
CITY OF KELOWNA
MEMORANDUM

Date: June 1, 2004
File No.: (3060-20) **DP03-0159**
To: City Manager
From: Planning & Corporate Services Department
Subject:

DEVELOPMENT PERMIT APPLICATION OWNER: VINCE AND GIOVANNINA
NO. DP03-0159 MAGALDI

AT: 2131 SCENIC ROAD APPLICANT: R469 ENTERPRISES LTD
(BARB DANIELSEN)

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE
CONSTRUCTION OF 16 TOWNHOUSE DWELLING UNITS
WITHIN 3 BUILDINGS

EXISTING ZONE: A1 – AGRICULTURAL 1 (LUC78-1009)

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Final Adoption of Land Use Discharge Bylaw No. 9186 and Zone Amending Bylaw No. 9187 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP03-0159 for legal description Lot A, Sec. 4 & 9, Twp 23, O.D.Y.D., Plan KAP61644, located on Scenic 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. Registration of a Section 219 Restrictive Covenant to prohibit vehicular access from the site onto the future Glenmore By-pass

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 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 has made application to discharge the existing Land Use Contract (LUC78-1009) and to rezone the subject property from the A1 – Agricultural 1 (LUC78-1009) zone to the RM3 – Low Density Multiple Housing zone, which was given 2nd and 3rd readings on March 9th, 2004, after a successful Public Hearing held the same night. This associated Development Permit seeks permission for the development of 16 townhouse row house units within 3 buildings. Now that all of the outstanding issues have been addressed, it is now appropriate for Council to consider the Development Permit application.

2.1 Advisory Planning Commission

The above noted application (DP03-0159) was reviewed by the Advisory Planning Commission at the meeting of December 9, 2003 and the following recommendation was passed:

THAT the Advisory Planning Commission support Development Permit Application No. DP03-0159, 2131 Scenic Road, Lot A, Plan 61644, Sec. 4, Twp. 23, ODYD to obtain a Development Permit to authorize construction of a 16 unit townhouse development in 3 buildings subject to a variation of the building exteriors to address the massing concerns noted in the Planning & Corporate Services Department report.

3.0 BACKGROUND

3.1 The Proposal

The original owner of the subject property negotiated a land use contract in 1978 to acknowledge an existing 8 unit multiple family residential building (built in 1972) on an adjacent parcel and to facilitate a subdivision of the parent parcel.

This latest application has been made by new prospective owners, and proposes the development of the site with 16 townhouse units that are configured in 2 – 3 unit buildings, and 1 – 10 unit building which is located adjacent to the future Glenmore Road By-Pass.

The applicant has made application to discharge the existing Land Use Contract (LUC78-1009) and to rezone the subject property from the A1 – Agricultural 1 (LUC78-1009) zone to the RM3 – Low Density Multiple Housing zone, which was given 2nd and 3rd readings on March 9th, 2004, after a successful Public Hearing held the same night.

The site plan shows access from Scenic Road, adjacent to the Glenmore Ellison Improvement District pump house. The site plan indicates a bank of 3 units located adjacent to Scenic Road. There is an area for 3 visitor parking stalls located across the drive aisle from these units. The access driveway then turns towards the south and runs parallel to the future Glenmore Bypass right of way. There is a 10 unit building located between this portion of the driveway and the Glenmore Bypass. Midway along this driveway, there is another driveway that runs back towards Scenic Road, and provides access to another 3 unit building.

The proposed 2 storey buildings are constructed above an unfinished basement that has one partially exposed end with windows. The main floor of each unit is designed with a single car garage and an entrance foyer adjacent to the internal driveways. The remainder of the main floor is occupied with a kitchen and dining area, washroom, and a great room that has a sloped ceiling and access to an exterior balcony. The upper floor of each unit has 2 bedrooms, and a bathroom.

The exterior of the buildings are designed to have the front walls finished with brown coloured cultured stone for the first 1m. in height. The remainder of the first storey wall area is proposed to be finished with horizontal vinyl siding in a "Pebble Kaki" (medium taupe) colour. The second floor wall areas are to be finished with a vertical vinyl siding in the same colour as the first floor. The two wall areas are separated by a horizontal trim element coloured "Almond" (light taupe). The areas around the second floor windows are surrounded by built-up trim painted "white", and an area of cedar shake that is located in the gable ends of the roof areas and under the windows located above the entrance doors. The end walls of the garages have this same cedar shake applied to the roof gable ends located above the panel style garage doors. The roof is proposed to be finished with a brown toned asphalt shingle roofing. The sloped portion of the roof located above the great rooms has a small dormer feature which breaks up the expanse of the roof. There are a continuous balconies which run the length of the building face. The access to the balcony is from sliding doors from the adjacent "great rooms".

The conceptual landscape information provided indicates some perimeter plantings around the property, and a several areas of more intensely planted shrub beds. The entry driveway has dense plantings on both sides of the driveway. Each of the units have small planting beds located between the individual units and their associated parking areas. Each of the dwelling units has a single garage, and a surface parking stall located in front of the entry door.

The applicant has agreed to provide additional plantings of "thorny bushes" along the south property line adjacent to the neighbouring agricultural property to prevent trespass of the residents onto the agricultural lands.

The proposal as compared to the RM3 zone requirements is as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	4,954 m ²	900 m ²
Site Width (m)	49.48 m	30 m
Site Coverage (%)	30.1% Buildings only 50% buildings and parking areas	The maximum building site coverage is 40%, provided that the maximum site coverage of buildings, driveways, and parking areas is 50%.
Total Floor Area (m ²)	1,500 m ²	4,258 m ² max @ FAR = 0.5
F.A.R.	0.302	FAR = 0.5 max
Storeys (#)	2 storey	2 ½ Stories (9.5 m) max
Setbacks (m)		
- Front	8.0 m	4.5 m (6.0 m from garage or carport)
- Rear	7.5 m	7.5 m
- Northwest Side	5.0 m	4.0 m for 1 or 1 ½ storey building 4.5 m for 2 or 2 ½ storey building
- Southeast Side	4.5 m	4.0 m for 1 or 1 ½ storey building 4.5 m for 2 or 2 ½ storey building
Parking Stalls (#)	32 stalls provided 3 visitors stalls	1.5 stall per 2 br unit 16 units, 24 stalls required
Private Open Space	180 m ² (balconies) 921 m ² (open space)	25 m ² per unit = 400 m ² req'd

3.2 Site Context

The subject property is vacant, and is sloping down from Scenic Rd. towards the future Glenmore Bypass location.

Adjacent zones and uses are, to the:

- North - A1 – Agricultural 1 / single family residential uses
- East - A1 – Agricultural 1, / Scenic Road, agricultural uses
- South - A1 – Agricultural 1 / (LUC78-1009) Multi-family residential uses
- West - A1 – Agricultural 1 / Glenmore Bypass, Vacant

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.

3.3.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the urban form objectives of the Kelowna Strategic Plan which encourages “a more compact urban form by increasing densities through infill and re-development within existing urban areas...”

As well, the City of Kelowna Strategic Plan also encourages the proposed development as follows;

Objective 7.3...

“To ensure that there is a range of housing types and sizes, including socially assisted housing in all major sectors of Kelowna to meet the changing needs of current and future residents.”

3.3.3 Glenmore/Clifton/Dilworth Sector Plan

The subject property is located near the northern limit of the Glenmore/Clifton/Dilworth Sector Plan, and is designated for Multiple Family Residential - low density uses.

The Glenmore/Clifton/Dilworth Sector Plan also includes Multiple Unit Residential Development Permit Guidelines;

- Multiple unit residential development is encouraged to be sensitive to and compatible with the massing and rhythm of the established streetscape,
- The number of access points to multiple unit residential development from arterial or collector roads should be minimized,
- Where a site is to contain several buildings, careful attention should be given to the provision of usable open space, trail linkages between buildings, and other potential development enclaves. Walkways and trails shall be indicated on the site plan,
- All waste disposal bins should be completely screened with in an enclosure,
- Recreation or play areas should be provided within each project and should be sensitive to the needs of all age groups likely to reside within the development

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 doors that open to the outside should be well-lit;
- all four facades of a building should have windows;
- visitor parking should be designated;
- the lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- 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;
- 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;
- dead end spaces should be blocked by a fence or gate;
- hallways should be well-lit;
- where feasible, no more than four apartments should share the same entrance;
- 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;
- where necessary, entrances to parking lots may be monitored by a guard;
- common building entrances should have locks that automatically lock when the door closes;
- common doorways should have windows and be key-controlled by residents;

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments. Those technical requirements have been addressed as part of the associated Rezoning application (Z03-0063). The following comments relevant to the Development Permit application have been submitted:

4.1 Agriculture Advisory Committee

Recommended that a covenant be added to the property title to inform any potential buyers that the development is located adjacent to ALR lands and may be subject to noise, dust, etc. as agricultural activity occurs.

In the event that the Land Titles Office refused this request, a disclosure statement should be required from the developer.

The developer should fence the south boundary to prevent trespass onto the adjacent agricultural lands.

Alternatively, plant materials could be chosen that would be difficult to pass through (i.e., thorny bushes).

Extensive buffering should be required for this application, in order to avoid any possible problems with adjacent ALR lands.

NOTE;

The applicant has agreed to include a comment regarding “the development is located adjacent to ALR lands and may be subject to noise, dust, etc. as agricultural activity occurs” to the disclosure statement. As well, the applicant has proposed the use of “thorny bushes” along the south property line to prevent trespass onto the adjacent agricultural lands.

4.2 Aquila Networks Canada

Will provide underground electrical service to this development.

4.3 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Engineered fire flows will be required and should determine hydrant requirements. Contact FPO for preferred location(s) of any new hydrants.

4.4 Inspection Services Department

1. Onsite hydrant maximum 90 m from furthest entrance door.
2. Fire Hall to determine if angled drive serving the 3 units on east side is an acceptable turn-around as the main driveway exceeds 90 m.

NOTE; Applicant has modified the proposed landscape area in order to provide adequate area for truck turning movement.

4.5 Parks Manager

All entry feature signs for the proposed development to be located on private property and not on City BLVD.

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.

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

4.6 Shaw Cable

Owner/Developer to supply and install an underground conduit system as 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 City's Works & Utilities Department requirements were dealt with as part of Rezoning application Z03-0063. There were no additional requirements or concerns associated with the Development Permit application.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The proposed development application forms a reasonable development on the subject property. The property is challenged by an irregular property line configuration, and is impacted by the future Glenmore bypass. The site plan indicates a reasonable amount of open space. The proposed development is consistent with the RM3 zone.

The applicant has worked with their designer in order to modify the garage and driveway layout in order to provide for stacked parking for each of the units, while minimizing paved parking and driveway areas. This has permitted the applicant to increase the amount of landscaping in front of each dwelling unit.

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

Andrew Bruce
Manager of Development Services

Approved for inclusion ☐

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

PMc/pmc
Attach.

FACT SHEET

- | | |
|--|---|
| 1. APPLICATION NO.: | DP03-0159 |
| 2. APPLICATION TYPE: | Development Permit |
| 3. OWNER:
· ADDRESS
· CITY/POSTAL CODE | Vince & Giovannina Magaldi
374 Glenmore Rd. N
Kelowna, BC V1Y 7P9 |
| 4. APPLICANT/CONTACT PERSON:
· ADDRESS
· CITY/POSTAL CODE
· TELEPHONE/FAX NO.: | R469 Enterprises Ltd. (DBA Danwin Homes) / Barb Danielsen
4976 Princeton Ave.
Peachland BC V0H 1X8
215-2846/766-0522 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | November 13, 2003
November 13, 2003
December 19, 2003
May 31, 2004
June 1, 2004 |
| 6. LEGAL DESCRIPTION: | Lot A, Sec. 4 & 9, Twp 23, O.D.Y.D.,
Plan KAP61644 |
| 7. SITE LOCATION: | West side of Scenic Road, south of
Glenmore Road N. |
| 8. CIVIC ADDRESS: | 2131 Scenic Road |
| 9. AREA OF SUBJECT PROPERTY: | 4,994 m ² |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | A1 – Agriculture 1 (LUC78-1009) |
| 11. EXISTING ZONE CATEGORY: | A1 – Agriculture 1 (LUC78-1009) |
| 12. PROPOSED ZONE: | RM3 – Low Density Multiple Housing |
| 13. PURPOSE OF THE APPLICATION: | To Seek A Development Permit To
Authorize Construction Of 16
Townhouse Dwelling Units Within 3
Buildings |
| 14. DEVELOPMENT VARIANCE PERMIT
VARIANCES: | N/A |
| 15. DEVELOPMENT PERMIT MAP 6.2
IMPLICATIONS | General Multi-Family; notify GIS of
addition |

Attachments

Subject Property Map
Schedule A, B & C (5 pages)
6 pages of site elevations / diagrams