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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** April 13, 2004  
**File No.:** Z03-0026/ DP03-0053

**To:** CITY MANAGER

**From:** PLANNING AND CORPORATE SERVICES DEPARTMENT

**Subject:**

**APPLICATION NO.** DP03-0053

**OWNER:** Gary & Joan Norkum  
Wm. & Valerie Redston

**APPLICANT:** New Town Planning  
Services

**PURPOSE:** TO REZONE THE PROPERTY FROM A1- AGRICULTURE 1 TO RM3 – LOW DENSITY MULTIPLE HOUSING, RU1s- LARGE LOT HOUSING WITH SECONDARY SUITES, and P3- PARKS AND OPEN SPACE

**EXISTING ZONE:** A1 – AGRICULTURE 1

**PROPOSED ZONE:** RM3 – LOW DENSITY MULTIPLE HOUSING  
RU1S- LARGE LOT HOUSING WITH SECONDARY SUITES  
P3 – PARKS AND OPEN SPACE

**REPORT PREPARED BY:** KEIKO NITTEL

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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**1.0 RECOMMENDATION**

THAT Final Adoption of Zoning Bylaw No. 9069 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP03-0088 for Lot 1, Sections 34 & 35, Township 26, ODYD, Plan 4705 except Plans 15281 & 18811 located on Fitzpatrick 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. 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;

5. The registration of a plan of subdivision creating separate titles for the RU1s - Large Lot Housing with Secondary Suite, the RM3 - Low Density Multiple Housing, and the P3 - Parks and Open Space portions of the subject property.

## 2.0 SUMMARY

The applicant is seeking to rezone the subject property from the existing A1- Agriculture 1 to RM3- Low Density Multiple Housing and RU1s – Large Lot Housing with Secondary Suites. In addition, 10 metres on each side of Francis Brook, which bisects the property, is to be rezoned to P3 – Parks and Open Space zoning for future use as a pathway. A total of four RU1s lots are proposed for the portion of the lot to the north of the brook, fronting onto Fitzpatrick Road. The remaining portion of the property, south of the brook, has a proposed zoning of RM3 – Low Density Multiple Housing. The applicant has also submitted a development permit for multi-family housing for the proposed RM3 portion of the property. The development permit proposal consists of 34 units of stacked row housing to be located in a total of three buildings.

## 3.0 ADVISORY PLANNING COMMISSION

At the Advisory Planning meeting of June 3, 2003 the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP03-0053, Lot 1, Plan 4705, Sec. 35, Twp. 26, ODYD, New Town Planning Services Inc (Keith Funk), to obtain a Development Permit to allow for the construction of 34 units of stacked row housing.

## 4.0 BACKGROUND

### 4.1 The Proposal

The applicants are seeking to rezone the subject property from the existing A1- Agriculture 1 to RU1s – Large Lot Housing with Secondary Suites, RM3- Low Density Multiple Housing, and P3- Parks and Open Space. Francis Brook, which bisects the property, creates a natural boundary between the proposed zones. A 10 metre buffer on each side of the brook is to be dedicated as park space and rezoned to P3- Parks and Open Space zone. The rezoning application has been sitting at third reading. At this time, the applicant is prepared to proceed with final reading of the zoning and consideration of the development permit application. A condition of issuance of the development permit is the subdivision of the property. The applicant is also proceeding with the subdivision at this time. At the time of subdivision, the developer will be required to register covenants on the titles of the proposed lots specifying a “no build” area of 5 metres along the property lines adjacent to the brook. This will help ensure the protection of the required 15 metre riparian management area, adjacent to Francis Brook, in which no construction is permitted. A covenant will also restrict access to the RU1s corner lot to Fitzpatrick Road.

On the northern portion of the subject property, the applicant is proposing to create four lots zoned RU1s – Large Lot Housing with Secondary Suites. Each proposed RU1s lot fronts onto Fitzpatrick Road and backs onto Francis Brook. On the south side of the brook, the applicant is proposing one lot with RM3 – Low Density Multiple Housing zoning. At this location, the applicant is proposing to construct 34 units of stacked row housing. The applicant has therefore, in addition to the rezoning application, submitted a development permit for a multi-dwelling housing project.

The proposed 34 units of stacked row housing are to be located in a total of three two-storey buildings. The units are to be configured along an internal driveway accessed from Findlay Road. The on-site parking will be provided at grade meeting the parking requirement with a

total of 56 parking stalls. The parking is to be located adjacent to the driveway separating the buildings from the driveway. A garbage enclosure is located at the south end of the driveway. Adequate bicycle parking will be provided on site.

The proposed building design is inspired by the Craftsman style of architecture. The buildings have gabled roofs with each unit defined by a sub roof and large windows. The buildings will be faced with beige horizontal beveled vinyl siding and taupe vinyl shakes. Trim and fascia are to be white painted wood. Timber decorative bracket and built out panels provide further architectural detail to the buildings. The proposed roofing will consist of brown fiberglass asphalt shingles. Each unit will contain a kitchen/breakfast nook, dining area, living room, half bathroom, two bedrooms a full bathroom, and covered deck.

Significant landscaping is proposed on the subject property. The areas adjacent to the buildings will be grassed with shrub beds located at the end of each building. In addition, landscaped islands containing both shrubs and trees break up the parking areas. Walkways are proposed running in front of the buildings providing spatial separation between the building and the parking areas. In front of each unit, the applicant will also provide decorative planter boxes. A retaining wall and nine trees are proposed along the south side of the property. The west side of the property, fronting Findlay Road, will be fenced with a decorative wrought iron and stone fence with low shrubs and trees planted adjacent to the fence. Signage identifying the development will be located at the entrance to the site. The area along the eastern property line will contain a grassed area with site lines left open to provide visibility of the adjacent park. A "play area" has also been provided between the two buildings adjacent to the creek. The play area will have a pea gravel base on which a play structure is located. The surrounding area will be grassed with planting beds and trees giving definition to the area. Two benches are also proposed in the play area. A retaining wall, trees, and shrub beds will be located along the north proposed property line located at the 15m setback from the creek.

The application for the four lots on the northern portion of the subject property meets the subdivision regulations for lot size in the RU1s- Large Lot Housing with Secondary Suites for lot size as follows:

<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>RM3 ZONE REQUIREMENTS</b>
Site Area (m <sup>2</sup> )	934 m <sup>2</sup> / 881 m <sup>2</sup> / 844 m <sup>2</sup> / 1286m <sup>2</sup>	550m <sup>2</sup>
Site Width (m)	16.45m /16.50m/16.50m/ 26.00m	17.0m (corner) /16.5m
Site Depth (m)	54.15m/ 52.26m/ 50.41m/ 49.16m	30.0m

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

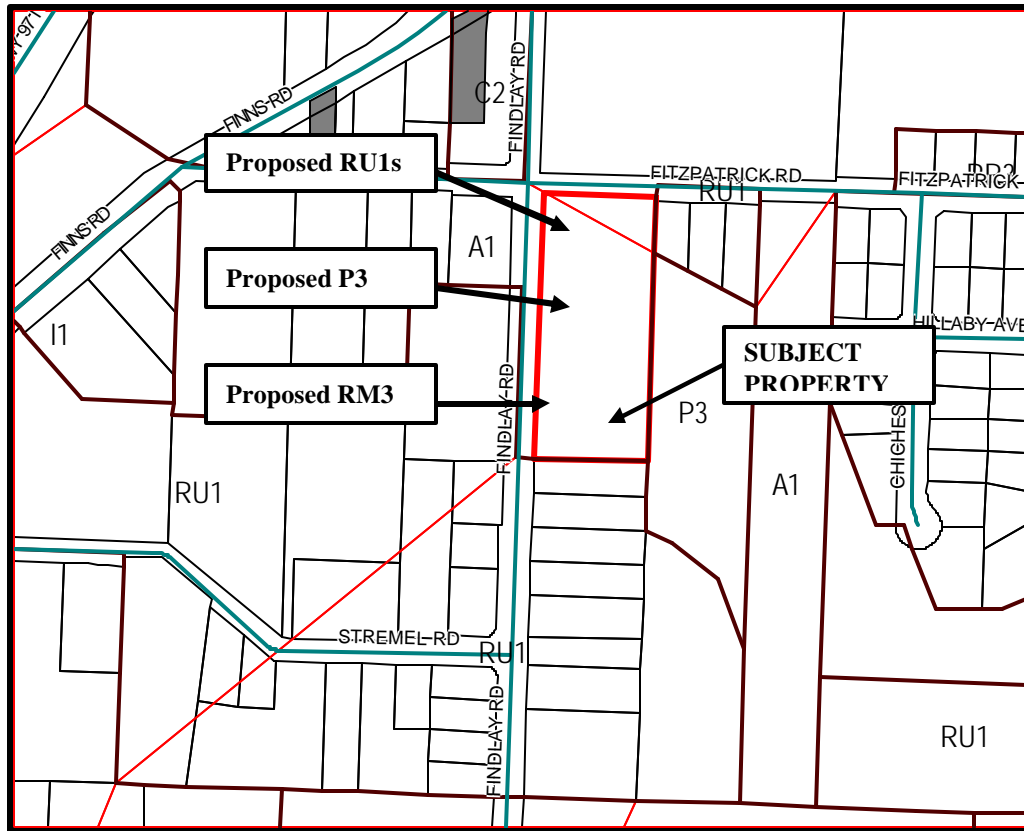
CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	8628m <sup>2</sup>	900m <sup>2</sup>
Site Width (m)	75.47m	30.0m
Site Depth (m)	112.77m	30.0m
Site Coverage (%)	22%/45%	40% or 50% including buildings, driveways, and parking
F.A.R.	.44	0.5
Height (m)	9.5m	9.5m
Storeys (#)	2 storeys	2.5 storeys
Setbacks (m)		
- Front (west)	4.5m	4.5m
- Rear (east)	7.5m	7.5m
- Side (north)	5.0m to property line (15.0m to Francis Brook)	4.5m (one sideyard 3.0m) 15.0m RMA
- Side (south)	4.5m	4.5m
Private open space	1333.8m <sup>2</sup>	510 m <sup>2</sup> (15.0m <sup>2</sup> per 2 bedroom dwelling)
Separation between principal buildings	9.75m	3.0m
Parking Stalls (#)	56	56 stalls (2 per 2 bedroom dwelling unit)
Bicycle Stalls (#)	38	21 (.5 per dwelling unit Class I, 0.1 per dwelling unit Class II)

#### 4.2 Site Context

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

Adjacent zones and uses are:

- North - A1 – Agricultural 1
- East - RU1 - Large Lot Housing
- P3 – Parks & Open Space
- South - RU1 - Large Lot Housing
- West - RU1 - Large Lot Housing
- A1 – Agricultural 1

Site Location Map

#### 4.3 Existing Development Potential

The property is zoned A1 –Agricultural 1. The purpose is to provide a zone for rural areas and agricultural uses as well as other complementary uses suitable in an agricultural setting. Principle use in the A1 zone include agriculture, animal clinics, major where in existence prior to July 1st, 1998, aquaculture, greenhouses and plant nurseries, intensive agriculture, mobile homes, single detached housing, utility services, minor impact. Secondary uses in the A1 zone include agricultural dwellings, additional, agri-tourist accommodation, animal clinics, major, animal clinics, minor, bed and breakfast homes, care centres, intermediate, forestry, group homes, minor, home based businesses, major, home based businesses, minor, home based businesses, rural, kennels and stables, wineries and cideries, second kitchens, and secondary suites (A1s only).

#### 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 (OCP)

The proposal is generally consistent with the designation Low Density Multiple Family and One/Two Dwelling Housing in the Official Community Plan future land use designations. The OCP also designates a pathway along Francis Brook which is not addressed in the application.

##### Natural Environment Issues

The OCP specifies that areas of environmental significance and sensitivity, such as Francis Brook, should be protected and preserved. A Riparian Management Area (RMA) for Francis Brook of 15.0 metres is outlined in the OCP.

The OCP guidelines for natural areas call for the retention of natural vegetation wherever possible and incorporate into the design of the project. Riparian management area should be retained in a largely undisturbed state throughout and after the development process. The RMA is also to remain free of development.

In addition, Riparian Management Areas should be permanently protected with a restrictive covenant, and where a linear park corridor is to be acquired. The guidelines also state that it may also be necessary to pursue dedication as road (for public route of access), rezoning as a protected area, park, or reserve status or, registration as a statutory right-of-way. The Riparian Management Zone may be used as a public or private pathway, utility corridor, road crossing, etc. where it can be demonstrated to the satisfaction of the City and the Ministry of Water, Land, and Air Protection that there will be no negative effects on fisheries habitat.

##### Multi Dwelling Guidelines

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 Rutland Sector Plan and Multiple Family Design Guidelines

The Sector Plan designation for the subject property is single/two family residential and low density multiple family development. The Multiple Family Design Guidelines state that the residential built form within the Rutland Sector should be based on traditional town models with higher densities buildings oriented towards the street and have highly articulated facades and usable open spaces. 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.

4.4.4 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 Agricultural Advisory Committee  
No concerns.

5.2 Aquila Networks Services  
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.

5.4 Inspections Services  
The Location of the on-site hydrant should be confirmed with Fire Hall. Exit stairs for top suites are exposed to fire from lower suite windows. Driveway exceeds 90 m, a turn-around is required for fire trucks

5.5 Kelowna Regional Transit  
As long as this does not interfere with present bus routing on Fitzpatrick and Findlay, we do not have a problem with it.

5.6 Parks Manager  
As discussed on-site with the consultant, the Parks Division recommends a 10.0m road right-of-way on either side of Francis Brook for future linear park and trails. In addition, there will be a 5.0m creek setback (no-build zone) for a total of 15.0m on either side

5.7 Public Health Inspector  
Community sewer & water must be utilized.

5.8 RCMP  
No comment.

5.9 School District No.23  
No response.

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

5.11 Telus  
Developer will be required to provide a 4 meter by 3 meter easement at no cost to Telus to provide space for switching equipment cabinet which will service this property and could also service other properties in the area.

Developer will also be required to provide underground conduit to Telus Specifications as designed by Telus, this will include Findlay Rd as well as within the development.



5.12 Terasen Utility Services

Existing service to be cut off. Main extension down Findlay will be required.

5.13 Works & Utilities

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from A1 to RU1s and RM-3 are as follows:

5.13.1 Subdivision.

Dedicate approximately 5.0m. along the frontage of Findlay Road to provide for an ultimate road cross-section of 30.0m. Road Right of Way.

Dedicate a 10.0 m. Right of Way on each side of Gopher Creek measured from the top of the bank.

Dedicate approximately 2.44m. along the frontage of Fitzpatrick Road to provide for an ultimate road cross-section of 20.0m. Road Right of Way.

Dedicate a 6.0m. corner rounding at the intersection of Findlay and Fitzpatrick Roads.

Provide easements as may be required

5.13.2 Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, The study is to address the following:

- Overall site suitability for development.
- Slope analysis (i.e. 0-10 %, 10-20 %, 20-30% and over 30 %).
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

5.13.3 Domestic water and fire protection.

This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection, and upgrading costs are to be paid directly to the BMID.

The water system must be capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw. The applicant must provide water computations for this development to confirm the available water supply.

5.13.4 Sanitary Sewer.

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The subject property is not currently serviced by the municipal sanitary sewer collection system. An application for inclusion in Specified Area # 20 must be made and an administration levy of \$250.00 is required to incorporate this development into the Specified Area # 20.

The developer will be responsible to pre-pay the sanitary sewer area charge for each of the proposed units. The charge is currently set at \$6,940.00 (2002) per Equivalent Dwelling Unit created. The total charge is \$192,932.00 ( $34 \times 0.70 + 4 = 27.8$  Units @ \$6,940.00). A service will be provided at the south-west corner of the proposed RM-3 parcel and for each of the single family residential lot as part of the specified area project.

5.13.5 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.

A storm drain oversizing along Findlay Road is required, the City of Kelowna will contribute to the oversizing cost, the amount of contribution will be determined prior to construction.

5.13.6 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.

5.13.7 Road improvements.

a) Findlay Road

The applicant is responsible to upgrade the Findlay Road frontage. Findlay Road will ultimately be the extension of Hollywood Road and has been recognised as a major future arterial link. The final grade and geometric have not been finalized therefore the construction at this point will be limited to the construction of the separate sidewalk along the property line. The grade of the sidewalk must take into account the future 3.0m. by 1.5m. high box culvert on Gopher Creek. The estimated cost for this work, for bonding purpose, would be \$25,100.00, inclusive of a bonding contingency.

b) Fitzpatrick Road

The south half of Fitzpatrick Road along the frontage of the subject property is required to be upgraded to a full urban standard complete with curb, gutter, sidewalk, street lighting, asphalt fillet, storm drainage, landscaped boulevard and the relocation and/or removal of utilities as may be required. The estimated cost of this work, for bonding purposes, would be \$38,300.00, inclusive of a bonding contingency.

5.13.8 Street lights.

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

5.13.9 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.

5.13.10 DCC Credits

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

Bonding and Levies Summary.

a)Performance Bonding	None Required
Findlay Road upgrading	\$25,100.00
Fitzpatrick Road upgrading	<u>\$38,300.00</u>
Total performance bonding	<u>\$63,400.00</u>
b)Levies	
Sewer specified Area fees	\$ 192,932.00
Sewer Specified Area inclusion fee	<u>\$ 250.00</u>
Total Cash levies	<u>\$ 192,070.00</u>

## 6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department is supportive of the proposed development. The proposal for the RU1s – Large Lot Housing with Secondary Suite, RM3- Low Density Multiple Housing, and P3 – Parks & Open Space zoning is consistent with the Official Community Plan and Strategic Plan. The applicant will also be dedicating a 10 metre strip on each side of Francis Brook to be zone P3 – Parks and Open Space for use as a future pathway.

With regards to the form and character of the stacked row house development, the Department has no concerns. The proposed development is generally consistent with many of the guidelines on building placement and form and character as outlined in the OCP and Rutland Sector Plan. Significant architectural detailing is provided with the use of sub-roofs, large windows, and several different building materials.

Adequate on-site parking is provided and, due to the layout of the development, the parking is not visible from the adjacent properties. In addition, the applicant uses significant landscaping treatment to visually break up the rows of parking. As the driveway exceeds 90 metres in length, the applicant will be required to provide a turn-around for fire trucks to the satisfaction of Inspections Services.

Significant public and private open space is also provided on-site. Each unit has its own deck or patio as well as access to the grassed areas on site including the “play area” adjacent to the Francis Brook. Buffering is also provided along the proposed properties lines with fences or retaining walls as well as planting beds and trees. No buffering is provided along the east property line to maximize visibility, and thus natural surveillance, of the adjacent park.

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Andrew Bruce  
Development Services Manager

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

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Attach.

**FACT SHEET**

1. **APPLICATION NO.:** Z03-0026, DP03-0053
2. **APPLICATION TYPE:** Rezoning, Development Permit
3. **OWNER:** Gary & Joan Norkum  
 . **ADDRESS** 4444 Finch Road  
 . **CITY** Lake Country, BC V4V 1N6  
 . **POSTAL CODE** William & Valerie Redston  
 4608 Mission Ridge Court  
 Kelowna, BC V1Y 6P3
4. **APPLICANT/CONTACT PERSON:** New Town Planning (Keith Funk)  
 . **ADDRESS** 1450 Pandosy Street  
 . **CITY** Kelowna, BC  
 . **POSTAL CODE** V1Y 1P3  
 . **TELEPHONE/FAX NO.:** 860-8185/860-0985
5. **APPLICATION PROGRESS:** Gary Norkum  
 Date of Application: May 13, 2003  
 Date Application Complete: March 23, 2004  
 Servicing Agreement Forwarded to Applicant: n/a  
 Servicing Agreement Concluded: n/a  
 Staff Report to APC: May 29, 2003  
 Staff Report to Council: April 13, 2004
6. **LEGAL DESCRIPTION:** Lot 1, Sec. 35, Twp. 26, ODYD, Plan 4705 except plans 15281 & 18811
7. **SITE LOCATION:** on the southeast corner of Fitzpatrick and Findlay Roads
8. **CIVIC ADDRESS:** 587 Fitzpatrick Road
9. **AREA OF SUBJECT PROPERTY:** 13278 m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** 8528 m<sup>2</sup>
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** RU1s – Large Lot Housing with Secondary Suites, RM3 – Low Density Multiple Housing, P3 – Parks & Open Space
13. **PURPOSE OF THE APPLICATION:** To obtain a development permit to allow for the construction of 34 units of stacked row housing.
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** u/k  
**NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** Multi-Family Development

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**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- **Location of subject property**
- **Site plans**
- **Elevations**
- **Floor Plans**
- **Landscaping Plans**