
CITY OF KELOWNA

MEMORANDUM

Date: November 04, 2005
File No.: **DP05-0154**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION NO. DP05-0154 OWNER: SUNSTONE RESORT COMMUNITIES CORP.

AT: 1570 KLO ROAD APPLICANT: FWS CONSTRUCTION LTD

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE CONSTRUCTION OF A 90 BED RESIDENTIAL CARE FACILITY ON THE NORTH HALF OF THE SUBJECT PROPERTY AND CONSTRUCTION OF A 47 UNIT APARTMENT BUILDING ON THE SOUTH HALF OF THE SUBJECT PROPERTY

EXISTING ZONE: RM4 – TRANSITIONAL LOW DENSITY HOUSING

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Permit No. DP05-0154; for Lot 2, DL 131, ODYD Plan KAP77109, located on KLO 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;
5. The registration of required reciprocal access and parking easements as noted by the Works and Utilities Department

AND 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;

AND FURTHER THAT DVP05-0184 be authorized concurrently.

2.0 SUMMARY

The applicant wishes to construct a new 90 bed residential care facility on the north half of the subject property, adjacent to the recently completed "Mountainview Village" congregate housing and care facility. As well, the applicant is also proposing to construct a 3 storey, 47 unit apartment building on the south half of the subject property. There has been an associated Development Variance Permit application (DVP05-0184) made to deal with siting issues related to the residential care component property to address siting issues that will exist after that property has been subdivided off of the parent property. This DVP application has been circulated separately for consideration at the same meeting as this Development Permit application.

2.1 Advisory Planning Commission

The above noted application (DP05-0154) was reviewed by the Advisory Planning Commission at the meeting of September 27, 2005 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Application No. Development Permit Application No. DP05-0154, for 1570 KLO Road, Lot 2, Plan 77109, Sec. 17, Twp. 26, O.D.Y.D, by FWS Construction Ltd. (Brian Harrison), to obtain a Development Permit to allow for the construction of a 90 bed, 3 storey care facility.

3.0 BACKGROUND

3.1 The Proposal

The subject property was created in 2004 as the result of a development application and associated subdivision which added land to the north of the phase I of the Mountainview Village project, created the subject property, and which dedicated a portion of the Burtch Road extension which connects to KLO Road. At that time, it was anticipated that the subject property would develop with a 192 bed care facility, as was approved by Development Permit DP03-0164.

At this time, the applicant has submitted drawings for a revised development concept which propose to develop the north end of the subject property with a 90 bed residential care facility, as well as to develop the south end of the property with a 47 unit, 3 storey apartment housing complex. This proposal creates a total of 182 beds on the subject property.

The proposed **residential care** building is designed as a 90 bed, 3 storey building, arranged in an "H" configuration, with the four corners of the building to provide space for the sleeping accommodation of the residents. The central portion of the "H" provides for common amenities such as recreation area, dining room, living areas, laundry, and administration functions. The open ends of the "H" are landscaped to provide an secure outdoor courtyard for residents that may have diminished capacities.

This residential care building is designed as a 3 storey building which includes a partial basement. The floor level of the partial basement area is actually located near the grade level of the recently constructed Burtch Road. This basement level is designed to provide space for support services for the residents, as well as storage space for the building. There is surface parking for 42 vehicles located adjacent to the care building.

The proposed **apartment building** is designed in a “V” configuration, with a drop-off and surface parking area enclosed by the building. The intersection of the “V” on the ground floor is designed to provide for an entrance lobby and a common amenity space for the building, as well as to provide access to an patio area on the outside of the point of the “V”.

The apartment building is designed as a 3 storey building constructed on top of a parking garage that is set partially into the ground. The grade level around the building is sloped down to meet the adjacent road grade for both KLO Road and the recently constructed portion of Burtch Road.

The ground floor of the apartment building has 15 – 2 bedroom units, while the second floor has 1 – 1 bedroom unit and 17 – 2 bedroom units, and the third floor has 1 – 1 bedroom unit and 13 – 2 bedroom units for a total of 47 apartment units.

The proposed parking garage has space for 60 vehicles, while there is surface parking additional 14 vehicles associated with the apartment building.

The exteriors of both of the proposed buildings are designed to include form and character elements of the recently completed “Mountainview Village” congregate housing and residential care facility that is built to the west of the subject property. The site plan indicates a shared access driveway between the existing Mountainview buildings and the proposed Mountainview and Sunstone buildings extending from KLO Rd north to connect to the existing driveway which connects the first two phases of the “Mountainview Village” across the subject property to connect to Burtch Road. As well, the associated subdivision to divide the subject property into two lots will require a shared access easement straddling the common property line to provide a common driveway between the two proposed buildings to provide access to Burtch Road. The driveway located at the north boundary of the property, which provides access to the under building parking garage that was constructed as part of Phase II of the Mountainview Village project will remain in place.

The associated application for subdivision Preliminary Layout Review (S05-0111) has been made to divide the subject property into two lots, in order that each of the proposed components can be located on a separate titled lot.

There has been an application for a Development Variance Permit (DVP05-0184) made to address a number of variances to the residential care building. After subdivision, the road frontage for the residential care building will be Burtch Road. This variance application seeks to vary the new front yard setback to Burtch Road from what had been the previously conforming flanking side yard setback of 4.5 m which will become the required 6.0 m front yard setback from Burtch Road after the subdivision occurs. This variance application also seeks a variance to the maximum permitted site coverage for building and paved areas from 60% permitted to 75 % proposed for the residential care building. As well, there is a request to vary the maximum continuous building frontage from the 40 m. permitted for a 3 storey building, to the 63.7 m frontage proposed for the residential care building and 46 m frontage proposed for the apartment building.

This associated Development Variance Permit application has been circulated to Council separately from this Development Permit application for consideration at this same meeting as the Development Permit application.

The proposal prior to subdivision as compared to the RM4 zone requirements is as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Site Area (m ²)	10,519 m ²	900
Site Width (m)	64.4 m	30
Site Coverage (%) care apartment	2,462 m ² 44.8% 2,259 m ² ❶ 67.8% 4,721 m ²	50% buildings 60% bldgs and paved area
Total Floor Area (m ²) Care (Net areas) Apartment Total	2,238 m ² 3,968 m ² 6,206 m ²	
F.A.R.	0.58 before subdivision	Base FAR = 0.65 With Housing Agreement = 0.75 Bonus for under building parking = 0.2
Storeys (#)	3 storeys (11.6m)	3 storeys, 13.0 m
Setbacks (m)		
- Front (KLO Road)	6.0 m	6.0 m except that it is 4.5 m for those portion not over 2 storeys
- Rear	9.0 m	7.50 m except that it is 9.0 m for those portion over 2 storeys
- East Side (Burtch Road)	4.5 m	4.5 m from flanking street
- West Side	4.5 m to apartment 10.0 m to care fac.	2.3 m for any part of building not over 2 storeys, 4.5 m for over 2 storeys
Parking Stalls (#)	116 stalls provided	Care 30 stalls + 12 staff Residential 70 stalls req'd 100 stalls required
Private Open Space	1853 m ² provided ❷	1,175 m ² + 675 m ² = 1,850 m ²

NOTE:

❶ Site Coverage for both building and paved areas will have to be varied by a Development Variance Permit application. The 67.8% figure applies to both proposed buildings sited on the property before subdivision.

❷ Provision of Private Open Space has been reviewed amount provided does meet minimum bylaw requirements.

The proposal for the **care** component after subdivision as compared to the RM4 zone requirements is as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Site Area (m ²)	5,317	900
Site Coverage (%)	46.3% 75% bldg & pvmnt ③	50% buildings 60% bldgs and paved area
Total Floor Area (m ²) gross net	6,197 m ² 2,238 m ²	
F.A.R.	0.426	Base FAR = 0.65 With Housing Agreement = 0.75 Bonus for under building parking = 0.2
Storeys (#)	3 storeys 11.6 m	3 storeys, 13.0 m
Setbacks (m)		
- Front (Burtch Rd)	4.5 m ④	6.0 m except that it is 4.5 m for those portion not over 2 storeys
- Rear	10.0 m	7.50 m except that it is 9.0 m for those portion over 2 storeys
- North Side	9.0 m	4.5 m from flanking street
- South Side	7.9 m	2.3 m for any part of building not over 2 storeys, 4.5 m for over 2 storeys
Parking Stalls (#)	42 stalls provided	30 stalls + 12 staff
Private Open Space	675 m ² provided	90 rooms @ 7.5 m ² = 675 m ² req.
Maximum Continuous Frontage	63.7 m ⑤	40.0 m max

Note;

③ Total site coverage for both building and paved areas 75%. A variance is requested for Section 13.10.6(b) **Development Regulations**, to vary the maximum site coverage of buildings, driveways, and parking areas from 60% permitted to 75% proposed.

④ After subdivision, the only road frontage that will exist for the care building will be fronting Burtch Road. Before subdivision, the frontage was considered the flanking side yard, which required 4.5 m. setback. However, after the subdivision, this 4.5 m setback will be considered as a front yard. This front yard setback is 6.0 m. as the building height facing Burtch Road is 3 storeys. A variance is requested for Section 13.10.6(d) **Development Regulations**, to vary the minimum front yard from 6.0 m required to 4.5 m proposed.

⑤ The building frontage facing Burtch Road is a 3 storey building height. The maximum length building frontage permitted for a 3 storey building is 40 m. A variance is requested for Section 13.10.7(b) **Other Regulations**, to vary the maximum continuous building frontage from 40.0 m permitted to 63.7 m. proposed for the residential care building. If the building was a 2 storey building height, the maximum building frontage permitted would be 65 m.

The proposal for the **apartment** housing component after subdivision as compared to the RM4 zone requirements is as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Site Area (m ²)	5273 m ²	900 m ²
Site Coverage (%) buildings Bldg & paved area	43% 60%	50% buildings 60% bldgs and paved area
Total Floor Area (m ²) gross Net	7,149 m ² 3,968 m ²	4,323.8 m ² maximum permitted net floor area.
F.A.R.	0.75	Base FAR = 0.65 Bonus for under building parking = 60/70 x 0.2 = 0.82 MAX
Storeys (#)	3 storeys 11.6 m	3 storeys, 13.0 m
Setbacks (m)		
- Front (KLO Rd.)	6.0 m	6.0 m except that it is 4.5 m for those portion not over 2 storeys
- Rear	12.0 m	7.50 m except that it is 9.0 m for those portion over 2 storeys
- East Side (Burtch Rd)	4.5 m	4.5 m from flanking street
- West Side	4.5 m	2.3 m for any part of building not over 2 storeys, 4.5 m for over 2 storeys
Parking Stalls (#)	74 stalls provided	70 stall required
Private Open Space	1,178 m ² provided	25 m ² per unit = 1175 m ² req'd
Maximum Continuous Frontage	46.3 m ⑥	40.0 m max

Note;

FAR calculation for residential building

base far =	0.65
underbuilding parking bonus = .857 x 0.2 =	0.171
resulting maximum permitted FAR =	0.82

⑥ The building frontage facing Burtch Road is a 3 storey building height. The maximum length building frontage permitted for a 3 storey building is 40 m. A variance is requested for Section 13.10.7(b) **Other Regulations**, to vary the maximum continuous building frontage from 40.0 m permitted to 46.3 m. proposed for the apartment building.

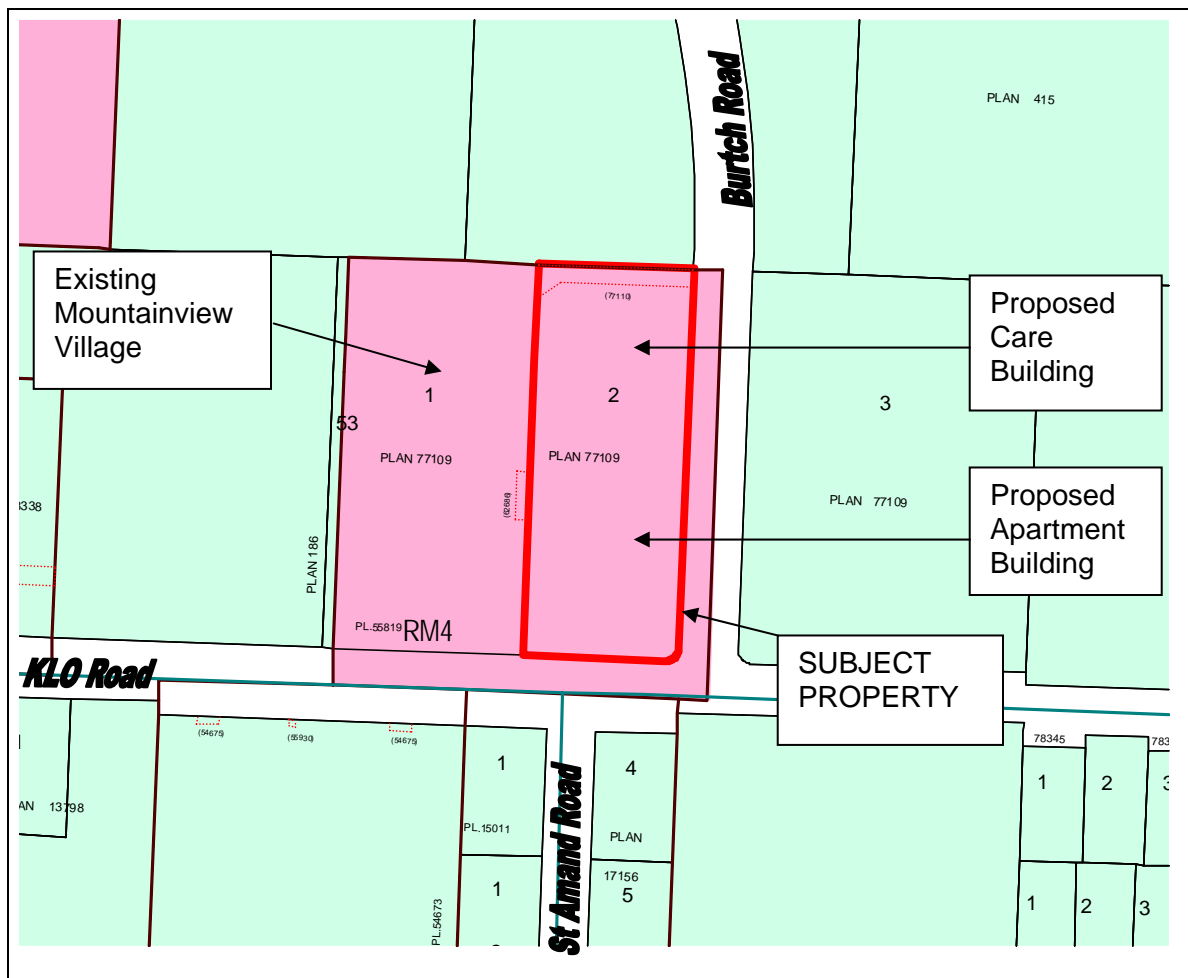
3.2 Site Context

The subject property is a vacant lot which is located on the north side of KLO Road, and to the west of the recently constructed Burtch Road. The neighbourhood is developed with existing single family residential uses south of KLO Road along St. Amand Road, and Agricultural uses on the lands to the north and east of the subject property. The property located to the west of the subject property has recently been rezoned to the RM4 – Transitional Low Density Housing zone which has permitted the development of a Congregate Care facility on that site (Mountainview Village – Phases I & II)

Adjacent zones and uses are, to the:

- North - A1 – Agricultural 1, vacant – agricultural uses
- East - A1 – Agricultural 1, vacant – Burtch Road, agricultural uses
- South - P2 – Education and Minor Institutional / Immaculata High School
RU1 – Large Lot Housing, SFD uses / St. Amand Rd.
- West - RM4 – Transitional Low Density Housing, Existing congregate housing
("Mountainview Village" Phases 1&2)

SUBJECT PROPERTY MAP



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the subject property that is located west of the new Burtch Road as “Multiple Unit Residential – Medium Density” future land use, a designation which is consistent with the existing RM4 – Transitional Low Density Housing zone.

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 within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, community cohesiveness).
- 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:

- complement building's architectural features
- enhance the edges of buildings
- screen parking areas from view (with vegetation, berms, low walls, fences etc.)
- provide visual buffers of new buildings
- provide colour
- create shade
- 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
- incorporate existing vegetation with special character, historical or cultural significance
- preclude species that are hosts to the codling moth - genus MALUS (apples or crabapples, including all ornamental or flowering crabapples), PYRUS (pears, including asian and ornamental pears), CYDONIA (quince), CHAENOMELES (flowering quince or japonica),

ULMNUS PUMILA (Siberian Elm) or ULMNUS PARVIFOLIA (Chinese Elm).

Relationship to the Street

- 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.
- There should be no more than a one storey height gain between adjacent uses within 5.0 m of the side property line where the adjacent land has not be designated on the Future Land Use Map for equal or higher density redevelopment in the OCP. Where the adjacent land has been designated for equal or higher density redevelopment the height gain or stepping back guidelines are not applicable.
- 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.

Environmental Considerations

- Projects should be designed to minimize the impacts of climatic conditions such as excessive heat, cold and wind.
- Projects located along arterial roads should be designed to minimize residents' exposure to noise and exhaust emissions.

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.
- Utility service connections should be screened from view or be located so as to minimize visual intrusion.

Access

- Vehicle access and on-site circulation shall minimize interference with pedestrian movement.
- Vehicle access from arterial or collector roads is discouraged. Where possible, such access should be achieved from a lane.

Parking

- Underground parking is encouraged.

3.3.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- Embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality

infrastructure and built forms, and meaningful opportunities to be involved in major decision made by the City.

The City of Kelowna Strategic Plan 2004 also states as Goal 3;
“To foster the social and physical well-being of residents and visitors.”

The City of Kelowna Strategic Plan 2004 also states as Objectives for Goal 3;

1. Promote health and wellness initiative.
 - a. Develop or support programs that address the needs and engage the energies of seniors.
2. Ensure the availability of fiscal and human resources to provide quality services.
3. Realize construction of housing forms and prices that meet the needs of Kelowna residents.
 - a. Work in partnership with housing organizations and finance institutions to monitor the range of housing options required in the City.
 - b. Identify ways to establish partnerships with builders, developers and other levels of government in an effort and legislative tools to influence the supply and diversity of housing and to increase the supply of affordable housing.

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;
- parking spaces should be assigned to each unit located adjacent to that unit, and not marked by unit numbers (a numbered parking space separated from its assigned residential unit might enable pursuit of a victim without enabling surveillance over the space);
- 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 building entrances should have locks that automatically lock when the door closes;
- 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 (from DP03-0164)

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Clarification of use and occupancy is required.

4.2 FortisBC (from DP03-0164)

Underground service will provided to this development.

4.3 Inspection Services Department

Sunstone review (Apartment Housing component):

- Travel distance to be less than 45m if sprinklered.
- provide a vestibule to access the elevator on parking level.
- provide H/C accessible parking stall close to main entrance.
- This building is not designed as B2 occupancy.
- Storage to be separated with min of 90min FRR in parkade.

B2 mountainview occupancy (Care Component)

- Drawing information lacking detail for a thorough review.
- Hall width required to be 2.4 m
- Proposed building must meet BCBC requirements for B2 occupancy

NOTE;

There will be an opportunity for further review at the time of the building permit application for each of the proposed buildings to ensure compliance with BC Building requirements.

As well, the requirement for an emergency generator will be determined by the electrical engineer when the electrical system for the development is designed. Should an emergency generator be required, it will be necessary to ensure that the unit is located in such a manner that there is adequate visual and sound buffering in order that the generator is as unobtrusive as possible.

4.4 Parks Manager

1. The Parks Division recommends choosing one of the following boulevard tree species on KLO Road for Mountainview Village Phase 2: *Pyrus Calleryana*, or *Gleditsia Triacanthos* var *inermis*.
2. We also recommend substituting the proposed *Acer platanoides* on the Burtch Road boulevard with one of the following tree species: *Fraxinus americana* 'Autumn Purple', *Liquidambar styraciflua*, or *Quercus Rubra*.
3. Deciduous boulevard trees shall be min. 60mm calliper @ 300mm above the rootball.
4. Tree Plantings in the boulevard will conform with Master Municipal Specifications (MMCD) Section 02950 and British Columbia Landscape Standard (1997) Section 9.3.
5. Trees in boulevards less than 3.0m in width shall be installed with root barriers such as "Deep Root" brand, or City-approved equal, installed per the manufacturer's instructions.
6. Underground utilities in the boulevard shall be aligned and buried to provide a continuous 1.0m deep utility-free trench to accommodate tree planting, except as required for utility crossings, service connections, boxes and vaults.
7. 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.

8. All proposed plant material (trees, shrubs, ground covers and sod) for the boulevard to be reviewed and approved by Parks Staff prior to application approval.
9. 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.

4.5 Shaw Cable

Developer/owner to install an underground conduit system for Shaw Cable, as per our drawings and specifications.

4.6 Telus

Developer to provide a 5 m x 8 m easement. Developer will place a concrete walk-in cabinet to house switch equipment to service this property and which could also serve surrounding properties. Will provide underground facilities. Developer will be required to supply and install conduit.

4.7 Terasen Utility Services

comments pending at time of report

4.8 Works and Utilities Department

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

Works and Utilities requirements for off-site works for this development site were addressed in our reports under files Z99-1025 DP03-0164 and S05-0111

These requirements must be satisfied before issuing the development permit.

1. Development Permit and Site Related Issues

- (a) 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.
- (b) A lot-grading plan, erosion and sediment control plan are to be submitted prior to construction and adhered to during the construction of this development.

2. Access and Manoeuvrability

- (a) The site plan should illustrate the ability of an SU-9 standard size vehicle to manoeuvre onto and off the 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.
- (b) KLO Road driveway accesses will be restricted to right-in and right-out only by a median along the center of KLO Road.

Burtch Road driveway accesses. Should traffic conditions dictate, The City of Kelowna wishes to reserve the right to restrict the southerly access onto Burtch Road to right in right out. A restrictive covenant in favour of the City of Kelowna, registrable under Section 219 of the Land Title Act must be granted to this effect

- (c) A right-of-way agreement must be registered across proposed Lot A, and B and lot 1 Plan 77109 for vehicular access to those lots. The agreement must include a clause to the effect that it is not to be cancelled without the consent of the Approving Officer for the City of Kelowna. This agreement must be registered as a priority charge.
- (d) Any revised site access and egress designs onto Burtch and KLO Roads as well as the parking lot configuration must be submitted for approval by the City Works & Utilities Department before issuance of the development permit. This is required to guarantee that the requirements and the limitations of access and egress required by the City have been addressed to the City's satisfaction.

3. 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.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

This new Development Permit application and associated Development Variance Permit represents a change from the previously approved Development Permit DP03-0164, which had contemplated the development of a 192 bed care facility on the subject property. This current development proposal is designed to create a 90 bed care facility and a 47 unit, apartment building, which will provide for a total of 182 beds. This number of beds is comparable to the previously approved project.

This revised proposal will provide for the creation of a greater choice in housing options, and allow for the development of a "Campus of Care" concept. This development will provide for housing ranging from conventional apartment housing, through to congregate housing, and ultimately to a care facility with a substantial level of care available. This range of housing options will allow for one partner to live in independent housing while the other partner, who may require substantial amount of care, can be cared for in a facility that is available in the care component of the development located in the same complex.

The proposed site grading will be critical to the proposed building height. In the configuration proposed, the main slab elevation of the proposed 90 bed care facility and the existing "Mountainview Village" development will be nearly the same. However, the shared driveway between the two buildings will remain built up from the existing elevation of the KLO Road frontage. This will then substantially bury parking structure for the 47 unit apartment housing development adjacent to KLO Road. However, there will be potential grading issues for the portions of the proposed buildings facing the new Burtch Road.

The applicant has reviewed the development drawings originally submitted with a view to try and minimize the number of variances requested to address the proposed building siting for the lot configuration after the proposed subdivision is approved. This review has resulted in the apartment building portion of the development having 4 residential units removed from the third floor level at the ends of the proposed building. This results in a building that is reduced in building height at the ends of the building. As well, this reduces the amount of required off street parking, resulting in a reduction in the number of surface parking stalls proposed, and a reduction in total site coverage of the proposed project, which now complies with bylaw requirements for that portion of the development site after the property is subdivided into two lots..

However, there still remains several issues relating to the care component building. The associated Development Variance Permit application has been made to deal with the non-complying issues to deal with the proposed building development after the subdivision takes place, and the two buildings are situated on two separate lots.

The applicant has reviewed the landscape plan and has reduced the site coverage for both the paved areas and the apartment building and increased has increased the amount of landscaped land. As well, the applicant has also reviewed the amount of plantings along the north property line adjacent to the agriculture lands, and has increased the amount of plantings along the fence to include some additional trees.

The applicant has reviewed the potential to connect the proposed phase III Mountainview Building with the earlier phases in order that there may be some form of all-weather pedestrian linkage provided. However, the applicant advises that the operational requirements of the proposed care component do not lend themselves to provide a major pedestrian link between the areas. The phase III building is designed to provide services to the residents of that building in care independently from the phase I & II of Mountainview.

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

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

PMc/pmc
Attach.

Attachments

Subject Property Map
Schedule A, B & C (7 pages)
6 pages of floor plans / diagrams