
CITY OF KELOWNA

MEMORANDUM

Date: August 26, 2005
File No.: DP05-0110/DVP05-0114

To: CITY MANAGER

From: PLANNING AND CORPORATE SERVICES DEPARTMENT

Subject:

APPLICATION NO. DP05-00110/ DVP05-0114

OWNER: 07200229 BC Ltd.

AT: 1355 Findlay Road

APPLICANT: Troika Developments Inc.

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF 36 ROW HOUSING.

TO OBTAIN A DEVELOPMENT VARIANCE TO ALLOW THE BUILDINGS TO BE 3 STOREYS IN HEIGHT WHERE ONLY 2.5 STOREYS IS PERMITTED.

TO OBTAIN A DEVELOPMENT VARIANCE TO ALLOW TWO WAY DRIVING AISLES TO BE 6.0 M IN WIDTH WHERE 7.0 M IS REQUIRED.

EXISTING ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP05-0110 for Lot 1, Section 35, Twp. 26, ODYD, Plan KAP77097, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
5. The height and siting of the retaining walls are to be constructed in general accordance with Schedule "A" and "C";
6. The applicant be required to pay the City the Sewer Specified Area # 20 Cash Commute Charge.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP05-0114; Lot 1, Section 35, Twp. 26, ODYD, Plan KAP77097, Kelowna, B.C.;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.9.6 (c) – Low Density Multiple Housing

A variance to allow a height of 3 storeys where only 2.5 storeys is permitted.

Section 8.1.12 – Parking and Loading

A variance to allow the width of two way driving aisles to be 6.0 m where 7.0 m is required.

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 is seeking a development permit to allow 36 units of row housing within 9 buildings. A development variance is also required in order to allow for the proposed buildings to be 3 storeys in height where only 2.5 m is permitted.

3.0 ADVISORY PLANNING COMMISSION

The application was reviewed by the Advisory Planning Commission on August 2, 2005 and their recommendation was as follows:

THAT the Advisory Planning Commission supports Development Permit Application No. DP05-0110, for 1355 Findlay Road, Lot 1, Plan 77097, Sec. 35, Twp. 26, ODYD, by Trolka Dev. Inc. (Renee Wasylyk), to obtain a Development Permit to allow for the construction of 36 units of row housing;

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP05-0113, for 1355 Findlay Road, Lot 1, Plan 77097, Sec. 35, Twp. 26, ODYD, by Trolka Dev. Inc. (Renee Wasylyk), to obtain a development variance permit to allow the buildings to be 3 storeys in height where only 2.5 storeys is permitted; and to obtain a development variance permit to allow retaining walls that are 2.44 m in height where only 1.2 m is permitted.

The applicant has since revised the drawings to remove the variance required for over-height retaining walls.

4.0 BACKGROUND

4.1 The Proposal

A total of nine building are proposed including seven 3 unit buildings, one 7 unit building, and one 8 unit building. Each unit has a double car (tandem) garage accessed from an internal driveway. Two driveway accesses are proposed along Findlay Road. The internal driveways are to be 6.0 m wide where 7.5 m is required. Each unit, however, will be setback a minimum of 1.0 m from the driving aisle, with a small driveway defined by planting beds. In addition, the layout of the internal driveway, looping through the development, means that vehicles are not required to turn around on site. From the driveway, the garage doors will provide access into the units. The two car (tandem parking) garages are located on the lower level of each unit. The second level (middle level) of the units contains a living/dining room, and kitchen on the main level. The upper level contains three bedrooms and two bathrooms. Additional access to the units is provided on the opposite side of the units via the deck. In addition to the two

tandem parking spaces provided in each garage, a total of 7 visitor parking spaces are provided on site. The development therefore meets the parking requirement.

The elevations of the buildings are to be broken up using dormers and subroofs as well a variety of building materials. The lower and second levels of the buildings are to be finished with horizontal siding with the upper level finished in a coordinating vertical siding. Painted cement board will divide and define each level of the building. Shaker/shingle siding will further break up the building facades and provide visual interest to the building. At the lower level, the row of garage doors on the front elevations of the buildings will be broken up using sub-roofs and wood pergolas. The use of a variety of window types and size also provides definition and visual interest to the building.

The site is to be graded such that the rear of the buildings appear to be 2 ½ stories in height from the adjacent properties. Pedestrian access into the units will be provided on the rear elevations with stairs leading onto a deck providing access to the second level of the unit. The landscaping, including a series of interconnecting pathways, will guide pedestrians from both Findlay Road and the internal driveways around the building to the rear facades. The applicant has also confirmed that individual garbage pickup will be arranged. The need for the garbage enclosure is therefore eliminated.

A water feature ("reflecting pool"), located mid-way along the front property line, acts as the focal point of the site. A wide staircase leading up to the water feature provides the main pedestrian linkage to the street. Behind the reflecting pool a landscaped grass area extends toward the middle of the site. From this landscape "square", concrete sidewalks fan out to the adjacent buildings. Concrete sidewalks appear throughout the development providing both rear access to the units as well as creating an walking trail system throughout the property. In areas where the pathway crosses the driveway, pavers provide definition to areas of potential pedestrian crossing. Adjacent to the sidewalks, small islands of grass and planting beds are provided. Between the sidewalks and the side and rear property lines, a buffer of grass is provided. Several trees are proposed along each of the property lines. On the north side of the property, the 4.5 m covenant area will be sloped down to meet the grade of the existing abutting park property. As this is the riparian management area of Francis Brooke, all planting within the covenant area will be required to be approved riparian plantings. The applicant is also proposing to construct a children's play area in the north east corner of the property.

The proposed site grading ensures that few retaining walls will be required. A small 0.6 m retaining wall continues to be required along the east property line. This retaining wall, however, meets the height restrictions of the Zoning Bylaw. Above the retaining wall, a 1.2 m (4') black chain link fence is proposed. The sightlines onto the adjacent property (future park) will therefore be maintained. In addition, the low retaining wall and transparent fencing reduce opportunities for vandalism/graffiti. Staff therefore feels that the applicant has addressed Staff's CPTED concerns. Retaining walls within the internal portions of the site will not exceed 1.2 m in height.

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

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	6512m ²	900m ²
Site Width (m)	101.49 m	30.0m
Site Depth (m)	70.45 m	30.0m
Site Coverage (%)	39.7% 45.2%	40% or 50% including buildings, driveways, and parking
F.A.R.	$4306.2\text{m}^2 / 6512\text{m}^2 = 0.66$	0.5 +0.2 (max. parking bonus) = 0.70
Height (m)	9.1m / 9.5m (driveway)	9.5m
Storeys (#)	3 storeys*	2.5 storeys
Setbacks (m)		
- Front (west)	4.5m	4.5m
- Rear (east)	7.5m	7.5m
- Side (north)	4.5m (also boundary of no build covenant area)	4.5m
- Side (south)	4.5m	3.0m
Projections (bldg cantilevers)		
Front (W)	0.6 m	0.6 m into required yard
Side (N)	0.0 m	3.0 m max in length
Side (S)	0.0 m	1.5 m apart
Rear (E)		
Projections (decks, stairs)		
Front (W)	0.0 m	0.6m into require yard
Side (N)	0.0 m	0.6m into require yard
Side (S)	0.6 m	0.6m into require yard
Rear (E)	2.5 m	2.5 m rear yard greater than 6.0m
Private open space	100+m ² (decks)	25.0m ² per 3 bedroom dwelling
Separation between principal buildings	3.0m	3.0m
Parking Stalls (#)	72 tandem spaces (29 small car) 9 visitor spaces	72 stalls (2 per 3 bedroom dwelling unit) 6 visitor spaces
Parking Space Size	3.0 x 11.0 m garage (tandem reg & small space) 2.5 m x 7.0 m parallel	3.0 m x 6.0 m (5.0 m sm.) garage 2.7 m x 7.0 (5.5 open end) parallel
Driving Aisle	6.0 m *	7.0m two way driving aisle 5.5 m one way
Bicycle Stalls (#)	22 within garages	22 (.5 per dwelling unit Class I, 0.1 per dwelling unit Class II)
Retaining Walls	Less than 1.2 m in height	1.2 m in height

* variances required.

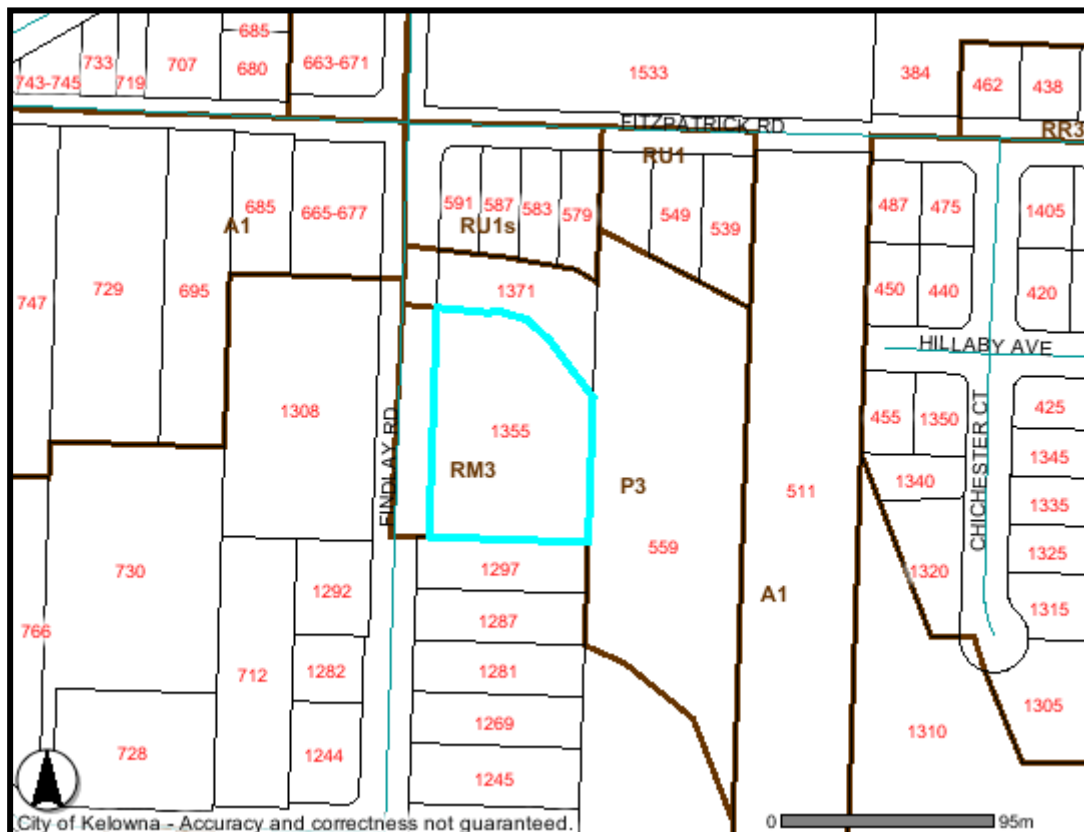
4.2 Site Context

The subject property is located on the south east corner of Findlay and Fitzpatrick Roads.

Adjacent zones and uses are:

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

Site Location Map



4.3 Existing Development Potential

The property is zoned RM3 – Low Density Multiple Housing. The purpose is to provide a zone for low density multiple housing on urban services.

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (2004)

One of the objectives of the Strategic Plan is includes the construction of housing forms and prices that meet the needs of Kelowna residents; the achievement of accessible, high quality living and working environments; and the sensitive integration of new development with heritage resources and existing urban, agricultural and rural areas.

4.4.2 Kelowna Official Community Plan (OCP 2004)

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

Multi Dwelling Guidelines

In issuing conditions relating to a development permit the City will specify how development permit objectives can be satisfied. This should include consideration of the following guidelines, as examples of how to meet the objectives:

Relationship to the Street

- First storey units should ideally provide ground-level access and outdoor amenity space
- The principle front entranceway should be clearly identified and in scale with the development.

Building Massing

- Developments with multiple, separate buildings should be designed in such a manner that individual buildings contain different, but compatible shapes, masses, and/or exterior finishes.
- Developments should be sensitive to and compatible with the massing and rhythm of the established streetscape.
- Sub-roofs, dormers, balconies, and bay windows should be encouraged.

Walls

- End walls visible from a public street or residential lot should be finished to provide an attractive appearance. Blank or solid walls (without glazing) should not be longer than 5 m. Walls longer than 5 m should incorporate wall detailing that will provide visual interest.

Crime Prevention

- Guidelines for Crime Prevention Through Environmental Design Guidelines (CPTED) should be followed.

Amenities

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

Parking

- Underground parking is encouraged.

5.0 TECHNICAL COMMENTS

5.1 Fire Department

Engineered fire flows. Contact FPO for hydrant placement. Fire Dept access, fire flows, and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw. If there is to be a vehicle gate the gate must have a Fire Department lock box install that will allow us to active the gate. Contact FPO with information on the gate.

5.2 Inspections Services

Bldg dept requests that Architect reviews: (1) 90m maximum travel distance from hydrant(s) to building(s) and access route design to 3.2.5.6. (2) Review spatial limits and combustible projections between bldgs.

5.3 Black Mountain Irrigation District

A capital cost charge of 4800 per unit constructed x 35 = \$28,000. A connection fee of \$150 per unit constructed x 35 = \$5,250. A watermain design approved by BMID. An FUS calculation is required to determine fire flow needs. A flow test shall be performed by an accredited company after construction watermain to prove said fire flow. A water meter with radio remote readout to BMID specifications shall be installed to each building.

5.4 Parks Manager

The Applicant will be required to fence the subject property adjacent to City parkland with a min. 4' high black chain link fence. The landscape plan is acceptable. The riparian area within the Applicant's property is to be landscaped with Riparian plants & trees.

Residents will be responsible to weed, water and mow the boulevards adjacent to their properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

All plant material (trees, shrubs, ground covers and sod) used in the boulevard to be reviewed and approved by Parks Staff.

Street trees contribute to the liveability of a street and improve the character of the neighbourhood. They can modify the microclimate and foster a sense of comfort and safety for drivers and pedestrians. The Parks Division encourages the Applicant to consider the planting of street trees within the boulevard on Findlay Road consistent with the City of Kelowna's Urban Forestry Tree Planting Guide (available at www.kelowna.ca).

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 one growing season after planting.

5.7 Interior Health

Provided community sewer and wate are available.

5.10 Shaw Cable

Owner/developer to install an underground conduit system.

5.11 Telus

Developer to provide a 3 m x 4 m easement at no cost to Telus for a switching equipment cabinet. Telus will provide underground facilities to this development. Developer will supply and install conduit.

5.13 Works & Utilities

The Works & utilities Department comments and requirements regarding this application are as follows:

5.13.1 General.

- a) Provide easements as may be required.

5.13.2 Geotechnical Study.

A comprehensive Geotechnical Study has been provided in support of the rezoning application and the subdivision. Any changes to the grade of the property (major fill or cut) created after the rezoning geotechnical report must be investigated and assessed by a geotechnical engineer.

5.13.3 Domestic water and fire protection.

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

5.13.4 Sanitary Sewer.

- a) The subject property is currently within the sanitary sewer specified area # 20 and is serviced by the municipal sanitary sewer collection system.

b) The developer will be responsible to cash commute the specified area charges for this development. The charge is currently set at \$8,978.64 per Equivalent Dwelling Unit (EDU). The total charge is \$157,126.20 (35 x 0.50 = 17.5 EDU @ \$8,978.64).

5.13.5 Drainage.

- a) 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) The Findlay road frontage was partially urbanized with the construction of a sidewalk as a condition of the rezoning application. No further upgrade is required under this development permit application.

b) It should be noted that the developer will be responsible for the integrity of the sidewalk and any broken or cracked or broken panels will have to be replaced at the developer's cost prior to occupancy.

5.13.11 Bonding and Levies Summary.

a)Performance Bonding

None Required

b)Levies

Sewer specified Area # 20 cash commute charge
(prior to March 31, 2006)

\$157,126.20

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

Staff feels that the proposed development has many positive qualities. These include interesting and varied residential forms, a reasonable amount of attention to detail, and the use of a variety of building materials. Of note are the end unit elevations which although they don't have their principal elevations facing that direction, nevertheless present a friendly face to Findlay Road. Moreover, there is a dedicated pedestrian pathway that runs through the centre of the site before looping around the perimeter of the project and connecting all the spaces on site. The connection to the public realm is also established by a generous connection to the sidewalk along Findlay Road adjacent to the water feature. Here, the proposed wide staircase faces the street and makes welcoming gesture to the street. Staff notes that street trees contribute to the liveability of a street and improve the character of the neighbourhood, modifying the microclimate and foster a sense of comfort and safety for drivers and pedestrians. The applicant is therefore encouraged to consider the planting of street trees within the boulevard on Findlay Road consistent with the City of Kelowna's Urban Forestry Tree Planting Guide.

In removing and reducing the height of retaining walls, the applicant has addressed Staff concerns with the proposed development. The proposed changes serve to further strengthen the connection of development with the public realm with the increased connections to the sidewalk along Findlay Road. The proposal also now facilitates greater visual linkages (natural surveillance) of adjacent properties thus improving safety within the abutting future park developments. In addition, Staff commends the applicant for the addition of a playground area as the design of the units (3 bedroom walkup units) makes the development well suited for young families. The provision of safe outdoor play space for children within such developments is therefore encouraged.

Andrew Bruce
Development Services Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

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Attach.

DP05-0110/DVP05-0114

ATTACHMENTS

(not attached to the electronic version of the report)

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