
CITY OF KELOWNA

MEMORANDUM

Date: January 13, 2005
File No.: (3060-20) **DP02-0022**

To: City Manager

From: Planning & Corporate Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION NO. DP02-0022 OWNER: GAZELLE ENTERPRISES INC. & GREEN PROJECTS

AT: 570 SARSONS ROAD / APPLICANT: GAZELLE ENTERPRISES
 4388 LAKESHORE ROAD INC./ MR. G. GAUCHER

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO AUTHORIZE THE PROPOSED MULTIPLE UNIT LOW-DENSITY RESIDENTIAL DEVELOPMENT COMPRISED OF 24 SEMI-DETACHED UNITS IN 12 BUILDINGS, AND 123 APARTMENT UNITS IN 3 APARTMENT BUILDINGS,

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 9318 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP02-0022 for Lots 1 & 2, DL 167, O.D.Y.D., Plan KAP75687, located on Sarsons Road and Lakeshore 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;

THAT Council authorize the issuance of Development Variance Permit No. DVP02-0023; Lots 1 & 2, DL 167, O.D.Y.D., Plan KAP75687, located on Sarsons Road and Lakeshore Road, Kelowna, B.C.;

THAT the applicant register a plan of subdivision to consolidate the properties into one titled lot,

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 an application to rezone (Z04-0063) the subject properties to the RM3 – Low Density Multiple Housing zone in stream which is currently at 3rd reading, after a successful public hearing held on November 16, 2004. Second and third readings were given to the zone amending bylaw on November 22, 2004. Now that the applicant has addressed the outstanding issues related to the rezoning application, it is now appropriate for Council to consider final adoption of the zone amending bylaw as well as the associated Development Permit and Development Variance Permit for the proposed 4 storey building height for the internal apartment building.

This current application for a Development Permit seeks permission to develop 12 semi-detached 1½ storey residential units along the west and northern boundaries of the subject properties, and 3 apartment buildings ranging in height from 2 storeys facing Sarsons Road, 2½ storeys facing Lakeshore Road, and 4 storeys for the internal building. The portion of the site occupied by the apartment buildings is anticipated to include a large parking structure located entirely below ground.

The associated Development Variance Permit application (DVP02-0023) has been circulated separately to Council for consideration.

2.1 Advisory Planning Commission

The above noted applications (DP02-0022/DVP02-0023) were reviewed by the Advisory Planning Commission at the meeting of September 21, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP02-10,022, for 4388 Lakeshore Road and 570 Sarsons Road, Lots 1 & 2, DL 167, O.D.Y.D., Plan KAP75687 by Gazelle Enterprises Inc. (Grant Gaucher), to seek a development permit to authorize construction of the proposed multiple unit low-density (RM3 zone) residential development comprised of 28 semi-detached units in 14 buildings, and 152 apartment units in a 3 - 3 storey buildings;

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP02-10,023, for 4388 Lakeshore Road and 570 Sarsons Road, Lots 1 & 2, DL 167, O.D.Y.D., Plan KAP75687 by Gazelle Enterprises Inc. (Grant Gaucher), to seek a Development Variance Permit to vary the maximum permitted residential building height in the RM3 zone from the 2½ storeys permitted to the 3 storeys proposed for a portion of the proposed apartment buildings.

Please note that the applicant has revised the proposed development plan in order to reduce the building height of the building located along the Sarsons Road frontage to 2 storeys, and the Lakeshore Road frontage to 2 ½ storeys in height, had have increased the height to the internal apartment building to a 4 storey (14.4 m) building height.

3.0 BACKGROUND

3.1 The Proposal

The subject properties are located at the northwest corner of the intersection of Lakeshore Road and Sarsons Road, a location that falls within the North Mission / Crawford Sector Plan area. The proposed development site has had a technical subdivision to realign the property lines to create a separate lot for the existing single unit dwelling located on Sarsons Road, as well as to create 2 lots that were configured for the previous mixed-use development proposal. That application for commercial development received substantial opposition, and was subsequently defeated on August 9th, 2004.

The applicant has submitted a new application (Z04-0063) to rezone the entire development site to the RM3 – Low Density Multiple Housing zone. The concept plans submitted at the time of the Public Hearing proposed the development of the site with 24 semi-detached units in 12 buildings, and 123 apartment units in 3 apartment buildings, for a total unit yield of 147 residential dwelling units.

The site plan indicates access to the site from Sarsons Road near the western site boundary, and from Lakeshore Road near the northern site boundary. There is an access driveway that connects these two access points which runs through the site. There is a leg that turns towards Lakeshore Road which terminates with a cul-de-sac that is located near the first apartment building. This leg provides access to the underbuilding parking garages that is located under each of the apartment buildings. The access driveway continues along to provide a separation between the semi-detached units and the apartment buildings as it proceeds towards Lakeshore Road. There is another cul-de-sac located adjacent to Lakeshore Road which provides a drop-off area to the apartment building.

The semi-detached units are proposed to be located adjacent to the west and north boundaries of the site, and are designed as 1½ storey, 3 bedroom units, with a double garage for each unit attached to the main building level. The upper storey has deck areas provided for the master bedroom. The exterior of the proposed building is

designed to be finished with a with a cultured stone material on the main level, and with a blend of “light tan” coloured horizontal hardi-plank and “medium tan” coloured stucco finishes. The semi-detached units are to be situated along the north and west sides of the development site to provide a transition element between the proposed apartment buildings and the existing single unit residential building located on the adjacent properties.

Each of the proposed apartment buildings are designed in a “V” shape configuration with the apex truncated. The associated Development Variance Permit application (DVP02-0023) has been made in conjunction with the Development Permit and Rezoning applications to address the proposed building height of 3 storeys for a portion of the apartment building located adjacent to Lakeshore Road, and for the proposed building height of 4 storeys for the internal apartment building, as the proposed RM3 – Low Density Multiple Housing zone limits the maximum building height to 2 ½ storeys.

The apartment buildings are designed to be finished with materials and colours that will replicate the form and character of the proposed semi-detached units located along the west and north sides of the development.

The area occupied by the apartment buildings will be developed with a parking structure for 293 vehicles that is proposed to be constructed entirely below grade. The site plan also indicates an amenity building and swimming pool area proposed to be located adjacent to Lakeshore Road in the open space area located within the 3 apartment buildings.

The proposed landscape plan shows a reasonable amount of landscaping located around the perimeter of the site, as well as within the site between the residential buildings. There is also a number of landscaped areas within the drive aisles and surface parking areas. The courtyard area nested within the apartment buildings is well landscaped and developed as an amenity area for the development. The outdoor swimming pool is tied to the landscaped amenity area by means of a network of meandering pathways and water features. The proposed site development will attempt to retain as many of the existing trees as possible along the interior lot lines.

The associated Development Variance Permit application has been made in conjunction with the Development Permit and Rezoning applications to address the proposed maximum building height of 4 storeys (14.4 m), where the RM3 – Low Density Multiple Housing zone limits the maximum building height to 2 ½ storeys. The intent of the variance in building height for the apartment buildings is to relocate some of the building floor space from the perimeter semi-detached units which are only 1½ storeys high where the zone permits a 2½ storey building height.

This Development Variance Permit application (DVP02-0023) has been circulated separately to Council for consideration at the same meeting as this Development Permit application.

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

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	30,454 m ²	900m ²
Site Width (m)		30m
Site Coverage (%)	36% Buildings 50% Buildings and Pavement	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)	21,318 m ²	21,318 m ² max @ FAR = 0.7
F.A.R.	0.70	FAR = 0.5 + 0.2 parking bonus
Storeys (#)	4 storeys (m) ❶	2½ storeys (9.5m)
Setbacks (m)		
- Front (from Lakeshore Rd.)	4.5 m	The minimum site front yard is 4.5 m, except it is 6.0 m for a garage or carport.
- Rear	7.5 m	The minimum site rear yard is 7.5 m, 4.5 m for common recreation buildings, and 1.5 m for other accessory buildings.
- North Side	4.5 m	The minimum site side yard is 4.0 m for a 1 or 1½ storey portion of a building or an accessory building or structure and 4.5 m for a 2 or 2½ storey portion of a building
- South Side (Sarsons Rd.)	4.5 m	The minimum site side yard is 4.0 m for a 1 or 1½ storey portion of a building or an accessory building or structure and 4.5 m for a 2 or 2½ storey portion of a building, except it is 4.5 m from a flanking street
Parking Stalls (#)	234 stalls required 293 stalls provided (125 % of required)	14 - 1 br @ 1.25 stalls = 18 stalls 100- 2 br @ 1.5 stalls = 150 stalls 33 - 3 br @ 2.0 stalls = 66 stalls

NOTE;

❶ DVP02-0023 has been made to vary the maximum permitted building height of the apartment buildings from the 2 ½ storeys permitted in the RM3 zone to the maximum 4 storey building height proposed. The DVP report has been circulated separately to Council for consideration.

The density proposed is based on the entire amount of required parking being provided under building is a below grade parking structure.

- ### 3.2 Site Context

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

This proposal to rezone the subject properties to the “RM3 – Low Density Multiple Housing zone is consistent with the "Multiple Unit Residential - Low Density" future land use designation of the City of Kelowna Official Community Plan.

The Official Community Plan also contains the following statements;

Objectives for Multiple Unit Residential Development

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

Guidelines for Multiple Unit Development

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:

Landscaping

Landscaping should:

- screen parking areas from view (with vegetation, berms, low walls, fences etc.)
- provide colour
- retain required sight distances (from roadways)
- contribute to a sense of personal safety and security
- facilitate access, enjoyment and social activities for all authorized users
- provide equal access for mobility-challenged individuals

Relationship to the Street

- The principle front entranceway should be clearly identified and in scale with the development.

Building Massing

- 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.

Ancillary Services/Utilities

- Loading, garbage and other ancillary services should be located at the rear of buildings.

Amenities

- Appropriate high quality public spaces, which provide links to surrounding areas and open space relief within the development should be encouraged.

Access

- Vehicle access and on-site circulation shall minimize interference with pedestrian movement.

Parking

- Underground parking is encouraged.

3.3.2 City of Kelowna Strategic Plan (1992)

The Strategic Plan encourages the development of 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 area.

3.3.3 Crime Prevention Through Environmental Design

Natural Surveillance

- wherever feasible, ground-oriented units enable surveillance over outdoor activity areas and the street;
- 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;
- recreation areas, in particular, children's play areas, should be visible from a multitude of windows and doors;
- playgrounds should not be visible from the street in order to protect children from strangers and traffic;
- 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;
- all buildings and residential units should be clearly identified by street address numbers that are a minimum of five inches (12.5 cm.) high, and well-lit at night;

- balconies should be large enough to provide a useable activity area for residents, thereby increasing influence over the adjacent neighbourhood;
- mail-boxes should be located next to the appropriate residences.

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 doorways should have windows and be key-controlled by residents;
- door hinges should be located on the interior side of the door;
- door knobs should be 40 inches (1 m.) from window panes;
- sliding glass doors should have one permanent door on the outside and on the inside moving door should have a lock device and a pin.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Fire Department

Fire Dept. access as per BC Building Code. Hydrants as per BC Building Code and City Of Kelowna Subdivision By-Law. Engineered fire flows will be required. If a security gate is installed it should be a min. of 14 feet clear opening with a Fire Dept. lock box installed with an over ride micro switch inside; contact FPO at Kelowna Fire Dept. for details.

4.2 FortisBC

Will provide u/g electrical service. Building must be set back from property enough to allow WCB limits of approach to existing overhead line on Lakeshore Road. (Min. 3.0 m separation)

4.3 Inspection Services Department

Information provided is too limited for full review. The designer should review spatial restrictions between buildings 3 and 2 and between duplex units.

Note; There will be opportunity for additional review at the time of the building permit application review

4.4 Parks Manager

1. The Parks Division requires a right-of-way in favour of public access to provide pedestrian access from Kensington Drive through this proposed multi-family development to Sarsons Road. Provide a drawing showing the alignment of the ROW to be approved by the Parks Division.
2. All entry feature signs for the proposed development will be located on private property and not on City BLVD.
3. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
4. Parks encourages private property owners to incorporate native plants and xeriscape vegetation where practical.
5. BLVD maintenance including watering (manual or automated irrigation), shrubs, ground cover, sod, and seeded areas will be the responsibility of owner/occupant.
6. 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.
7. Street trees contribute to the liveability of a street. Trees modify the microclimate and foster a sense of comfort and safety for drivers and pedestrians. The Parks Division recommends the continuous planting of street trees along Lakeshore Drive consistent with the City of Kelowna's Urban Forestry Tree Planting Guide (available at the Parks Division).
8. 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.

NOTE;

There has been alternate pedestrian access between Kensington Drive and Sarsons Road provided by means of an existing pedestrian walkway which connects Kensington Drive through to Edinburgh Court, and a pedestrian link through the development site from the end of Edinburgh Court to Sarsons Road.

4.5 Shaw Cable

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

4.6 Telus

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

4.7 Works and Utilities Department

The Works & Utilities Department has the following comments and requirements associated with this application for the proposed Condominium and Townhouse Area. The existing parcels are zoned RU-1. The road and utility upgrading requirements have been addressed as part of the associated rezoning application Z04-0063.

Development Permit and Site Related Issues

- (a) A site grading plan, a site servicing plan and a storm drainage plan are a requirement of this application. Site servicing issues and road access will be further reviewed and comments related to site development will be addressed when a detailed site development design or building permit application is received.
- (b) 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.
- (c) A bike rack must be provided in accordance with current bylaws and policies.
- (d) Access and Manoeuvrability
 - (i) Should traffic conditions dictate, The City of Kelowna wishes to reserve the right to restrict the proposed southern access onto Lakeshore Road to right in and right out only.
 - (ii) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.
 - (iii) Perimeter access must comply with the BC Building Code.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The associated rezoning application (Z04-0063), which proposes the rezoning of the subject properties to the RM3 – Low Density Multiple Housing zone in order to develop the subject properties with a low density multi-unit residential development comprised of 3 apartment buildings and 12 semi-detached buildings is currently at 3rd reading. This proposed zone is consistent with the current Future Land Use designation in the Official Community Plan which designates the subject properties for Multiple Unit Residential - Low Density.

The proposed multi-unit residential development is well designed and detailed, creates a reasonable housing mix for the site, and introduces a form of multi-unit housing that is not currently provided in this area of the City. This application for a Development Permit is consistent with the RM3 zone in terms of building setbacks and floor area ratio

(density). The items that do vary from the RM3 zone is the issue of building height. Development Variance Permit application (DVP02-0023), made to authorize an increase in building height from the maximum 2½ storeys building height permitted in the zone to the maximum 4 storey (14.4 m) building height proposed has been circulated to Council separately from this Development Permit application, but will be considered at the same Council meeting as the Development Permit application.

The applicant has worked with their architect in order to provide a richly detailed building form and character for the project, while also providing for a detailed amenity package for the residents of the site. The site plan indicates a pedestrian linkage from the end of Edinburgh Court to the site, as well as a pedestrian link from the internal walkway system through to Lakeshore Road through the common amenity area.

The applicant has had numerous meetings with the residents of the neighbourhood, with a view to mitigate the potential impacts of the proposed development on the existing adjacent residents. However, there still remains a vocal group of Mission Residents that are opposed to this proposed development in this location.

The Planning and Corporate Services Department supports the proposed land use for the site. As well, the applicant has provided a well developed architectural style for the proposed development through the selection of rich building details and appropriate building materials and colours to impart a level of development appropriate for the neighbourhood, which the Planning and Corporate Services Department also supports, and recommends for positive consideration by Council.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

PMc/pmc
Attach.

Attachments

(Not attached to the electronic copy of the report)

Subject Property Map

Schedule A, B & C (6 pages)

1 page of site plan detail to show building heights