
**CITY OF KELOWNA
MEMORANDUM**

Date: November 3, 2006
File No.: DP05-0216 & DVP06-0001
To: CITY MANAGER
From: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
Subject:

APPLICATION NO. DP05-0216
DVP06-0001
AT: 3416 Scott Road
OWNER: Maclean Homes
APPLICANT: New Town Architecture
(Pat McCusker)

PURPOSE:

TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF 26 UNITS OF ROW HOUSING.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW 3 STOREYS WHERE ONLY 2.5 STOREYS ARE PERMITTED.

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

EXISTING ZONE: A1 – AGRICULTURAL 1

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Bylaw 9640 be advanced for final adoption by Council;

AND THAT Council authorize the issuance of Development Permit No. DP05-0216 for Lot 4, Section 7, Township 26, ODYD, Plan 3886, located on Scott 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. DVP06-0001 for Lot 4, Section 7, Township 26, ODYD, Plan 3886, located on Scott Road, Kelowna, B.C.;

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

Section 8.1.12 Parking and Loading

A variance to allow a two way driving aisle to be 6.0 m in width where 7.0 m is required.

Section 13.9.6 (c) Low Density Multiple Housing

A variance to allow a building height of 3 storeys where only 2 ½ stories are permitted.

2.0 SUMMARY

The applicant is seeking to obtain a development permit to allow for the construction of 26 units of row housing. In order to facilitate the proposed design, the applicant is also seeking variances to allow the proposed buildings to be 3 storeys in height where only 2 ½ stories is permitted and the driving aisle width to be 6.0 m where 7.0 m is required.

3.0 ADVISORY PLANNING COMMISSION

The above-noted applications were reviewed by the Advisory Planning Commission at the meeting of May 23, 2006 and the following recommendations were passed:

THAT the Advisory Planning Commission not support Development Permit Application No. DP05-0216, for 3416 Scott Road, Lot 4, Plan 3886, Sec. 12 Twp. 25, ODYD, by New Town Planning (Keith Funk), to obtain a Development Permit to allow for 26 units of row housing;

AND THAT the Advisory Planning Commission not support Development Variance Permit Application No. DVP06-0001, for 3416 Scott Road, Lot 4, Plan 3886, Sec. 12 Twp. 25, ODYD, by New Town Planning (Keith Funk), to obtain a Development Variance Permit to allow 3 storeys in height where only 2 ½ are permitted; to allow site coverage of 57% where 50% is permitted; to allow 2 way driving aisles to be 6.0 m in width where 7.0 m is required.

For more information on the comments made by the APC, please refer to the minutes of the May 23, 2006 meeting, which are posted on the City's website.

To summarize, the APC had concerns with the following items: tandem parking; the removal of trees; drive aisle width; perception that there is inadequate amenities for children; contemporary design; and privacy.

4.0 BACKGROUND

The subject property is located at the end of both Patsy and Scott Roads. Dedications and/or a road reserve to both roads, as well as the lane running between them, were required as a condition of the rezoning application. The required road dedications included the corner rounding at Scott Road as well as the extension of the existing lane to connect with Patsy Road. The applicant is also required to register a road reserve to secure the land for a future cul-de-sac at the end of Patsy Road. The above listed road dedication/reserve requirements, including the future cul-de-sac, have been incorporated into the design of the proposed development. The road dedication and road reserve agreement have also been executed, and are ready to be registered, pending the outcome of this application.

4.1 The Proposal

The main access onto the site will be via Scott Road with an additional gated emergency access provided from Patsy Road. A variance is being requested to allow the reduction of the internal roads to 6.0 m where 7.0 m is required. A total of 52 tandem parking spaces are provided within the individual garages (2 spaces per 3 bedroom unit). An additional 6 visitor parking spaces are provided. Visitor bicycle spaces are provided with long term bicycle storage to be provided within the garage space.

The applicant is also proposing a site coverage of 28% (buildings)/45% (buildings, parking, driveways) where 40% (buildings)/50% (buildings, driveways, and parking) is permitted. The applicant is also proposing to use decorative pavers for the road and driveways and “grasscrete” for the emergency access and 4 of the visitor parking spaces. A significant amount of landscaping is proposed. A variety of trees, new and existing, will line each of the property lines. At the rear of almost all the units, at-grade patios will provide access to the grassed areas surrounding the buildings. Various trees and planting bed are also proposed in front of each unit adjacent to the internal driving aisle. A play structure is to be temporarily located within the future cul-de-sac road reserve area at the end of Patsy Road. Once the cul-de-sac is developed, they play area will be relocated to the proposed alternate location in the south yard of the property.

The proposed development consists of a total of five buildings containing a total of 26 units. Three of the proposed buildings contain 6 units each with an additional two buildings each containing 4 units. The main level of each unit will comprise a garage with two storeys of living space located directly above. The second storey of each unit will comprise a living/dining room, kitchen, office area, and half-bathroom. Three bedrooms and two bathrooms are to be located on the third storey. In order to mitigate the appearance of the over-height building, the south side yard will be sloped up 0.6 m from the property line to the buildings.

The proposed building design is contemporary. The applicant has used a variety of window types, cantilevers, and different building materials and colours to provide visual interest to the building. The proposed building materials include hardi-plank siding in two forms: smooth and horizontal siding. The main colour is beige, with yellow and orange accenting the certain feature of the buildings. Railings, window frames and trim is done in white. The large roof overhangs, cantilevers, and a varying roofline provide further visual interest to the building. Large private decks on the second levels provide private open space for each unit.

The application meets the requirements of the proposed RM3- Medium Density Multiple-Family Zone as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	5562 m ²	900 m ²
Site Width (m)	30.0 m	30.0 m
Site Depth (m)	43.0 m	30.0 m
Site Coverage (%)	28%/45%	40% or 50% including buildings, driveways, and parking
F.A.R.	0.59	0.5 +0.2 (max. parking bonus) = 0.70
Height (m)	9.5 m	9.5 m
Storeys (#)	3 storeys ^A	2.5 storeys
Setbacks (m)		

- Front (west)	4.5 m	4.5 m
- Rear (east)	7.5 m	7.5 m
- Side (north)	4.5 m	4.5 m
- Side (south)	4.5 m	4.5 m
Private open space	25 m ²	25.0m ² per 3 bedroom dwelling
Separation between principal buildings	3.2 m	3.0 m
Parking Stalls (#)	58 spaces 26 regular spaces & 26 small car w/in garages 6 visitor spaces	52 stalls (2 per 3 bedroom dwelling unit), Min 31 standard spaces Max. 21 small car spaces (40%) 4 Visitor spaces
Parking Space Size	3.0 x 11.0 m garage (including tandem standard & small car space) 2.5 m x 6.0 m	3.0 m x 6.0 m (5.0 m sm.) garage 2.5 m x 6.0 m
Parking Setback	4.5 m	1.5 m from side or rear property line
Driving Aisle	6.0 m ^B	7.0 m two way driving aisle 5.5 m one way
Bicycle Stalls (#)	26 within garages 3 surfaces	16 (.5 per dwelling unit Class I, 0.1 per dwelling unit Class II)

^A The Applicant is applying to vary the building height to allow 3 storeys, where only 2 ½ storeys are permitted.

^B The Applicant is applying to vary this requirement to allow a 6.0 m drive aisle width, where 7.0 m is required.

4.2 Site Context

The subject property is located at the ends of both Moberly and Patsy Roads. Adjacent zones and uses are:

North - RM5 – Medium Density Multiple Housing
 East - RU2 – Medium Lot Housing
 South - RU1 – Large Lot Housing
 West - A1- Agricultural 1, P4 – Public Utilities

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (2004)

Objectives of the Strategic Plan include 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 Official Community Plan (OCP)

The future land use designation of the subject property is Low Density Multiple Housing. The proposed designation of RM3 is therefore consistent with the Official Community Plan. Several elements of the proposed building design are consistent with the Multiple Dwelling Housing Guidelines as listed in the OCP. Examples of elements of the building design that are consistent with the design guidelines are as follows:

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

- 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.

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 By-law. Engineered fire flows will be required.

5.2 FortisBC

Fortis will supply underground power.

5.3 Inspections Department

The site is located within 1 and 2 hundred year flood construction level and therefore the project needs to be designed with a minimum elevation of slab at 343.66.

5.4 Interior Health

No comment.

5.5 Parks Manager

To prevent future noise complaints with the future adjacent City parking lot, we recommend that the Applicant install a sound attenuation wall along the property line and provide adequate landscape screening.

- 5.6 Shaw Cable
Owner/developer to install an underground conduit system.
- 5.7 Telus
Telus will provide underground facilities. Developer will be required to supply and install.
- 5.8 Works & Utilities
The Works & Utilities Department requirements have been addressed under the associated rezoning application.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT
OUTSTANDING ISSUES RAISED BY COUNCIL

On August 8, 2006, the accompanying rezoning application went to a public hearing, and Council gave 2nd and 3rd reading to the zone amending bylaw. The following list of issues was raised at that time:

1. Lane Connection through to Patsy – Council asked the Works and Utilities Department to provide a justification for this dedication, since there was some neighbourhood opposition to that requirement.
2. Tandem Parking – Council requested further clarification on the impacts of tandem parking. There is a perception that it is awkward, and could lead to increased street parking.
3. Access through to Richter – Council asked why Staff did not pursue a road connection through to Richter.

The following list details the response to those queries:

1. Staff met internally to discuss the need for the lane dedication. Representatives of the Works and Utilities Department explained that the lane connection is beneficial. Specifically, it was noted that connection of the lane through to Patsy Rd. allows for vehicle movements through the lane in either a north or south direction, which improves traffic mobility for the neighbourhood generally. Such improvement in traffic flow:
 - (a) encourages use of the lane, which eliminates reverse movements onto the street (especially if we see increased use of the lane through “carriage house” development on those lots adjacent to it); and
 - (b) allows for better access for larger vehicles (e.g.: fire trucks, garbage trucks, etc.).
2. The current Zoning Bylaw No. 8000 wording regarding tandem parking grants the following

Section 8.1.13 - Parking spaces may be configured in tandem for the single detached housing, semi-detached housing, and duplex housing.

The purpose in having such parking standards in the first place, of course, is to preclude the negative spill-over effects of parking on public streets. And allowing tandem parking for the forms of housing detailed above has not presented any memorable instances of conflict. It is recognized that within each household some cooperation is required to make it work.

3. Staff has not pursued this road connection because (a) there is a narrow strip of land in between the subject property and Richter Street, which is owned by FortisBC, (b) connection to Richter Street for this development or for surrounding neighbourhood contravenes the desired access management strategy, and (c) there are better alternatives for access to this site, through the local road network of Patsy Road and Scott Road.

The Applicant has satisfied the Works and Utilities Department requirements pursuant to this development. Consequently, Staff recommends that the zone amending bylaw be advanced for final adoption by Council.

DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT ISSUES

The proposal to construct row-housing, rather than apartment housing, is considered to be a sensitive transition from the abutting neighbourhoods to the south and east which consist primarily of single-detached dwellings. Staff notes that the proposed development is consistent with the guidelines for multiple dwelling units as outlined in the Official Community Plan. The proposed buildings have good architectural detailing including: good window pattern, the use of different exterior finishes (e.g.: smooth Hardi panels, and horizontal Hardi plank), the use of colour variation to enhance certain architectural forms, and the exposed rafter detail at the eave. Staff will continue to work with the Applicant to ensure the final colours are timeless (i.e.: not orange and yellow), earth tones, with neutral colour window frames (e.g.: black or beige). The Applicant is also proposing high quality landscaping elements and useable open space.

The proposal seeks to vary the maximum allowable number of storeys (3 storeys, where the maximum is 2 ½ storeys), without exceeding the maximum allowable height (9.5 m). This requested variance is considered the best solution to achieve the desired density on a site that has a high water table, which precludes significant below-ground construction. Other projects with similar constraints have attempted to solve this problem by constructing a parking structure a few feet below natural grade, and backfilling against it to disguise that element. In this case, Staff considers the development variance permit route a more suitable solution.

In an attempt to help preserve the privacy of the abutting properties and mitigate the impact of the over-height buildings, the applicant is proposing to maintain several of the mature trees along the south property line and is committed to plant new trees along all property lines. The mature trees located in the future lane dedication area will, unfortunately, have to be removed, in order for the Applicant's to meet the City's lane dedication requirement. Building #4 has been sited as far as possible from the south property line in an attempt to further mitigate the privacy concerns of the neighbouring properties. The applicant will also be responsible for ensuring the installation of new fencing along the east and south property line abutting the existing RU1 lots.

Staff has no concerns with regard to the variance request for the drive aisle width (6.0 m where 7.0 m is required).

Staff recommends that the Development Permit No. DP05-0216 and Development Variance Permit No. DP06-0001 be approved, pursuant to the recommendations on pages 1 and 2 of this report.

Shelley Gambacort
Acting Development Services Manager

Approved for inclusion ☐

Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services
NW/nw

ATTACHMENTS

Location of subject property
Site Plan
Floor Plans – Buildings 1 – 5 (3 pages)
Floor Plan Detail – Units A – F (8 pages)
Elevations (4 pages)
Landscape Plan and Detail (2 pages)
Artist's Rendering