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**CITY OF KELOWNA**

**MEMORANDUM**

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**DATE:** MAY 14, 2007

**TO:** CITY MANAGER

**FROM:** PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

**APPLICATION NO.** OCP07-0011/Z07-0024      **OWNER:** LUCILLE & EUGENE FRANKE/  
TROIKA DEVELOPMENTS INC.

**AT:** 1633 LOSETH ROAD      **APPLICANT:** TROIKA DEVELOPMENTS  
1661 HIGHWAY 33 EAST      INC. (ROGER LIEGMANN)

**PURPOSE:** TO AMEND THE OFFICIAL COMMUNITY PLAN FUTURE LAND USE DESIGNATION FROM SINGLE/TWO FAMILY RESIDENTIAL TO MULTIPLE UNIT RESIDENTIAL – LOW DENSITY.

TO REZONE THE SUBJECT PROPERTIES FROM THE A1 – AGRICULTURE 1 AND THE RU1-LARGE LOT HOUSING ZONE TO THE RM3 - LOW DENSITY MULTIPLE HOUSING TO ALLOW FOR THE CONSTRUCTION OF A 3 STOREY, 54 UNIT TOWNHOUSE DEVELOPMENT.

**EXISTING ZONE:** RU1 – LARGE LOT HOUSING & A1 – AGRICULTURE 1

**PROPOSED ZONE:** RM3 – LOW DENSITY MULTIPLE HOUSING

**REPORT PREPARED BY:** DANIELLE NOBLE

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**1.0 RECOMMENDATION**

THAT OCP Bylaw Amendment No. OCP07-0011 to amend Map 19.1 of the Kelowna 2020 - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Lot 1, Sec 13 & 18, Twp 26 & 27, ODYD, Plan 25935 & Parcel A (Plan B5627) of Lot 15, Sec. 13 & 18, Twp 26 & 27, ODYD, Plan 1991 Except Plans 20732, 23399, H8433, KAP48832, KAP48833, located on Loseth Road and Highway 33 East, Kelowna, B.C., from the Single/Two Unit Residential designation to the Low Density Multiple Unit Residential designation be considered by Council;

THAT Rezoning Application No. Z07-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec 13 & 18, Twp 26 & 27, ODYD, Plan 25935 & Parcel A (Plan B5627) of Lot 15, Sec. 13 & 18, Twp 26 & 27, ODYD, Plan 1991 Except Plans 20732, 23399, H8433, KAP48832, KAP48833, located on Loseth Road and Highway 33 East, Kelowna, B.C., from the A1 – Agriculture 1 and RU1 – Large Lot Housing zones to the RM3- Low Density Housing zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP06-0011 and Zone Amendment No. Z07-0024 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 and Black Mountain 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 and Development Variance Permit on the subject property.

## 2.0 SUMMARY

The applicant is proposing to rezone the subject properties from the RU1 – Large Lot Housing zone and the A1 – Agriculture 1 zone to the RM3 – Low Density Multiple Housing zone in order to accommodate a 54 unit townhouse development. In order to allow for this rezoning, the applicant has also applied to amend the Official Community Plan Future Land Use designation from Single/Two Unit Residential to Multiple Unit Residential Low Density.

## 3.0 ADVISORY PLANNING COMMISSION

The above noted applications were reviewed by the Advisory Planning Commission at the meeting of April 24, 2007 and the following recommendations were passed:

THAT the Advisory Planning Commission support Official Community Plan No. OCP07-0011, for 1633 Loseth Road, Lot 1, Plan 25935, Sec. 13, Twp. 26, ODYD, by Troika Developments Inc. (R. Liegmann), to amend the OCP Future Land Use designation from Single/Two Unit Residential to Multiple Unit Residential (Low Density).

THAT the Advisory Planning Commission support Rezoning Application No. Z07-0024, for 1633 Loseth Road, Lot 1, Plan 25935, Sec. 13, Twp. 26, ODYD, by Troika Developments Inc. (R. Liegmann), to rezone from the RU1-Large Lot Housing zone and the A1-Agriculture 1 zone, to the RM3-Low Density Multiple Housing.

THAT the Advisory Planning Commission not support Development Permit Application No. DP07-0074, for 1633 Loseth Road, Lot 1, Plan 25935, Sec. 13, Twp. 26, ODYD, by Troika Developments Inc. (R. Liegmann), to obtain a Development Permit to establish the form & character of a 58 unit townhouse development.

*DEFEATED DUE TO: The general consensus of the APC was that the number of units being sought for the subject properties and the site layout was too dense. It was suggested to reduce the number of units for the overall site to improve livability, traffic/parking concerns, and playground allocation for young families.*

## 4.0 BACKGROUND

The proposed project would be located on two consolidated lots accessed via Lynrick Road and having prominence along Highway 33. The subject properties are situated within the Black Mountain village centre. The parking requirements will be achieved by way of under-building parking with visitor stalls allocated throughout the site. Garbage and recycling will be curb side pick up at each door.

The main entry to the residential complex will be via two principal entry points off of Lynrick Road. All of the units will have street level entry points creating pedestrian friendly entrances around the entire project and targeting a family demographic. Typical units are provided with

front porches and/or terraces. The project will be providing a playground and park amenity area for residents.

The Building Design is focused on creating a “sense of belonging” to the townhouse community through pedestrian orientated elements. The buildings are situated so that children of the residents are offered outdoor play space while still within sight from several of the units. A majority of the parking is to be accommodated within the parking garages with some parking in the driveways themselves. The design aims to emulate a faux-Tudor motif, with the objective of being sensitive to the surrounding architectural styles that dominate while recognizing that a substantial amount of the housing stock in the adjacent single family neighbourhood is dated.

The applicant has submitted a landscape plan, which may be further enhanced to incorporate additional fencing treatments along the perimeter of the property fronting Highway 33. Ideally, the landscaping will aim to enhance the building form and soften the fencing treatment through a variety of soft/hard landscape treatments on site.

The development as proposed triggers several variances to the City’s Zoning Bylaw including variances to site coverage, number of storeys, and side yard setbacks.

The application compares to the requirements of the RM3 – Low Density Multiple Housing zone as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	12,462.7m <sup>2</sup>	900m <sup>2</sup>
Lot Depth (m)	71.45m	30.0m
Lot Width (m)	90.45m	30.0m
Site Coverage (%) (Buildings)	30.89%	40%
Site Coverage (%) (Buildings and parking)	50.37%❶	50%
Floor Area Ratio (FAR)	0.67	0.5 + 0.2 for Parking Under Building  Total: 0.7
Parking Spaces	Covered stalls: 108 Visitor stalls: 8  <b>Total: 116 stalls</b>	1.5 stalls x 12 (2 bedroom units) 2 stalls x 46 (3 bedroom units)  8 Visitor Stalls Required <b>Total: 110 stalls</b>
Storeys (#)	2.5❷	3
Height (m)	8.38m	9.5m
<b>Setbacks(m)</b>		
- Front	4.5m	4.5m
- Rear	7.6m❸	15m
- East Side	4.5m	4.5m
- West Side	4.5m	4.5m
Private Open Space	+/- 80.8m <sup>2</sup> /unit	+/- 25.0m <sup>2</sup> /unit

❶Note: Applicant is seeking to vary the total site coverage from 50% required to 50.37% proposed.

②Note: The applicant is seeking to vary the height from 2 1/2 storeys permitted to 3 storeys proposed.

③Note: The applicant is seeking to vary the northern side yard setback from 15m required to 7.6m proposed.

## 5.0 SITE CONTEXT

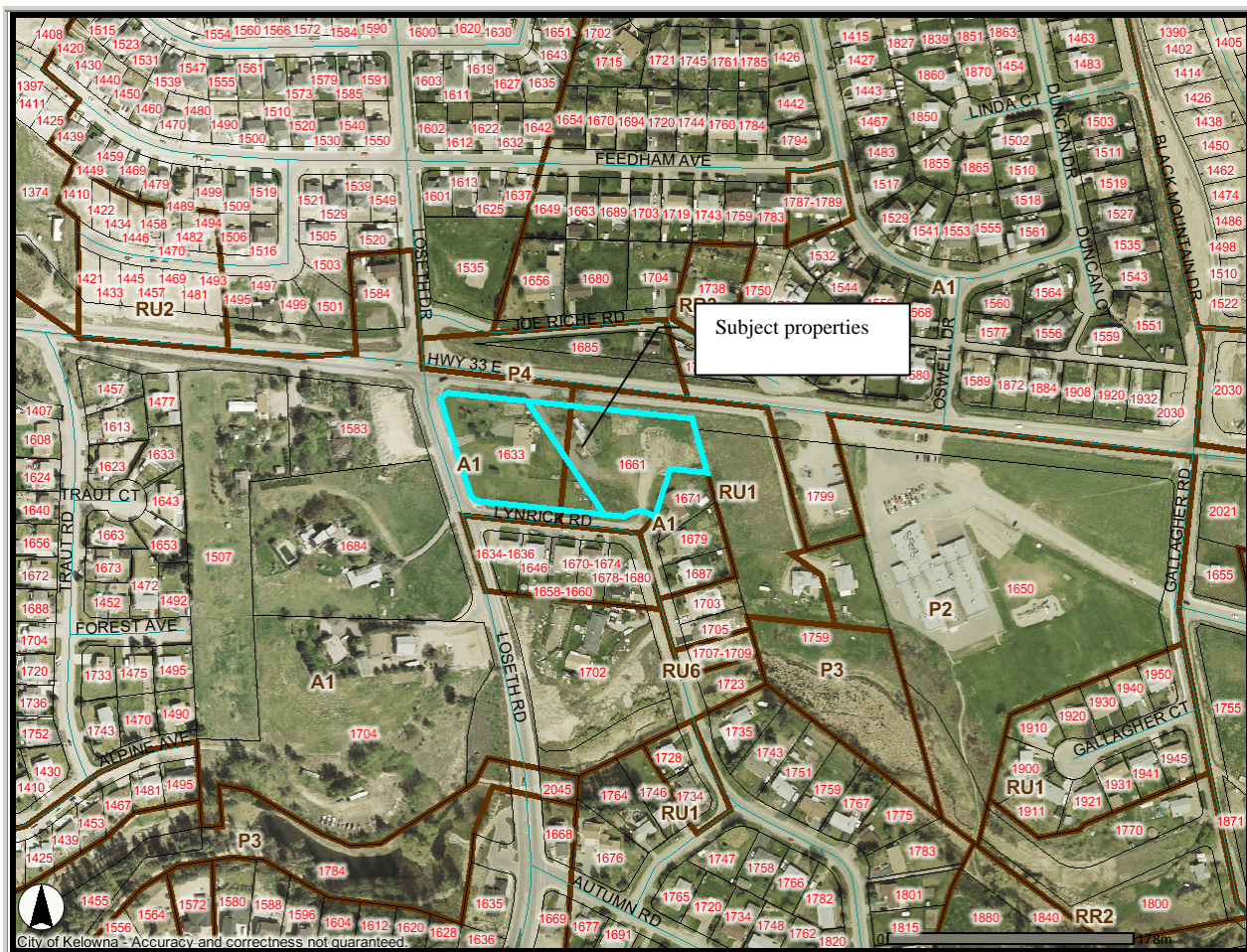
The subject properties are located on the southern side of Highway 33, just west of Black Mountain Elementary School.

Adjacent zones and uses are:

North	P4 – Utilities and A1 – Agriculture 1
East	RU1 – Large Lot Housing and A1 – Agriculture 1
South	RU6 – Two Dwelling Housing – Single Family Dwellings
West	A1 – Agriculture 1

## 5.1 SITE LOCATION MAP

Subject Properties: 1633 Loseth Rd & 1661 Highway 33 E



## 6.0 EXISTING AND PROPOSED DEVELOPMENT POTENTIAL

The subject properties are currently zoned RU1 – Large Lot Housing and A1 – Agriculture  
1. The applicant is seeking to rezone the properties to the RM3 – Low Density Multiple Housing zone. The purpose of the RM3 zone is to provide primarily for low density multiple housing on urban services.

## 7.0 CURRENT DEVELOPMENT POLICY

### 7.1 Kelowna Official Community Plan

The future land used designation for the subject property identified in the Official Community Plan is Single/Two Unit residential. The proposal is not consistent with this designation.

Section 8 of the Official Community Plan provides the following policy guidance for applicants requesting rezoning to higher densities than designated on the Future Land Use Map:

***Rezoning to Higher Densities.*** Consider supporting an OCP amendment and rezoning application for residential densities greater than those provided for on the Generalized Future Land Use Map 19.1 in those cases where:

- *A portion of the proposed units are available for affordable, special needs or rental housing identified to be in short supply (guaranteed through a Housing Agreement); and*
- *Appropriately designated sites can be proven to be functionally unsuitable for the proposed housing; and*
- *Supporting infrastructure is sufficient to accommodate the proposed development (or the developer is prepared to upgrade the necessary infrastructure); and*
- *The proposed densities do not exceed the densities provided for on Map 19.1 by more than one increment (e.g. medium density multiple units might be entertained where low-density has been provided for, and low-density multiple units might be entertained where single/two unit residential densities have been provided for); and*
- *The project can be sensitively integrated into the surrounding neighborhood, with no more than a one-storey height gain between the proposed development and the height permitted within land uses assigned to adjacent parcels (Where the property being proposed for redevelopment is large, consideration may be given to providing greater heights at the centre of the property provided that the new building is sensitively integrated with the surrounding neighborhood); and*
- *Approval of the project will not destabilize the surrounding neighborhood or threaten viability of existing neighborhood facilities (e.g. schools, commercial operations etc.).*

While the project arguably meets a majority of the criteria listed above, the applicant has indicated that no units will be designated for affordable housing which staff considers highly important criteria.

Staff have reviewed this application, and it may move forward without having direct implications on the City's financial plan or waste management plan. However, it has been noted that this development will utilize the remaining available sanitary sewer capacity, and will impede the Bell Mountain and Kirschner Mountain developments as to their full Area Structure Plan potential. Notably, the original projections for those estimates were based on calculations that included conventional plumbing choices, and achieving lower impacts on sewer services may be feasible through sustainable/alternative plumbing fixtures and recycled water on-site.

The Official Community Plan also contains the following objectives for context and design for new multiple family developments:

**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, and 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).

**8.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

The Planning and Development Services Department has worked extensively with the developer on the proposed form and character of the anticipated development. While staff acknowledges that the proposed design is of respectable quality and meets many of the Official Community Plan's design guidelines for Multiple Family development, there remains concern with regard to the density of land use. The Official Community Plan future land use designation for the subject property is Single/Two Unit residential and the applicant has applied to amend this to a low density designation to increase the allowable density/height. The applicant has not proposed any affordable housing component on-site that would be secured through a formal housing agreement.

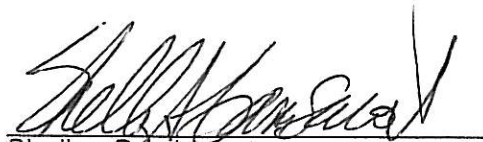
The original plans submitted suggested maximum density for the site. Typical density for townhouse developments would be on order of 30-35 units per ha (uph). The project originally proposed over 46 uph, which is closer to the densities that would typically be achieved under the medium density OCP designation. Staff noted that there would be significant hard surface with minimal internal landscaped or green space to lessen the environmental footprint of the project. The applicant has amended the original proposal and reduced the number of units from 58 to 54 units to address this concern and that of the Advisory Planning Commission.

The subject property is also within the designated Black Mountain Village Centre and will require compliance with the Village Centre Development Permit Guidelines as well as the



general Multiple Unit Development Permit Guidelines. The proposed land use, although not consistent with the OCP, is supported as being consistent with the changing face of the area, especially the need for a wider range of residential land uses. The OCP directions which are based on the Black Mountain Sector Plan are no longer considered to reflect the dynamics of today's housing market and the demand for housing that serves the lower end of that market. The proposed RM3 zoning is therefore considered to be appropriate use of the site.

Notably, infrastructure capacities projected for the total build-out in the Black Mountain Sector were calculated based on the projections related to the previously approved Area Structure Plans. However, while this project can be serviced adequately with respect to sanitary sewer capacity and related services, it has been noted that by approving the density for this project it will have future impact on infrastructure capacity for future development within the Bell Mountain and Kirschner Mountain areas.



Shelley Gambacort  
Acting Development Services Manager

Approved for inclusion

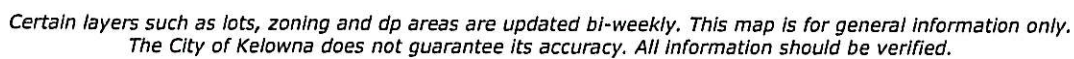


Mary Pynenburg, MRAIC MCIP  
Director of Planning & Development Services

SG/DN  
Attach.

#### **ATTACHMENTS**

Subject Property Map  
Site Plan  
Amended Floor Area Ratio Calculations  
Amended Zoning Information Calculations  
Proposed Floor Plans  
Building Elevations  
Color Board  
Conceptual Landscape Plan



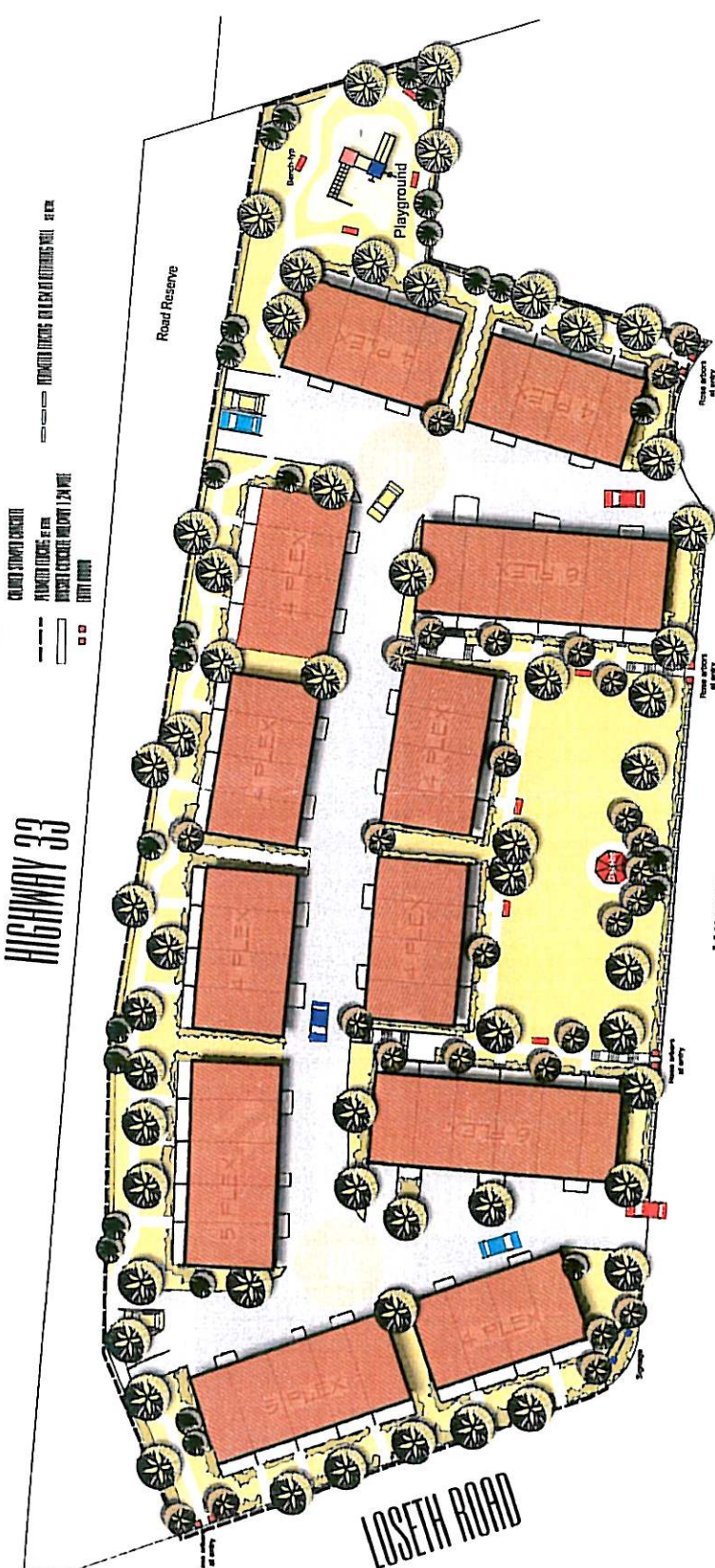






For details of this and other projects, see [www.oxfordjournals.org](http://www.oxfordjournals.org).

*Hang Loast, Haldung, Gellweir's Tree, Myle, Trailing Alps*  
*Hardness, Rancee Old, Chikaburg, Anur Myle, Anur Chury, Sams*  
*Pen see. For me.*  
*Ran, Myle Pen, Uapir, Anpur Gaps, Chikaburg, Spine, Santa Tree, Sant Chury, Lda,*  
*Picardelle, Smith Sams, Dromedary Gams, London, Day City, Dity, Kindred*



**YNRICK ROAD**

# Conceptual Landscape Plan

## Proposed 54 unit Black Mountain Townhouse Development

