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**CITY OF KELOWNA  
MEMORANDUM**

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**Date:** June 16, 2004  
**File No.:** OCP04-0005/Z04-0012

**To:** CITY MANAGER

**From:** PLANNING AND CORPORATE SERVICES DEPARTMENT

**Subject:**

**APPLICATION NO.** OCP04-0005/Z04-0012      **OWNER:** J97 Construction Ltd.

**AT:** 914 CRAIG ROAD      **APPLICANT:** Gary Tebbutt

**PURPOSE:** TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND USE DESIGNATION ON THE NORTHERN PORTION OF THE PROPERTY FROM THE SINGLE TWO FAMILY DWELLING DESIGNATION TO THE LOW DENSITY MULTIPLE DWELLING DESIGNATION.

TO REZONE THE SUBJECT PROPERTY FROM THE A1- AGRICULTURAL 1 ZONE TO RM3- LOW DENSITY MULTIPLE HOUSING ZONE.

**EXISTING ZONE:** A1 – LARGE LOT HOUSING

**PROPOSED ZONE:** RM3 – LOW DENSITY MULTIPLE HOUSING

**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 OCP Bylaw Amendment No. OCP04-0005 to amend Map 15.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of (legal description), located on (Road name), Kelowna, B.C., from the Single/Two Unit Residential designation to the Low Density Multiple Unit Residential designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated June 15, 2004, be considered by Council;

AND THAT Rezoning Application No. Z03-042 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 26, Township 26, Plan 19712, ODYD located on Craig Road, Kelowna, B.C. from the A1 – Agricultural 1 zone to the RM3 – Low Density Multiple Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP04-0005 and 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 FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

## 2.0 SUMMARY

The applicant is proposing to construct 60 units of two-storey row housing to be located in a total of eleven buildings. The units are configured on the site along an internal driveway with access to the development provided via Craig 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 Bylaw No. 8000. While approximately a third of the property has a future land use designation of low density multiple dwelling, the northern portion of the lot has a future land designation of single/two dwelling housing. The applicant is therefore applying to amend the Official Community Plan so that future land use designation of the entire property is low density multiple housing.

## 3.0 ADVISORY PLANNING COMMISSION

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of March 16, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission *not* support Official Community Plan Application No. OCP04-0005, 914 Craig Road, Lot A, Plan 19712, Sec. 26, Twp. 26, ODYD, to amend the Official Community Plan Future Land Use from Single / Two Family Residential to Multiple Unit Residential (Low Density); and to rezone from the A1-Agriculture 1 zone to the RM3-Low Density Multiple Housing zone in order to allow for a 60 unit row housing complex.

As a result of the Advisory Planning Commission not supporting the OCP Amendment there is no recommendation for the Rezoning application Z04-0012 and, Development Permit Application DP04-0025 and Development Variance Permit Application DVP04-0026.

## 4.0 BACKGROUND

### 4.1 The Proposal

The applicant is proposing to construct the 60 units of two-storey row housing in three phases. The development would begin on the south portion of the property. The proposed exteriors of the buildings are to be finished with earth toned vinyl siding (wheat, clay, sage) with tan and white accents. Roofing is to consist of charcoal toned asphalt shingles. Stone accents and cedar shakes provide detailing to the building elevations. In addition, several different window types and front doors are proposed. 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 two bathrooms. Each unit also has an unfinished basement.

At the rear of the units, patios and lawn space provide outdoor amenity space for the tenants. In addition, two play areas for children are provided on site. Significant landscaping is proposed throughout the development. The development will be fenced at the front and sides with an aluminum fence to mimic wrought iron. Stone entry post will demark the accesses to the development, the corners of the lot, and pedestrian pathways onto the property. Gravel pathways provide pedestrian links from both Hartman Road and McCurdy Road. At the rear of the property, a vinyl privacy fence and emerald cedar hedge will buffer the development from the adjacent single family properties. The required parking stalls are provided in a single car attached garage and open surface parking spaces. Bicycle parking will be accommodated within the attached garage.

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 53.4% 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 <sup>2</sup> )	15894.51m <sup>2</sup> (15488.75m <sup>2</sup> after road dedication)	900m <sup>2</sup>
Site Width (m)	84.90m	30.0m
Site Depth (m)	189.66m	30.0m
Site Coverage (%)	21.00% buildings 53.40% incl. buildings, driveways, parking❶	40% or 50% including buildings, driveways, and parking
F.A.R.	0.34	0.5
Height (m)	7.04m	9.5m 4.5m for accessory building
Storeys (#)	2 storeys	2.5 storeys
Setbacks (m)		
- Front ()	4.57m	4.5m
- Rear ()	6.133m	7.5m
- Side ()	7.35 m	4.5m (one side yard 3.0m)
- Side ()	5.29 m	4.5m
Private open space	25+m <sup>2</sup> per dwelling unit❷	25m <sup>2</sup> per 3 bedroom dwelling (1500m <sup>2</sup> )
Separation between principal buildings	6.05m	3.0m
Parking Stalls (#)	120 stalls	120 stalls
Bicycle Stalls (#)	60	0.5 per dwelling unit Class I, 0.1 per dwelling unit Class II

Variances are required to allow:

- ❶ A site coverage of 53.4% including buildings, driveways, and parking where 50% is permitted.
- ❷ A variance to allow the private open space to be located within required yards.

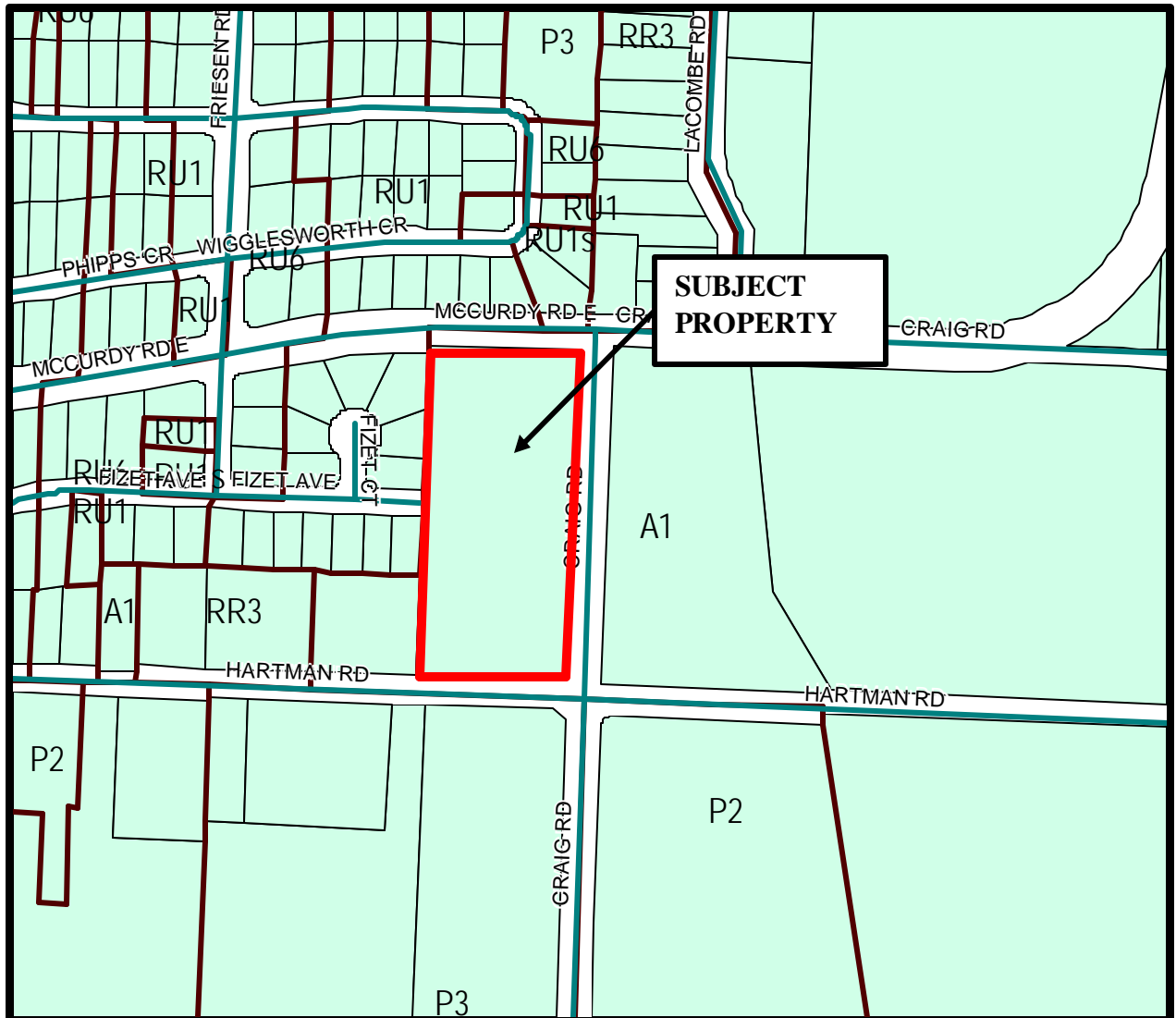
#### 4.2 Site Context

The subject property is located on.

Adjacent zones and uses are:

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

### 4.3 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.

### 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 Canada Post

Mail delivery equipment will be required.

#### 5.2 Fire Department

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

#### 5.3 FortisBC

Will provide underground electrical service.

#### 5.4 Irrigation District (Black Mountain)

Can be serviced by BMDK subject to:

1. A capital cost charge of \$800 per unit. Phase 1, 16 units - \$12,800
2. A connection fee of \$150 per unit. Phase 1, 16 units - \$2,400
3. A cost share of \$9,000 for improvements made to watermains for fire flow improvements by BMDK
4. A watermain design approved by BMDK
5. We will require a Stat. r/w on the watermain where it loops through the development.
6. The fire flow is considered good for this area. We request that the design consultant provide a FUS calculation form for the development buildings so that the fire flow requirement for this site can be documented.

5.5 Inspections Department

5.5.1 No comment on Zoning and OCP amendment.

5.5.2 Hydrant shall be located within 990 m of the entrance to each townhouse

5.5.3 On-site centre line turning radius shall be 12 metres.

5.5.4 Visitor parking should be defined.

5.5.5 Provision of garbage pickup (bins, individual pick up) should be defined.

5.5.6 Geotechnical information will determine the depth of basements permitted.

5.6 Interior Health

No comment.

5.7 Parks Manager

The landscape plan and planting list is acceptable to the Parks Division.

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

Minimum plant material specifications for BLVDs as follows:

Deciduous Trees minimum calipre 60 mm @ 300mm above rootball.

Evergreen Trees - minimum height 2500 mm.

Shrub and flower beds will require plastic edging beside all areas abutting a city sidewalk, BLVD, or city land to prevent migration of mulch.

Tree Planting to conform with Master Municipal Specifications (MMCD) Section 02950 and British Columbia Landscape Standard (1997) Section 9.3.

Trees to have a single, straight leader, upright form, free from crooks, forks or defects.

Install two stakes, located on opposing sides of the tree. Install guy wires as high as possible. Stake ties shall be made of non-abrasive materials such as ArborTie ([www.deeproot.com](http://www.deeproot.com)). The contractor will be responsible for removal of stakes after the first full growing season.

Maximum depth of mulch to be 100 mm. Keep mulch at least 50 mm away from tree trunk. Trunk flare must be visible.

Root shield barriers must be installed for all trees in and adjacent to City BLVD including City sidewalks, roads, curbs and gutters as per manufacturer instructions ? min. 18? depth. The root barrier top edge must be at least 13mm above grade; see [www.deeproot.com](http://www.deeproot.com) for specifications.

Boulevard maintenance including watering (manual or automated irrigation), shrubs, ground cover, sod, and seeded areas will be the responsibility of owner/occupant.

Boulevard tree maintenance will be the responsibility of Parks Division. However, the adjacent owner will be responsible for watering and replacement of trees during the establishment period, for at least two growing seasons after planting.

In an effort to conserve water, all automated irrigation systems will be design to minimize overspraying on non-landscaped areas including City sidewalks, courtyards, parking areas, roadways, etc.

5.8 RCMP

No response.

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 & specifications.

5.11 Telus

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

5.12 Terasen

No comment.

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

- a) Dedicate approximately 5.0m. along the frontage of McCurdy Road to provide for an ultimate road cross-section of 25.0m. Road Right of Way.
- b) Provide a 6.0m. corner rounding at the intersection of McCurdy and Craig Roads.
- c) 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:

- 1) Overall site suitability for development.
- 2) Slope analysis (i.e. 0-10 %, 10-20 %, 20-30% and over 30 %).
- 3) Presence of ground water and/or springs.
- 4) Presence of fill areas.
- 5) Presence of swelling clays.
- 6) Presence of sulfates.



- 7) Potential site erosion.
- 8) Provide specific requirements for footings and foundation construction.
- 9) 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

- a) 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.
- b) 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

The subject property is located within the specified area # 20 and currently serviced by the municipal sanitary sewer collection system. The developer will be responsible to 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 \$291,480.00 (60 x 0.70 = 42 Units @ \$6,940.00).

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.

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) McCurdy Road.

The applicant is responsible to upgrade the McCurdy Road frontage. The work consists of removing the existing sidewalk and construct curb, gutter, separate sidewalk, asphalt fillet paving, storm drainage, landscaped boulevard complete with underground irrigation, removal and/or relocation of utilities as may be required. The cross-section must be based upon the existing urbanization to the west of the subject property. The estimated cost for this work, for bonding purpose, would be \$42,300.00, inclusive of a bonding contingency.

b) Craig Road

The west half of Craig Road along the frontage of the subject property must be upgraded to a full urban collector standard (SS-R5) complete with curb, gutter, street lighting, asphalt fillet, storm drainage, landscaped boulevard complete with underground irrigation and the relocation and/or removal of utilities as may be required. The estimated

cost of this work, for bonding purposes, would be \$49,900.00, inclusive of a bonding contingency.

c) Hartman Road

- i. The north half of Hartman 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 complete with underground irrigation and the relocation and/or removal of utilities as may be required. The cross section must be based upon the existing urbanization located further down to the west of the subject property. The estimated cost of this work, for bonding purposes, would be \$28,900.00, inclusive of a bonding contingency.
- ii. In order to avoid potential storm water problem, the City of Kelowna might consider participating financially toward the construction of the curb, gutter, sidewalk and fillet paving along the frontage of the property to the west of the subject property to meet the existing curb, gutter and sidewalk further down to the west of the subject property.

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

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

5.13.11 Bonding and Levies Summary.

a) Performance Bonding	None Required
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McCurdy Road upgrading	\$ 42,300.00
Craig Road upgrading	\$ 49,900.00
Hartman Road upgrading	\$ 28,900.00
<b>Total performance bonding</b>	<b>\$121,100.00</b>

b) Levies

Sewer specified Area fees	\$291,480.00
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## 6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed rezoning and amendment to the Official Community Plan. 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 partially 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 permit and development variance permit applications. The applicant has provided adequate architectural detailing and used a variety of building materials to provide visual interest to the buildings. The applicant, however, was encouraged to add further architectural detailing to the rear elevations of the proposed buildings. The applicant subsequently added pergola structures at the rear of each unit to provide greater visual interest to the buildings.

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 53.4 % and to allow the applicant to use the required yards for private open space.

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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.  | <b>APPLICATION NO.:</b>   | Z04-0012/DP04-0025/DVP04-0026   |
| 2.  | <b>APPLICATION TYPE:</b>  | Rezoning, Development Permit,<br>Development Variance Permit  |
| 3.  | <b>OWNER:</b>   | Gary Tebbutt  |
|     | · <b>ADDRESS</b>  | 125 Lake Avenue   |
|     | · <b>CITY</b>   | Kelowna, BC   |
|     | · <b>POSTAL CODE</b>  | V1Y 5W4   |
| 4.  | <b>APPLICANT/CONTACT PERSON:</b>                                      | J97 Construction  |
|     | · <b>ADDRESS</b>  | 209 Benvoulin Avenue  |
|     | · <b>CITY</b>   | Kelowna, BC   |
|     | · <b>POSTAL CODE</b>  | V1W 2E2   |
|     | · <b>TELEPHONE/FAX NO.:</b>   | 863-9580  |
|     | <b>APPLICATION PROGRESS:</b>  |   |
|     | <b>Date of Application:</b>   | March , 2004  |
|     | <b>Date Application Complete:</b>                                     | February 4, 2004  |
|     | <b>Servicing Agreement Forwarded to Applicant:</b>                    | n/a   |
|     | <b>Servicing Agreement Concluded:</b>                                 | n/a   |
|     | <b>Staff Report to APC:</b>   | March 10, 2004  |
|     | <b>Staff Report to Council:</b>                                       | n/a   |
| 6.  | <b>LEGAL DESCRIPTION:</b>   | Lot A, Section 26, Township 26, Plan 19712, ODYD  |
| 7.  | <b>SITE LOCATION:</b>   | on Craig Road between McCurdy Road and Hartman Road   |
| 8.  | <b>CIVIC ADDRESS:</b>   | 914 Craig Road  |
| 9.  | <b>AREA OF SUBJECT PROPERTY:</b>                                      | 15,894.52 m <sup>2</sup>  |
| 10. | <b>AREA OF PROPOSED REZONING:</b>                                     | 15,488.75 m <sup>2</sup>  |
| 11. | <b>EXISTING ZONE CATEGORY:</b>  | RU1 – Large Lot Housing   |
| 12. | <b>PROPOSED ZONE:</b>   | RM3 – Low Density Multiple-Family   |
| 13. | <b>PURPOSE OF THE APPLICATION:</b>                                    | TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND USE DESIGNATION ON THE NORTHERN PORTION OF THE PROPERTY FROM THE SINGLE TWO FAMILY DWELLING DESIGNATION TO THE LOW DENSITY MULTIPLE DWELLING DESIGNATION.<br><br>TO REZONE THE SUBJECT PROPERTY FROM THE A1- AGRICULTURAL 1 ZONE TO RM3- LOW DENSITY MULTIPLE HOUSING ZONE.<br>u/k |
| 14. | <b>MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                             |   |
|     | <b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> |   |
| 15. | <b>DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>                       | Multi-Family  |

**ATTACHMENTS**

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

- **Location of subject property**
- **Site plan**
- **Elevations**
- **Floor Plans**
- **Landscaping Plan**
- **Letter from Applicant**
- **Letters from Rutland Residents' Association**
- **Traffic Review**