
CITY OF KELOWNA

MEMORANDUM

Date: May 17, 2006
File No.: **DP05-0214/DVP06-0023**

To: City Manager

From: Planning & Corporate Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION OWNER: COUNTY VENTURES LTD.
NO. DP05-0214 (INC. NO. BC0347911)
DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP06-0023

AT: 456 McPHEE STREET **APPLICANT:** COUNTY VENTURES LTD.

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE
CONSTRUCTION OF A 26 UNIT, ROW HOUSE COMPLEX IN 6
BUILDINGS

TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY
THE MAXIMUM BUILDING HEIGHT FROM 2½ STOREYS
PERMITTED TO 3 STOREYS PROPOSED, TO VARY THE
MAXIMUM SITE COVERAGE FROM 50% PERMITTED FOR
BUILDINGS, DRIVEWAYS AND PARKING AREAS TO 53.4%
PROPOSED, AND TO VARY PROVISIONS OF "PRIVATE OPEN
SPACE" TO INCLUDE BUILDING SETBACK AREAS

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 9584 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP05-0214 for Lot 9, Sec. 27, Twp. 26, O.D.Y.D., Plan 33454, located on McPhee 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0023; Lot 9, Sec. 27, Twp. 26, O.D.Y.D., Plan 33454, located on McPhee Road, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 2.3 **Definitions** for "**Private Open Space**" be varied to allow the use of the required building setback areas to be included in the calculation for Private Open Space,

Section 13.9.6.(b) **Development Regulations** be varied from maximum site coverage of buildings, driveways, and parking areas of 50% permitted, to 53.4% proposed,

Section 13.9.6.(c) **Development Regulations** be varied from the maximum height of the lesser of 9.5 m or 2 ½ storeys permitted to the proposed height of 9.5 m or 3 storeys proposed

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

2.0 SUMMARY

The applicant has made application to rezone the subject property to the RM3 – Low Density Multiple Housing zone in order to permit the development of the property with 26 rowhouse units in 6 buildings. This application for a Development Permit has been made to authorize the form and character of this proposed development.

Associated with these two applications, there has also been application made for a Development Variance Permit to deal with;

- **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,
- **site coverage** for the overall site coverage for Buildings, Driveways, and Parking areas is 53.4 % where the proposed zone limits the maximum site coverage to 50%,
- **use of building setback areas** for a portion of the required for "private open space" for each of the dwelling units.

2.1 Advisory Planning Commission

The above noted applications (DP05-02014 & DVP06-0026) were 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 Development Permit Application No. DP05-0214, for 456 McPhee Street, Lot 9, Plan 33454, Sec. 27, Twp. 26, ODYD, by County Ventures Ltd. (Fred Scott), to obtain a Development Permit to allow construction of a 2825 m², 26 unit, 3 storey townhouse development.

AND FURTHER THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP06-0023, for 456 McPhee Street, Lot 9, Plan 33454, Sec. 27, Twp. 26, ODYD, by County Ventures Ltd. (Fred Scott), to vary the maximum building height from 2 ½ storeys permitted to the 3 storeys proposed subject to the 3 storey component being confined to the interior of the site only;

AND FURTHER THAT the Advisory Planning Commission not support Development Variance Permit Application No. DVP06-0023, for 456 McPhee Street, Lot 9, Plan 33454, Sec. 27, Twp. 26, ODYD, by County Ventures Ltd. (Fred Scott), to vary the maximum site coverage from the 50% permitted to the 53.5% proposed for buildings, parking & paved areas;

AND FURTHER THAT the Advisory Planning Commission not support Development Variance Permit Application No. DVP06-0023, for 456 McPhee Street, Lot 9, Plan 33454, Sec. 27, Twp. 26, ODYD, by County Ventures Ltd. (Fred Scott), 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.

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 associated application to rezone the property to the RM3 – low density multiple unit residential zone (Z05-0078) is consistent with that designation. The associated zone amending bylaw received 3rd reading on April 18, 2006, after a successful public hearing held the same night.

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 residential 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”. There has been application for a dedication from the subject property to dedicate the west half of the “cul-de-sac”.

The main floor of each residential unit 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 each of the proposed dwelling units. The second floor level of each unit 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 the appearance of 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.

Development Variance Permit application DVP06-0023 has been made in association with the development permit application in order to deal with several issues relating to the proposed site development.

- **Site Coverage;** The applicant has reviewed the site plan as was originally submitted, and has been able to reduce the total site coverage for buildings, driveways and parking areas by reducing the amount of pavement and increasing the amount of landscaping. However, the resulting site coverage at 53.4% still exceeds the maximum of 50% permitted in the zone, and therefore requires application for a variance.
- **Building Height;** The proposed dwelling units when observed from the surrounding property appear to be a 2 storey building height. However, when viewed from the internal driveway, the units have to be considered a 3 storey building height, as there is a garage at grade, and two full living levels above the garage. This development variance permit application has been made to deal with this issue.

- **Use of Building Setback Areas for Private Open Space;** To meet the zoning bylaw requirements for Private Open Space, the applicant is required to provide 650 m² of area. However, the applicant has been able to provide a total of 580 m² of Private Open Space which is comprised of deck areas that are associated with the dwelling units, and a portion of the site area that is located beyond the building setback area. The applicant wishes to vary the definition for “Private Open Space” in order that a portion of the building setback area may be used as “Private Open Space” in order to meet the bylaw requirements for “Private Open Space”.

Now that the outstanding concerns of the Works and Utilities Department have been addressed, it is now appropriate for Council to consider the associated Development Permit and Development Variance Permit applications.

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 available including setback areas	25.0 m ² per unit = 650 m ² req'd

NOTES;

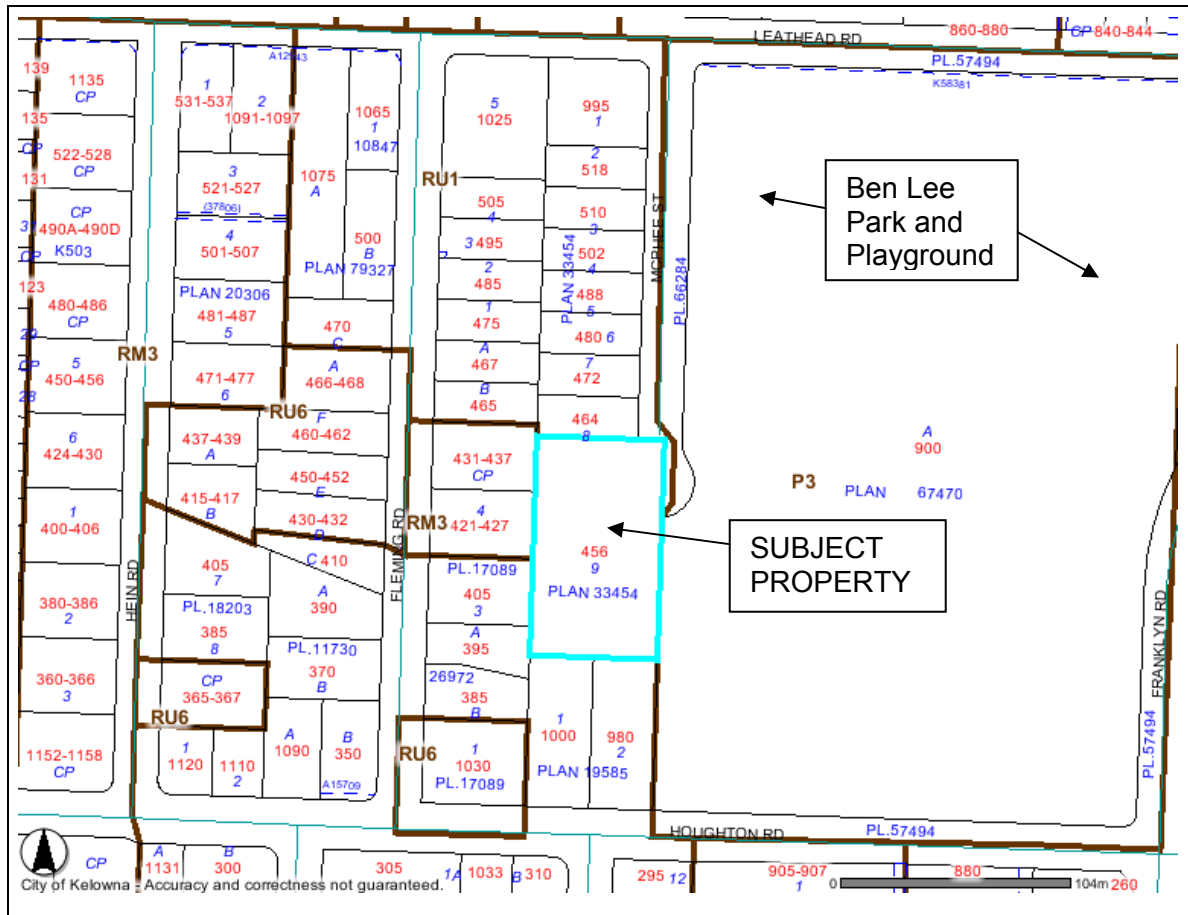
① Variance requested to vary maximum site coverage for buildings, driveways and paved areas from 50% permitted to 53.4% proposed

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.

3.2 Site Context

SUBJECT PROPERTY MAP



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 Current Development Policy

3.3.1 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.

The Official Community Plan also includes general Multiple Family Residential Development Permit Guidelines.

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:

- enhance public views
- provide noise buffering
- 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
- create design interest
- 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
- incorporate native plants where practical
- incorporate xeri-scape vegetation and principles
- 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 *Kelowna 2020* – Official Community Plan 8-13 This chapter last updated October 3, 2005. ornamental pears), CYDONIA (quince), CHAENOMELES (flowering quince or japonica), ULMNUS PUMILA (Siberian Elm) or ULMNUS PARVIFOLIA (Chinese Elm).

Relationship to the Street

- First storey units should ideally provide ground-level access and outdoor amenity space
- Porches are encouraged where they are part of the established neighbourhood character.

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.
- Variation between architectural bays within each façade is encouraged.

Walls

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

Crime Prevention

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

Ancillary Services/Utilities

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

Amenities

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

Access

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

Parking

- Underground parking is encouraged.

3.3.2 City of Kelowna Strategic Plan (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

CPTED Guidelines

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);
- 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;
- 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;

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;

Target Hardening

- cylinder dead bolt locks should be installed on all exterior doors;
- door hinges should be located on the interior side of the door;
- door knobs should be 40 inches (1 m.) from window panes;
- sliding glass doors should have one permanent door on the outside and on the inside moving door should have a lock device and a pin.

4.0 TECHNICAL COMMENTS

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

4.1 Fire Department

Fire 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 Works and Utilities Department

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

1. General.

- a) Requirements of the rezoning application no. Z05-0078 must be satisfied before subdivision approval.
- b) The site layout must be revised to respect the cul-de-sac dedication to the City of Kelowna to the SS-R17 standard. Please Refer to the attached sketch.
- c) A comprehensive and detailed storm water drainage management plan and site grading plan to comply with the City's drainage design and policy manual will be a requirement of the building permit application.
- d) The location of the solid waste collection for removal is not shown on the plan.

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 that exists in the neighbourhood, the subject property does not have substantial road exposure, so the resulting building design theme is internal to the proposed development.

The associated Development Variance Permit application has been made 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 still exceeds the 50% coverage permitted in the zone. The site coverage for the buildings is only 22% where the zone permits 40% for maximum building site coverage.

This DVP application also includes a request 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 building setback areas may be included in the "Private Open Space" calculation. In this case, the applicant has been able to provide 580 m² of the required "Private Open Space" utilizing building deck areas and open space that is not part of the building setback area. The zone requires that there be a

total of 650 m² “Private Open Space” provided for the 26 proposed 3 bedroom units. This would require that 70 m² of the building setback area be used for “Private Open Space” requirements. This is not a concern as there is a substantial amount of open space available as Ben Lee Park is located along the east side of the subject property.

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

State of Title
Subject Property Map
Schedule A, B & C (pages)
3 pages of site elevations / diagrams

AIR PHOTO

