
CITY OF KELOWNA
MEMORANDUM

Date: July 22, 2004
File No.: (3360-20) **Z04-0013**
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. Z04-0013 **OWNER:** 672499 BC Ltd.

AT: 3690 Gordon Drive **APPLICANT:** 672499 BC Ltd.

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM A1 – AGRICULTURE 1
ZONE TO RM5 – MEDIUM DENSITY MULTIPLE HOUSING ZONE.

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: RM5 – MEDIUM DENSITY MULTIPLE HOUSING ZONE

REPORT PREPARED BY: NELSON WIGHT

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z04-0013 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A D.L. 134 O.D.Y.D. Plan KAP56005, located at 3690 Gordon Drive., Kelowna, B.C. from A1 – Agriculture 1 zone to RM5 – Medium Density Multiple Housing zone be considered by Council;

AND THAT the 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 on the subject property.

2.0 SUMMARY

The Applicant is proposing to rezone the subject property from A1 – Agricultural 1 zone to RM5 – Medium Density Multiple Housing zone in order to accommodate a multifamily residential development. At this time, because there is no accompanying development permit application, the proposal is to be reviewed on a conceptual level only. The Applicant presents two options for consideration: Option 1 is a four-storey design, and Option 2 incorporates a 10-storey tower in the middle of the site, stepping down to two- or three-storey row housing on the perimeter. Access to the site would be from Casorso Road until such time that Mission Springs Drive is extended.

The Applicant proposes to use this forum to debate the merits of the two options presented prior to applying for a development permit.

3.0 ADVISORY PLANNING COMMISSION

THAT the Advisory Planning Commission supports Rezoning application No. Z04-0013, affecting Lot A, D.L. 134 O.D.Y.D. Plan KAP56005, located at 3690 Gordon Drive., Kelowna, B.C., subject to preservation of view line corridors west of Gordon Drive.

4.0 AGRICULTURAL ADVISORY COMMITTEE

THAT the Agricultural Advisory Committee supports Rezoning application No. Z04-0013, affecting Lot A, D.L. 134 O.D.Y.D. Plan KAP56005, located at 3690 Gordon Drive., Kelowna, B.C., subject to adequate buffering provisions along Gordon Drive and the registration on property titles of a covenant or statement of disclosure that the development is adjacent to ALR lands upon which the normal activities related to agriculture will take place.

5.0 BACKGROUND

5.1 The Proposal

The Applicant presents two options for consideration, which are detailed below. Both scenarios seek to develop the subject lands in a comprehensive manner, making full use of the site.

Option 1 considers a ± 200 unit 4-storey development in four buildings across the entire site, in keeping with the requirements of the RM5 – Medium Density Multiple Housing zone. Road access would be accommodated by Casorso, and later Mission Springs Drive, when constructed. (Note: although the submitted site plan does not detail height, the Applicant supplied this information in a meeting with Staff on March 31st, 2004).

Option 2 envisions a ± 325-unit apartment/row-house development on the subject property. The concept plans propose multiple two-storey row housing around the perimeter of the site, surrounding a single ten-storey tower and two four-storey buildings occupying the centre on the property. An internal road loop is proposed for the development, separating the tower and 4-storey blocks from the two-storey units. Significant underground parking is proposed with the remainder provided in surface parking areas.

Because the Applicant is not prepared to proceed with a development permit at this time, the plans provided are very conceptual in nature. As a result, there is insufficient information to complete a Bylaw check for each development option. Nevertheless, the table that follows details the RM5 – Medium Density Multifamily Housing zone requirements, and any certainties known about the site and the development options proposed.

CRITERIA	PROPOSAL	RM-5 ZONE REQUIREMENTS
Site Area (m ²)	2.62 ha (26,200 m ²)	1,400 m ²
Site Width (m)	135 m	30.0 m
Site Coverage (%)	< 40 %	40%
Site Coverage (building, parking, and driveways)	< 60 %	60%
F.A.R.	Option 1: <1.1 Option 2: 1.1	1.1
Storeys (#)	Option 1: 4 Option 2: 2 to 10 ①	4 storeys
Height (m)	Option 1: ? Option 2: 30 m	16.5 m

Setbacks (m)		
- Front	< 6.0 m	6.0 m
- Rear	< 9.0 m	9.0 m, or 7.5 m where access to rear lane
- Interior Side	<4.5 m (< 2 ½ storeys)	4.5 m (< 2 ½ storeys)
	<7.5 m (> 2 ½ storeys)	7.5 m (> 2 ½ storeys)
- Side – Flanking Street	< 7.5 m	7.5 m
Other requirements		
Parking Stalls (#)	Meets the minimum number of stalls required	1 per bachelor dwelling unit 1.25 per one-bdrm dwelling unit 1.5 per two-bdrm dwelling unit 2 per three-bdrm dwelling unit 1 visitor parking space for every seven (7) dwelling units.
Bicycle Parking (#)	Meets the minimum number of stalls required	Class I: 0.5 per dwelling unit Class II: 0.1 per dwelling unit
Private Open Space	Meets the minimum required	7.5 m ² per bachelor dwelling 15.0 m ² per one-bdrm dwelling 25.0 m ² per dwelling > one-bdrm

❶ A variance would be required to allow a 10 storey building, where the maximum height permitted is 4 storeys.

5.2 Site Context

The subject property is located on the west side of Gordon Drive between Barnes Road and Casorso Road. Because this is an area in transition, the existing uses on adjacent properties are mixed, ranging from agricultural uses to multifamily residential, with some institutional uses as well. More specifically, the adjacent land uses are as follows:

- North - RM5 – Medium Density Multiple Housing
- East - A1 – Agricultural 1
- South - RM4 – Transitional Low Density Multiple Housing
 - P2 – Education and Minor Institutional
- West - A1 – Agricultural 1

- 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.

5.5.3 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;

6.0 TECHNICAL COMMENTS

6.1 Fortis B.C.:

Will provide u/g electrical service.

6.2 Community Development and Real Estate Manager

Recommend dedication of Mission Springs Drive as Road, because the building & land likely will be stratified. A Road Reserve will be difficult to dedicate, as all individual strata owners will need to sign the plan.

6.3 Environment Manager

Should a higher building form be contemplated in this location, there should be some notable benefit in terms of green/open space integrated into the development. This plan does not offer much of any significance in this regard and appears only to attempt to maximize the dwelling units on the site.

Recommend pedestrian friendly green areas and cycle-friendly linkages. The development should minimize hard landscaping and maximize green space and on-the-ground (and on-the-roof) amenities. The buildings should also possess more visual interest and architectural merit. Taller narrower buildings with open viewcapes between are more desirable than short squat vinyl/stucco monoliths that block all views from the street. The Environment Division could support a variant of the concept that provides green space and view corridors that replace the 2-storey buildings that are proposed.

6.4 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows will be required. Hydrant required within 45 m of fire department connection. Contact FPO for preferred location(s) of new hydrant(s).

6.5 Kelowna Regional Transit/Operations Manager

No comments.

6.6 Parks Manager

- All entry feature signs for the proposed development will be located on private property and not on City BLVD.
- BLVD maintenance including watering (manual or automated irrigation), shrubs, ground cover, sod, and seeded areas will be the responsibility of owner/occupant.
- BLVD 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.
- Contact Parks for Landscape Plan Requirements
- Contact Parks for Minimum Plant Material Specifications for Blvds.

6.7 Public Health Inspector

Subject to sanitary sewer & city water.

6.8 Shaw Cable

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

6.9 Telus

Developer to provide a 3 m x 4 m easement at no cost to Telus for a switching equipment cabinet. Telus will provide u/g facilities to this development. Developer will be required to supply & install a conduit as per Telus policy.

6.10 Terason Utility Service

No comments.

6.11 Works and Utilities Department

The Works & Utilities Department have the following requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit approval, and are outlined in this report for information only.

6.11.1 Domestic Water and Fire Protection

It will be necessary to extend the watermain on Gordon Drive north of Casorso Rd along the full frontage of this development and provide fire hydrants as required for fire protection. The estimated cost for this construction for bonding purposes is \$53,900.00.

The existing watermain on Casorso Road fronting this property is 250mm in diameter.

The developer's consulting mechanical engineer will determine the domestic and internal fire protection requirements of this proposed development and establish the required main sizes and service needs. Tie-in of new services to existing mains will be by City forces at the developer's expense.

A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.

If there is to be landscaping on the site, the developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

6.11.2 Sanitary Sewer

A sanitary sewer service can be provided at the developer's cost and connected to the existing sanitary sewer system on Casorso Rd.

6.11.3 Storm Drainage

It will be necessary for the developer to construct a storm drainage system on Gordon Dr. to accommodate road drainage on Gordon Dr fronting the proposed development. The cost is included in the Road upgrading item.

The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The plan must accommodate the requirements to contain a 1 in 5-year storm event within pipes and identify overland drainage routes for a 100-year storm event with consideration for upstream water sources and downstream facility upgrading and / or provision of storm water retention facilities. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), and storm water services for each lot created and / or on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service at the developer's cost, with approval from the City drainage engineer.

6.11.4 Road Improvements

Gordon Drive fronting this development must be upgraded to a full urban standard including curb and gutter, separate sidewalk, piped storm drainage system including catch basins, manholes / drywells, pavement widening, landscaped boulevard complete with underground irrigation system, ornamental street lights as required and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The cost for bonding purposes is \$215,900.00

Casorso Road fronting this development must be upgraded to a full urban standard including curb and gutter, monolithic sidewalk, storm drainage pipe (existing) catch basins, manholes / drywells, pavement widening, landscaped boulevard complete with underground irrigation system, street lights as required and re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The cost for bonding purposes is \$63,500.00

(Future) Mission Springs Road will be extended in the future between Casorso Rd and Barnes Rd when lands to the west develop. This development must dedicate and contribute to the

future construction of one half of that portion of Mission Springs Road that fronts on the subject property. The cost for bonding purposes is \$103,200.00. This bonding may be converted to a one-time cash payment if so desired by the developer, and the City of Kelowna will contribute that share toward the construction of the road and utilities when the lands to the west develop.

6.11.5 Road Dedication and Subdivision Requirements

By registered plan to provide the following:

Dedicate Mission Springs Rd. within the subject property as identified in the Sketch provided by Earth Tech Canada Inc.
Grant statutory rights of way if required for utility services.

6.11.6 Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

6.11.7 Street Lighting

Street lighting including underground ducts must be installed on all roads fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

6.11.8 Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

6.11.9 Development Cost Charge Reduction Consideration

The proposed construction on Gordon Drive is eligible to receive a DCC credit for a portion of the pavement widening. The amount of the DCC credit will be determined when the design engineer has submitted construction tender costs. DCC credit cannot exceed the actual DCC assessed by the City, nor shall it exceed the actual cost of construction as substantiated by the actual construction cost.

6.11.10 Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, and in conformance with the City of Kelowna Subdivision Development & Servicing Bylaw No. 7900, the owner is eligible to apply for latecomer protection for the following:

- Water main construction on Gordon Drive.
- Storm drainage construction on Gordon Drive.

6.11.11 Geotechnical Report

As a requirement of this application and/or prior to issue of subdivision preliminary layout review (PLR) by the Approving Officer, the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- Area ground water characteristics, including water sources on the site and overland surface drainage courses traversing across or influencing this property.
- Site suitability for development; i.e., unstable soils, etc.
- Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

6.11.12 Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

6.11.13 Bonding and Levy Summary

Gordon Dr. Watermain	\$53,900.00
Gordon Dr. Upgrade	\$215,900.00
Casorso Rd. Upgrade	\$63,500.00
Future Mission Springs Rd.	<u>\$103,200.00</u>
Total Bonding	<u>\$436,500.00</u>

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of subdivision approval or building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to 4th reading of the zone amending bylaw or issuance of a building permit.

6.11.14 Site Related Issues

- Our comments regarding the site related issues will be provided when a building permit application is made.
- The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.
- The site plan should illustrate the ability of an SU-9 vehicle to manoeuvre onto and off-site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

- The proposed driveway access on Casorso Road must be considered temporary until a permanent access can be provided when Mission Springs Rd. is constructed. The cost of removing the temporary driveway in the future is included in the Future Mission Springs Road upgrading item.

6.11.15 Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

6.11.16 Transportation related Recommendations are as follows:

- The long term street network for this area includes the extension of Mission Springs Road along the westerly boundary of the subject property connecting Casorso and Barnes Rd.
- A road dedication is required over this development site, to protect the future ROW for the northerly extension of this Mission Springs Rd.
- Drawing A-1 identifies the location of the future Mission Springs Rd. relative to their site. This proposal may be approved on the condition that when the Mission Springs extension is built, access will then be restricted to the new Mission Springs Road along their west property line, and the Casorso Rd. access will then be closed.
- Prior to development of the Mission Springs extension, one temporary access will be permitted directly onto Casorso Road at the west boundary of the subject site as shown on drawing A-1.
- If a gated entrance is proposed, the entrance area before the gate must allow for a vehicle (who has been denied gate access) to turn around and re-enter the public street in a forward direction. The area must allow for an "SU-9" vehicle turning radius and the gate must open into the site.
- The west side of Gordon Drive, fronting this development site, will have to be urbanized to its ultimate cross-section. This will include the separate sidewalk, curb & gutter plus pavement fillet. See item 4. (a).
- The north side of Casorso Road, fronting this development site, will have to be urbanized to its ultimate cross-section. This will include a separate sidewalk, curb & gutter plus pavement fillet. See item 4. (b).
- The east side of the future Mission Springs Rd. extension will require bonding to cover the construction cost of an urbanized roadway. See item 4. (c).

7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The proposal is consistent with the future land use designation of Medium Density Multiple Family in the Official Community Plan (OCP). Staff therefore are supportive of the proposed rezoning of the subject property from the A1 – Agricultural 1 to RM5 – Medium Density Multiple Dwelling housing.

Although it is difficult to comment on the conceptual rendering of the proposed project, there are some general comments that can be made with respect to each option, as follows:

- Option 1: If the proposed development is consistent with Bylaw requirements, then there appear to be no concerns. Assuming the development incorporates strong architectural detailing and sensitive building design, this proposal could be appropriate for the subject lands.
- Option 2: It appears that there is some effort to design podium and tower blocks to achieve maximum densities on portions of the site (tower) while maintaining a strong street presence along the perimeter (podium), in order to allow for a more functional open space amenity throughout the site. There is merit to the idea of maximizing density through an increase in height on this site. Unfortunately, the proposal submitted does not achieve an appropriate increase in open space to justify the relative increase in height. There would also be very little context in the surrounding developed area that would make a ten storey tower complimentary to other forms of development. Any consideration for a height variance would, therefore, have to be based on beneficial impacts contained within the site. The Applicant has been made aware of this position.

Staff is supportive of the rezoning application, due to its consistency with the OCP and compatibility with surrounding land uses. Furthermore, the subject property holds significant potential for an innovative development, due to its large size, and lack of development constraints. It is hoped that future development of the site aim for a more innovative design beyond the standard 4-storey apartment block.

Andrew Bruce

Manager of Development Services

Approved for inclusion

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NW/nw

Attach.

FACT SHEET

1. APPLICATION NO.:	Z04-0013
2. APPLICATION TYPE:	Rezoning
3. OWNER:	672499 BC Ltd.
	482 Main Street
· CITY	Penticton, BC
· POSTAL CODE	V2A 5C5
4. APPLICANT/CONTACT PERSON:	672499 BC Ltd. (Don Lloyd)
· ADDRESS	482 Main Street
· CITY	Penticton, BC
· POSTAL CODE	V2A 5C5
· TELEPHONE/FAX NO.:	493-2244
5. APPLICATION PROGRESS:	
Date of Application:	March 2, 2004
Date Application Complete:	June 8, 2004 (Council authorization to close previous application on subject property)
Servicing Agreement Forwarded to	n/a
Servicing Agreement Concluded:	n/a
Staff Report to APC:	June 23, 2004
Staff Report to Council:	n/a
6. LEGAL DESCRIPTION:	Lot A, District Lot 124, ODYD, Plan 56005
7. SITE LOCATION:	Gordon Drive between Casorso Rd and Barnes Rd
8. CIVIC ADDRESS:	3690 Gordon Drive
9. AREA OF SUBJECT PROPERTY:	26,200 m ²
10. EXISTING ZONE CATEGORY:	A1- Agricultural 1
11. TYPE OF DEVELOPMENT PERMIT AREA:	Multi-Dwelling DP
13. PURPOSE OF THE APPLICATION:	TO REZONE THE SUBJECT PROPERTY FROM A1 – AGRICULTURE 1 ZONE TO RM5 – MEDIUM DENSITY MULTIPLE HOUSING ZONE.
14. MIN. OF TRANS./HIGHWAYS FILES NO.: NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY	n/a
15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS	Multi-Dwelling DP

ATTACHMENTS

(not attached to the electronic version of the report)

- **Location of subject property**
- **State of Title**
- **Site Plan (Option 1)**
- **Site Plan (Option 2)**