
CITY OF KELOWNA
MEMORANDUM

Date: March 8, 2006
File No.: **Z05-0078**

To: City Manager

From: Planning & Corporate Services Department

Subject:

APPLICATION NO. Z05-0078

OWNER: SIEGFRIED & GERDA B.
WALTER

AT: 456 McPHEE ST.

APPLICANT: COUNTRY VENTURES
LTD.

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE EXISTING
RU1 – LARGE LOT HOUSING ZONE TO THE PROPOSED RM3
– LOW DENSITY MULTIPLE HOUSING ZONE TO PERMIT THE
DEVELOPMENT OF A 26 UNIT ROW HOUSE COMPLEX

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0078 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, Sec. 27, Twp. 27, O.D.Y.D., Plan 33454, located on McPhee Road, Kelowna, B.C. from the existing RU1 – Large Lot Housing zone to the proposed RM3 – Low 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 and a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction.

2.0 SUMMARY

The applicant wishes to rezone the subject property to the RM3 – Low Density Multiple Housing zone in order to develop the property with 26 rowhouse units in 6 buildings. As the building height for the proposed development is measured as 3 storeys from the lowest building grade where the proposed zone limits the building height to 2 ½ storeys, and the overall site coverage for Buildings, driveways, and parking areas is 53.4 % where the proposed zone limits the maximum site coverage to 50%, there has also been an application made for a Development Variance Permit, in addition to the associated Development Permit application for the proposed form and character.

2.1 Advisory Planning Commission

The above noted application (Z05-0078) was reviewed by the Advisory Planning Commission at the meeting of February 14, 2006 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0078, for 456 McPhee Street, Lot 9, Plan 33454, Sec. 27, Twp. 26, ODYD, by County Ventures Ltd. (Fred Scott), to rezone from the RU1-Large Lot Housing zone to the RM3-Low Density Multiple Housing zone in order to accommodate a 26 unit row house project in 6 buildings;

3.0 BACKGROUND

3.1 The Proposal

The subject property is designated in the Rutland Sector plan and the Official Community Plan for Multiple Unit residential – low density future land use. The application for the RM3 – low density multiple unit residential zone is consistent with that designation.

The applicant wishes to develop the property with a 26 unit rowhouse facility comprised of 6 buildings. Each of the units has 3 bedrooms, and parking for 2 vehicles in a garage located on the at-grade floor level of the basement. There is direct access to the basement level from a depressed driveway that is located between the 2 rows of units.

The site plan indicates that the 10 units proposed for the east side of the property (Type A) are designed with 72.65 m² on the main floor, and 66.42 m² on the second floor for a total of 147.9 m² for each unit. The site plan also indicates that the 16 units proposed for the west side of the property (Type B) are designed with 60.9 m² on the main floor, and 60.5 m² on the second floor for a total of 121.5 m² for each unit. The access to the site is located at the north east corner of the property at the end of McPhee Road. The end of McPhee Road is constructed to the north boundary of the subject property. The Ben Lee park property located east of the subject property has dedicated the east half of the proposed “cul-de-sac”. It is anticipated that there will be a dedication from the subject property to dedicate the west half of the “cul-de-sac”.

The main floor has direct access to grade at the east and west sides of the development. This main floor level is designed to contain the main living areas of the proposed dwelling units. The second level is designed with 3 bedrooms and associated bathrooms.

The exteriors of the proposed units are designed with details and finishes that are reminiscent of an “English Country Manor”, and include wrought iron railing details, and wooden timber framed garage doors. Each of the residential units has a pedestrian door located adjacent to the garage doors. There are also decks located on the main level adjacent to the living areas for each of the “A” units. Exteriors of the proposed residential units area designed to be finished with a “Cream” coloured stucco finish. The roof is designed to be finished with a grey coloured asphalt shingle material. The windows and doors are designed to incorporate a “white” coloured build-out to provide a more prominent detail. As well, the gable ends of the roof, as well as the soffit areas incorporate additional “white” coloured stucco rendering elements to impart the feel of an “English Country Manor”.

The landscape plan provided indicates several small islands within the driveway area to introduce additional landscape plantings into the depressed driveway area. The perimeter of the property is designed to be planted with a number of deciduous trees, in addition to the proposed cedar hedge to be planted along the south and west property lines. The east side of the site is designed to be more open in order to take advantage of the “Ben Lee” park located adjacent to the east side of the development site. The landscape plan also indicates a gate and wrought iron railing detail to be installed around the adjacent half of the proposed “cul-de-sac” to identify the vehicle entry to the subject property.

The proposal as compared to the RM 3 zone requirements is as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	5,615 m ²	900 m ²
Site Width (m)	57.1 m	30.0m
Site Coverage (%)	21.9% for buildings 53.4% for bldgs, dwys, ① parking areas	40% for buildings 50% for bldgs, dwys, parking area
Total Floor Area (m ²)	3,423.27 m ²	3,705 m ² @ FAR = 0.7
F.A.R.	0.609 = FAR	Base Far @ 0.5 max + 0.2 bonus for U/B parking = 0.7 FAR max
Storeys (#)	3 storeys ②	2 ½ storeys or 9.5 m max
Setbacks (m)		
- Front (McPhee Rd)	4.9 m	4.5 m
- Rear (West)	9.43m	7.5 m
- East Side	6.8 m	4.5 m for 2 or 2½ storey portion
- South Side	4.5 m	4.5 m for 2 or 2½ storey portion
Parking Stalls (#)	52 stalls provided under buildings	2 stalls per 2 bedroom unit 52 stalls required
Bicycle Parking	Provided in garages	Class I 0.5 per unit – 13 Class II 0.1 per unit – 3 req
Private Open Space	580 m ² ③ 1,780 m ² including setback areas	25.0 m ² per unit = 1,300m ² req'd

NOTES;

- ① Variance requested to vary maximum site coverage for buildings, driveways and paved areas from 50% permitted to 53.4% proposed
- ② Variance requested to vary maximum building height from 2½ storeys permitted to 3 storeys proposed, measured from grade level of the internal driveway at the garages
- ③ Variance required to the definition of Private Open Space to allow the use of the required building setback areas to be included in the calculation for Private Open Space.

SUBJECT PROPERTY MAP



3.2 Site Context

The subject property is located at the end of McPhee Street, west of Ben Lee Park. The site is generally level, and is currently occupied by 2 dwellings and a number of out-buildings. The remainder of the site is vacant. The subdivision to the north was created in 1982.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Residential / single unit residential uses
- East - P3 – Parks and Open Space / Ben Lee Park
- South - RU1 – Large Lot Residential / single unit residential uses
- West - RM3 – Low Density Multiple Housing / multi-unit residential uses
RU1 – Large Lot Residential / single unit residential uses

3.3 Proposed Development Potential

The proposed zone of RM3 – Low Density Multiple Housing zone allows for: Multiple Dwelling Housing, Congregate Housing, group home – major and Boarding and Lodging houses as principal permitted uses, and Care Centre – Major, Home Based Business – minor, and Community Recreation services as permitted secondary uses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the subject property as “Multiple Unit Residential – Low Density” future land use, a designation which is consistent with the existing RM3 – Low Density Multiple Housing zone.

3.4.2 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.

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 department access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements.

4.2 Inspection Services Department

The height from interior court to be verified as far as the zoning bylaw is concerned prior to DP approval. Spatial separation calculations to be provided for the site elevations facing each other and site elevations towards property lines.

NOTE; the associated DVP06-0023 has been made to address the building height issue noted above

4.3 Irrigation District – (B.M.I.D.)

This lot is within the BMID service area and is subject to the bylaws of the District. Our December 20, 2005 letter outlines the water supply servicing requirements for the proposed 26 unit multi-family development located on McPhee Street. The applicant has been copied this letter.

Summary of Items;

- Engineered drawings for the water system are required for the site for review by BMID;
- An FUS flow estimate is required from the Civil Engineering consultant designing the water services for the site. If the design fireflow is above the estimated available flow identified in this letter, the developer will must inform BMID of how they intend to provide fire protection for the site;
- A new watermain with SRW in favour of BMID is required for servicing this site;
- A \$200 fee for the fireflow analysis is payable to BMID at the time of CEC payment;
- A capital charge will be invoiced in the amount of \$800 per MF unit and is due prior to connection to the BMID water system;
- A \$150.00 connection fee is payable for each MF unit connected to the BMID water system;

- At the time of building construction, a water meter will be required for each townhouse unit. A separate meter will be required in one of the units for irrigation water for the site. Meter supply and installation charges are as per the attached schedule.

4.4 Ministry of Transportation

We have no objections or comment regarding the rezoning application and development permit application for this property.

4.5 Parks Manager

No Objections.

4.6 Shaw Cable

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

4.7 Telus

Telus will provide underground facilities. Developer will be required to supply and install.

4.8 Terasen Utility Services

No comment.

4.9 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from RU1 to RM-3 are as follows:

1. Subdivision.

- a) Dedicate the right-of-way of the McPhee cul-de-sac in accordance with STD SS-R17 of the Development & Subdivision and Servicing Bylaw No. 7900 by survey plan registered in the Land Title Office. It should be noted that the right of way dedication as shown on the submitted site plan does not conform to the standard and is not acceptable.

NOTE:

The applicant and his consultant have redesigned the cul-de-sac and associated road dedication to the satisfaction of the Works and Utilities Department, and have amended the site plan accordingly

- b) Provide easements as may be required.

2. Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

- Overall site suitability for development.

- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

3. Domestic water and fire protection.

- a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID.
- b) Any existing service that will become redundant will have to be decommissioned at the watermain at the developer's cost.

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 # 20 charges for this development. The charge is currently set at \$8,978.64 per Equivalent Dwelling Unit (EDU). The total charge is **\$116,722.32** (26 x 0.50 = 13 EDU @ \$8,978.64) prior to March 31, 2006
- c) Abandon and backfill any existing septic tank in accordance with Building Department requirements if that has not been done to date.
- d) The inspection chamber on the sanitary sewer service is located at the existing property line. It must be relocated to the new property line at the developer's cost.

5. Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

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.

7. Road improvements.

- a) McPhee Street.

- i) The west half of the McPhee street cul-de-sac created on the subject property is required to be constructed to a full urban standard complete with curb, gutter, street lighting, asphalt fillet, storm drainage extension, landscaped boulevard and the relocation and/or removal of utilities as may be required. The estimated cost of this work, for bonding purposes, would be **\$26,300.00**, inclusive of a bonding contingency.
- ii) The eastern portion of the cul-de-sac must be constructed in conjunction with above item. The City will bear the cost of that portion of the construction. A detailed cost will have to be provided by the Consulting Civil Engineer to the City for review and reimbursement to the developer after the construction has been completed, inspected and accepted.

8. Street lights.

Street lights must be installed on all fronting roads as per bylaw requirements. Design drawings to include level of illumination plan

9. Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city Engineer.

10. Bonding and Levies Summary.

a)	Performance Bonding	
	McPhee Street cul-de-sac	\$ 26,300.00
	Total performance bonding	<u>\$ 26,300.00</u>
b)	Levies	
	Specified Area 20 fees (13 EDU x \$ \$8,978.64) (prior to March 31, 2006)	\$ <u>116,722.32</u>

5.0 **PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS**

The proposed development appears to be a reasonable form of development for the subject property. The proposed form and character of the resulting development introduces an “English Country Manor” theme to the site development. While there is no comparable development in the neighbourhood, the subject property does not have substantial road exposure, so the resulting theme is internal to the proposed development.

There has been a Development Variance Permit application made in order to address the site coverage for “buildings, driveways, and parking areas” which the RM3 zone limits to a maximum of 50%. The applicant’s consultant has reviewed the site plan, and has minimized the paved driveway as much as possible without compromising the driveway width. However, the resulting coverage is 53.4%, which exceeds the 50% coverage permitted in the zone.

The associated DVP application to vary the maximum permitted building height from the permitted 2½ storeys to the proposed 3 storeys is only applicable to the internal elevations adjacent to the drive aisles. The physical building height measured from the drive aisle is 9.4 m. for the 3 storey height, where the zone permits a maximum of 9.5 m. The building heights visible from the street or the adjacent properties are 2 storeys in height.

This DVP application has also been amended to include a variance to the definition of “Private Open Space” in order that setback areas may be included in the “Private Open Space” calculation.

The applicant and their civil consultant have reviewed and reworked the design of the required cul-de-sac at the end McPhee Road in order that it will fit into the available road dedication.

There will be an opportunity in the future for Council to review the associated Development Permit application to review the proposed form and character, as well as consider the associated Development Variance Permit application to review the requested variances to the zoning bylaw provisions to enable this development proposal.

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 and Corporate Services

PMc/pmc
Attach.

Attachments
(Not attached to the electronic copy of the report)

Subject Property Map
12 pages of site plans, building elevations, and landscape diagrams

AIR PHOTO

