
CITY OF KELOWNA

MEMORANDUM

Date: April 26, 2006
File No.: Z05-0072

To: CITY MANAGER

From: PLANNING AND CORPORATE SERVICES DEPARTMENT

Subject:

APPLICATION NO. Z05-0072

OWNER: George Boychuk

AT: 1855 Watson Road

APPLICANT: Jim Herman

PURPOSE: TO REZONE THE PROPERTY FROM A1- AGRICULTURAL 1 TO RM3 – LOW DENSITY MULTIPLE HOUSING.

EXISTING ZONE: A1 – AGRICULTURAL 1

PROPOSED ZONE: RM3 -LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: KEIKO NITTEL

1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0072 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Block 3, Section 32, Township 26, ODYD, Plan 896 except Plans H8248 and KAP76225, located on Watson Road, Kelowna, B.C. from the A1 – Agriculture 1 zones to the 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 subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Glenmore-Ellison Irrigation District being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

2.0 SUMMARY

The applicant is proposing to rezone the subject property from the A1- Agricultural 1 zone to the RM3- Low Density Multiple Housing zone to allow for 47units of stacked row housing. As part of this application, the applicant will be required to dedicate the middle portion of the site in order to facilitate the extension of Yates Road.

3.0 ADVISORY PLANNING COMMISSION

THAT the Advisory Planning Commission supports Rezoning Application No. Z05-0072, for 1855 Watson Road, Lot 1, Plan 896, Sec. 32, Twp. 26, ODYD, by Jim Herman, to rezone from the A1- Agricultural 1 zone to the RM3 - low density multiple housing zone to allow for the development of stacked row housing and apartment housing subject to the provision of a

transportation and safety audit to address the Yates Road connection and should also address the need for pedestrian crossings, stop signs at intersections as well as the need for a sidewalk on the south side of Watson Road as the property is adjacent to an existing elementary school;

4.0 BACKGROUND

The subject property is currently zoned A1- Agricultural 1 and contains a single detached house and orchard. The existing house, called Prowse House, is listed on the City of Kelowna's heritage registrar, however, is not designated as a municipal heritage building. Built in 1911 by Harry Raymer, the house is associated with C.C. Prowse, a local orchardist. Prowse House remains as the only surviving early grower's house located in the Glenmore Valley.

4.1 The Proposal

The lower portion of the site, between Yates and Glenmore Road (Phase I), will be developed with 47 units of stacked row housing (9 five-unit buildings, and 1 two-unit building). One of the buildings is a single storey with two 2-bedroom units located within. The remainder of the buildings contain five units each with garage space and two dwelling units on the main level and an additional three dwelling units located above. Amenity space on site will include decks, covered patios, as well as landscaped yards space surrounding the buildings.

The upper portion of the lot (west of Yates Road) will remain undeveloped at this time. The applicant may maintain the existing single detached dwelling, until such time, that the upper portion of the site is redeveloped. As the house is on the heritage register, prior to issuance of the demolition and a building placement permit (if the house is to be relocated), the building permit applications will first require referral to the Community Heritage Commission (CHC) for review.

A right-of-way is to be registered on the rear portion of the property, consisting of the steep slopes to facilitate the development of a pedestrian pathway through the site to the existing city owned lot above (currently used for walking trails). The steep sloped portions of the site (slopes over 30%) will also require a no-build, no disturb covenant prohibiting future development with the exception of the pedestrian pathway.. Staff also notes that the western portion is located within the interface zone. A Section 219 Restrictive Covenant incorporating the recommendations of a professional in wildland fire management assessment, and saving harmless the City of Kelowna in the event of damage to individual homes as a result of the spread of wildfire, is also required. Should the applicant wish to proceed with future develop the remainder of the site, a new development permit will first be required

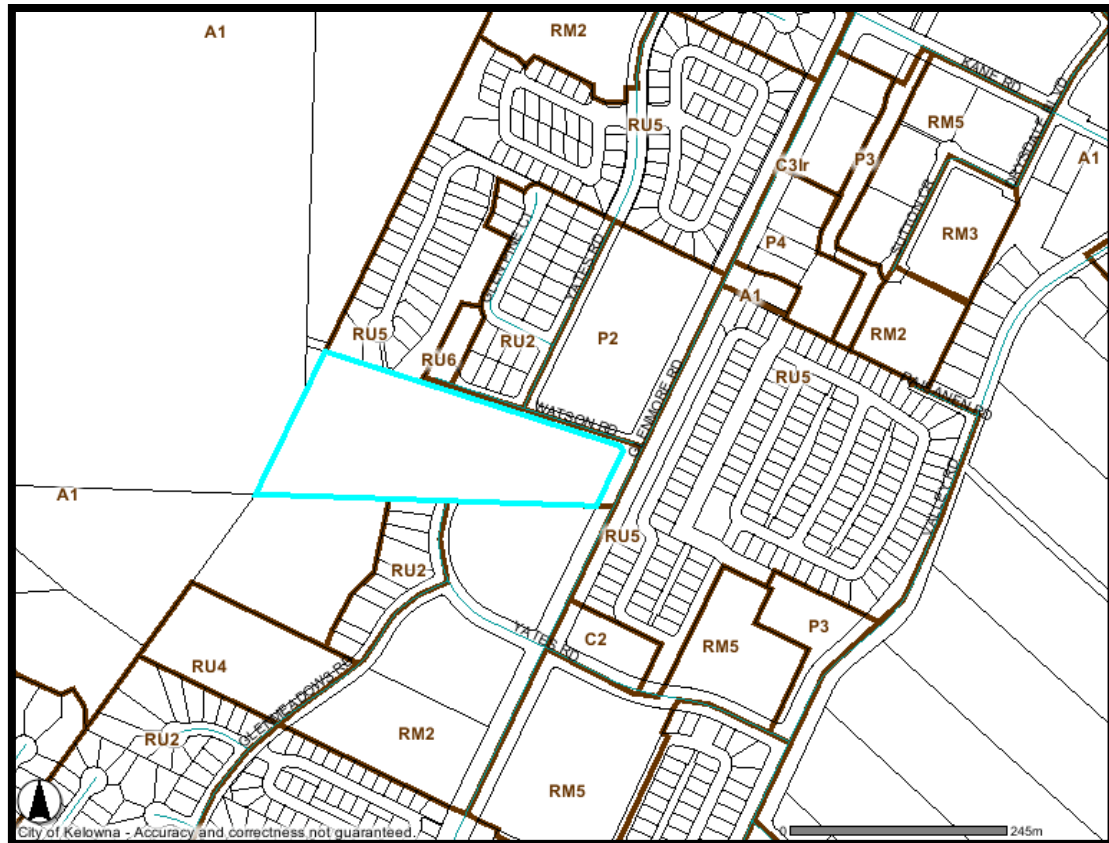
CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Lot Area (m ²)	41,000m ² (approx. after road dedication)	900 m ²
Lot Width (m)	66.3m	30.0 m
Lot Depth	335.0m	30.0 m
Floor Area Ratio (F.A.R.)	0.12	0.5 plus 0.1 for housing agreement, plus maximum of 0.2 for parking below habitable space (130/167 x 0.2 = .16) TOTAL = 0.50
Site Coverage (buildings)	7 % (approx)	40%
Site Coverage (buildings/parking)	20 % (approx)	50%

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Height (5-Plex)	8.1m 2.0 storeys	9.5 m 2.5 storeys
Height (2-Plex)	5.0 m 1.0 storey	9.5 m 2.5 storeys
Setbacks (m)		
Minimum		
- Front (Glenmore Rd)	6.2m	4.5 m
- Front (Yates Rd)	5.0 m	4.5 m
- Side (Watson Rd)	4.5m	4.0 m < 2 ½ storeys 4.5 m > 2 ½ storeys & flanking street
- Side (south)	4.5m	4.0 m < 2 ½ storeys 4.5 m > 2 ½ storeys & flanking street
Projections into Required Yard		Maximum
- Front	0.0m	0.6m
- Rear	0.0m	0.6m or 2.5m for decks
- Side (north)	0.0m	0.6m
- Side (south)	0.0m	0.6m
Other requirements		
Parking Stalls (#)	79 spaces (47 garages, 32 surface)	1.50 per 2 bedroom unit X 47 = 70.5 Total = 71 spaces
Parking Space Width	2.5m/3.0m	2.5m not limited by structure on both sides 3.0m limited on both sides 3.3m building door opens into its long side 2.7m where limited to one side
Parking Space length	5.7m small car 6.0m regular	6.0 m exclusive of access drives or aisles, ramps, columns 7.0m for parallel parking except that an end space with an open end shall be a minimum of 5.5 m. 5.0 m for parking spaces other than parallel parking spaces (up to 40% of the required parking spaces)
Driving Aisle Width	7.0m	7.0 m for two way aisles & 90° parking 5.5m for one way aisles & 60° parking 3.6 m wide for 45° parking 3.5 m wide for parallel parking.
Bicycle Stalls (#)	47 spaces (long term – Class I) 5 spaces (short term – Class II)**	Class I: 0.5 per dwelling = 23.5 Class II: 0.1 per dwelling = 4.7 Total = 52 spaces *location of spaces must be shown of site plan or landscape plan

Open Space	2775m ² +	25 m ² per dwelling above one bedroom TOTAL = 2775 m² required CALCULATION OF AREAS MAY NOT INCLUDE REQUIRED YARDS SETBACKS
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4.2 Site Context



4.3 Existing Development Potential

The property is zoned A1 –Agricultural 1. The purpose is to provide a zone for rural areas and agricultural uses as well as other complementary uses suitable in an agricultural setting. Principle use in the A1 zone include agriculture, animal clinics, major where in existence prior to July 1st, 1998, aquaculture, greenhouses and plant nurseries, intensive agriculture, mobile homes, single detached housing, utility services, minor impact. Secondary uses in the A1 zone include agricultural dwellings, additional, agri-tourist accommodation, animal clinics, major, animal clinics, minor, bed and breakfast homes, care centres, intermediate, forestry, group homes, minor, home based businesses, major, home based businesses, minor, home based businesses, rural, kennels and stables, wineries and cideries, second kitchens, and secondary suites (A1s only).

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)

Proposed development in a Hazardous Conditions Development Permit area will be sensitively integrated with the natural environment and will present no hazards to person or property, development may be permitted on land with a natural slope that averages greater than 30%. Natural vegetation should be retained on slopes in order to control potential erosion, landslip and rock falls. Proposed development in a Hazardous Conditions Development Permit area will minimize the effects of development on the natural environment of hillside areas, defined as lands in their natural state that have a slope angle of 10% and greater for a minimum height of 9 m while preserving areas with slopes of 30% and greater. Effects to be minimized may include cuts and fills, tree cutting, regrading and the visual impact of urban development on hillsides.

The proposal is consistent with the land use designation Low Density Multiple Family in the Official Community Plan future land use designation (OCP, Chapter 15). 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

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

5.2 FortisBC, Interior Health, RCMP, School District No. 23, Terasen

No response.

5.3 Irrigation District

See attached.

5.4 Inspections Department

1. Natural soil bearing capacity.
2. A geotech review be required.
3. Determine if there are sulphate issues.
4. Minimum recommended frost protection.
5. Recommended drainage requirements for foundation, roof and lot. Indicate who will be sizing and inspecting the dry wells.
6. Site grading when filling or cutting on an individual lot.
7. Special conditions such as slope protection.
8. Architect to provide detailed spatial separation calculations at setbacks between buildings to verify building code compliance.

5.5 Parks Manager

We would like to work with the Applicant to include public access through the natural open space area. This will allow a trail to extend from the end of Watson Road upland to the City Owned Property.

Since fuel modification in the natural open space area is a requirement of the Developer's Application, we propose a partnership for the construction of the trail. If a joint alignment could be achieved, a rough trail could provide access for the Applicant's fuel modification crew and afterwards the City could upgrade that trail to provide public access. Please contact Terry Barton, Parks Planner to further discuss a partnership at (250)469-8830.

Please indicate where each boulevard tree species is proposed to be planted. The Transportation Division will need to review the planting plan.

Once the boulevard trees are approved the City, the tree maintenance will be the responsibility of Parks Division. However, the Applicant will be responsible for watering and replacement of trees during the establishment period, for at least one growing season after planting.

5.6 Shaw Cable

Owner/developer to install conduit.

5.7 Telus

Will provide underground facilities; developer to supply and install conduit.

5.8 Works & Utilities

The City's Works & Utilities Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Approval of a subdivision plan. The Development Engineering Technician for this project is Sergio Sartori.

The following Works & Services are required for this subdivision:

.1) General

- a) Dedicate a 22.0m internal road (Yates Rd).
- b) The postal authorities must be contacted to determine whether or not a "community mailbox" will be utilized, and if so, its location should be determined and the proposed location shown on the construction plans. Please contact the Canadian Post Corporation, Delivery Services, P.O. Box 2110, Vancouver, B.C. V6B 4Z3 (604) 662-1381 in this regard.
- c) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

.2) Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planner) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.

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- (vi) Slope stability, rock fall hazard and slippage including the effects of drainage and septic tank effluent on the site.
- (vii) Identify slopes greater than 30%.
- (viii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- (ix) Recommendations for items that should be included in a Restrictive Covenant.
- (x) Any special requirements that the proposed subdivision should undertake so that it will not impact the bank(s). The report must consider erosion and structural requirements.
- (xi) Any items required in other sections of this document.
- (xii) Recommendations for erosion and sedimentation controls for water and wind.
- (xiii) Recommendations for roof drains and perimeter drains.
- (xiv) Recommendations for construction of detention or infiltration ponds if applicable.

.3) Water

- a) The property is to be serviced by Glenmore Ellison Improvement District.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.
- c) Confirmation is required from GEID that the water system components proposed satisfy the Bylaw and that security is in place for any offsite Works and that all associated fees are paid.
- d) Design drawings must be reviewed by GEID prior to the City issuing the drawings for construction. Confirmation of their review must be provided to the City.

.4) Sanitary Sewer

- a) Provide an adequately sized sanitary sewer system complete with individual lot connections.
- b) Abandon and backfill existing septic tanks in accordance with Building Department requirements. Identify, on the Lot Grading Plan, the location of the existing tanks and fields.

.5) Drainage

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are

suitable. For on-site disposal of drainage water, a hydrogeotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.

- b) Provide the following drawings:
 - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
 - ii) A detailed Stormwater Management Plan for this subdivision; and,
 - iii) An Erosion and Sediment Control Plan.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections. Not all areas have a clear top of bank; and therefore, field reconnaissance by City staff and the applicant may be needed to verify a suitable location for property lines.
- .6) Roads
 - a) Watson Road must be upgraded to a full urban standard, curb and gutter, piped storm drainage system, fillet pavement, street lights have been completed, sidewalk and adjustment and/or re-location of existing utility appurtenances are required to accommodate this construction.
 - b) Yates Road is designated an urban class 1 collector road. Dedicate and construct the road in accordance with City standard SS-R6, 22.0m dedication, 12.8m road and sidewalk on both sides).
 - c) Glenmore Road frontage upgrades have been completed.
 - d) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
 - e) Provide a Street Sign, Markings and Traffic Control Devices Drawing.
 - f) Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15% and greater), show driveways on the lot grading plan with grades or profiles. Where lots are serviced by onsite sewage disposal systems, show limits of cut and fill lines.
 - g) Re-locate existing poles and utilities, where necessary.
 - h) Driveway access is not permitted onto Glenmore Road. A restrictive covenant in favour of the City of Kelowna, registrable under Section 219 of the Land Title Act, must be granted to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.
 - i) Private access roads must be constructed and paved to the City standard SS-R2.
- .7) Power and Telecommunication Services and Street Lights

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- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
 - b) Street lights must be installed on all roads.
 - c) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
 - d) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- .8) Design and Construction
- a) 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. Drawings must conform to City standards and requirements.
 - b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
 - c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
 - d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
 - e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.
- .9) Servicing Agreements for Works and Services
- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
 - b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.
- .10) Other Engineering Comments
- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

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- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

.11) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) None of the Works & Services required are items included in the DCC calculations and therefore not eligible for DCC credits.
- c) Fees per the "Development Application Fees Bylaw" include:
 - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
 - ii) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
 - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iv) Engineering and Inspection Fee: 3% of construction value (plus GST).
 - v) Latecomer Processing Fee: \$1,000.00 (plus GST) per agreement (no charge for 1 day agreements).
- d) Sewer Specified Area Administration Fee of \$250.00 to amend service boundary(Spec Area 1).
- e) Sewer Development Charge of \$300.00.

.12) Environment Manager

- a) This parcel has some very steep slopes that are well in excess of 30% and these areas should remain undeveloped as private or public open space, and be protected with no-disturb and no-build covenants.
- b) This parcel straddles the wildland fire interface zone. The residual parcel (west of Yates Road) that remains within the interface zone and requires registration of (under the Land Title Act against the title of the subject property) a Section 219 Restrictive Covenant. The covenant should incorporate the recommendations of a professional in wildland fire management assessment and save harmless the City of Kelowna in the event of damage to individual homes as a result of the spread of wildfire

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department is supportive of the proposed rezoning. The proposal for the A1 - Agricultural 1 to the RM3- Low Density Multiple Housing is consistent with the Official Community Plan. The proposed two storey stacked row-housing is also a sensitive transition from the abutting neighbourhoods consisting of single-detached and semi-detached dwelling units. Staff also notes that the applicant is agreeable to the provision a right-of-way on the western steep slope portion of the lot to allow a pedestrian trail up the slope. Pedestrian access to the city owned property at the top of the slope, currently used for walking trails, will thus be provided. The applicant will also be required to register a no-build, no disturb restrictive covenant to protect the steep slopes (greater than 30%) of the site.

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The form and character of the proposed development will be reviewed under the concurrent development permit application. With regards to the general form and character of the stacked row house development, the Department has no concerns. The proposed development is generally consistent with many of the guidelines for form and character as outlined in the OCP. Significant architectural detailing is provided with the use of sub-roofs, a variety of windows, and several different building materials. Staff notes that the applicant has also revised the drawings to bring the proposed development in conformance with the regulations of the Zoning Bylaw. Staff also notes that should the applicant decide to proceed with development on the upper portion of the site, a development permit will first be required.

Andrew Bruce
Development Services Manager

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Corporate Services
Approved for inclusion

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Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

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