a) The subject property is located within a sanitary sewer service charge area. The charge is \$6,900.00 per equivalent dwelling unit (EDU). One EDU for multi-family development is 0.7 x units or 9.8 (14 x 0.7) The total sewer service charge is estimated at \$67,620.00 (9.8 x \$6,900.00)
- b) Abandon and backfill existing septic tanks in accordance with Building Department requirements. Identify, on the Lot Grading Plan, the location of the existing tanks and fields.

4.11.5 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.

4.11.6 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.

4.11.7 Road improvements.

a) Terai Road

The Terai Road frontage is urbanized to a standard that is consistent with the City of Kelowna Bylaw for the requested zone. No further upgrading is required.

b) Woods Road.

The two driveways crossing must be removed and reconstructed. The cost of the works is estimated at \$5,600.00 and is inclusive of a bonding escalation.

4.11.8 Street lights.

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

4.11.9 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.

4.11.10 DCC Credits.

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

4.11.11 Bonding and Levies Summary

a) Performance Bonding

Wood Road driveway reconstruction \$5,600.00

b) Levies

Sewer service area charges \$67,620.00

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed rezoning. The proposal is consistent with many of the policies of the Official Community Plan and is consistent with the City of Kelowna Strategic Plan. The proposal is also consistent with the future land use designation of Multiple Unit Residential - Low Density as outlined in the OCP.

The Department also has no concerns with the form and character of the proposed development. The applicant has provided adequate architectural detailing and used a variety of building materials to provide visual interest to the buildings. The applicant, however, is encouraged to add some further architectural detailing to the rear elevations of the proposed buildings. The applicant has provided parking based on a calculation of two bedrooms per unit. A condition of the Development Permit will therefore be that the loft area of the units be developed with a half wall and a covenant on title be registered on title restricting the units to two bedrooms. The restrictive covenant will also be required to restrict the development of the unfinished basements in order to maintain a density (F.A.R) appropriate for the RM3 zone.

Significant landscaping is being proposed using a variety of plant and tree types throughout the development. The Department acknowledges that the applicant added a significant amount of landscaping to visually enhance the proposed development and therefore is supportive of the request to vary the site coverage from 50 % to 51.68 % and to allow the applicant to use the required yards for private open space.

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.: | DP03-0088/DVP03-0120 |
| 2. APPLICATION TYPE: | Development Permit, Development Variance Permit |
| 3. OWNER: | G. Toye Construction |
| . ADDRESS | 1748 Keloka Drive |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Z 2X1 |
| 4. APPLICANT/CONTACT PERSON: | G. Toye Construction |
| . ADDRESS | 1748 Keloka Drive |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Z 2X1 |
| . TELEPHONE/FAX NO.: | 769-7253 |
| APPLICATION PROGRESS: | |
| Date of Application: | July 22, 2003 |
| Date Application Complete: | February 4, 2004 |
| Servicing Agreement Forwarded to Applicant: | February 4, 2004 |
| Servicing Agreement Concluded: | September 18, 2003 |
| Staff Report to APC: | February 4, 2004 |
| Staff Report to Council: | |
| 6. LEGAL DESCRIPTION: | Lot B, Section 22, Township 26, ODYD, Plan 35387 & Lot 1, Section 22, Township 26, ODYD, Plan 2365 |
| 7. SITE LOCATION: | at the northwest corner of Woods Road and Terai Road |
| 8. CIVIC ADDRESS: | 140 & 160 Woods Road |
| 9. AREA OF SUBJECT PROPERTY: | 3240 m ² |
| 10. AREA OF PROPOSED REZONING: | 3240 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 FOR THE CONSTRUCTION OF 14 UNITS OF ROW HOUSING. |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.: | u/k |
| 15. NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY 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**
- **Landscaping Plan**