
CITY OF KELOWNA

MEMORANDUM

DATE: May 22, 2007
FILE NO.: **DP06-0231**

TO: City Manager

FROM: Planning & Development Services Department

DEVELOPMENT PERMIT APPLICATION OWNER: MAXWELL HOUSE
NO. DP06-0231 DEVELOPMENTS LTD.

AT: 1967 CROSS ROAD APPLICANT: MAXWELL HOUSE
DEVELOPMENTS LTD.

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE
CONSTRUCTION OF A 38 UNIT TOWNHOUSE DEVELOPMENT

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING
RU1 – LARGE LOT HOUSING
P3 – PARKS AND OPEN SPACE

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Final Adoption of Official Community Plan Amendment OCP06-0025, Bylaw No. 9769 and Zone Amending Bylaw No. 9770 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP06-0231 for Lot 10, Block 6, Sec. 4, Twp. 23, O.D.Y.D., Plan 896, Except Plans 10134, 18662 KAP48643 & H8323, located on Cross 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 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 is seeking a Development Permit to authorize construction of a 38 unit townhouse development.

2.1 Advisory Planning Commission

Application (DP06-0231) was reviewed by the Advisory Planning Commission at the meeting of January 16, 2007 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP06-0231, for 1967 Cross Road, Lot 10, Plan 896, Sec 4, Twp 23, ODYD, by Maxwell House Development Ltd (K Gulenchyn), to seek a Development Permit to authorize construction of 38 unit townhouse residential project and relocation of Brandts Creek.

3.0 BACKGROUND

The applicant has relocated Brandts Creek through the property into the new location identified through the OCP amendment and the associated rezoning application. The creek relocation work and creek mitigation work has proceeded with appropriate Provincial approvals, and Environmental monitoring to ensure the work has been performed in compliance with those approvals.

The applicant has been working with the Community Development and Real Estate Division to negotiate a road closure and road dedication for the road right of way for the Glenmore Bypass road south of Cross Road. This deal has been concluded, and the Preliminary Layout Review letter for the proposed subdivision has been issued by the Subdivision Approving Officer.

The applicant has also executed the associated servicing agreement and provided the required bonding.

Now that these issues have been addressed, it is now appropriate for Council to consider adoption of the OCP amending bylaw, and the Rezoning bylaw, as well as to consider this Development Permit application.

3.1 The Proposal

The portion of the site located on the south west side of Brandt's Creek is designated as a Multiple Unit Residential – Low Density future land use.

The site plan submitted with the application indicates access to the development from Glen Park Drive, near the bulb at the corner. This portion of the site is proposed to be developed with a total of 38 residential units contained within ten buildings. Nine buildings contain four units, and one building would contain two units. Each of the buildings are designed as 1½ storeys, with a lower floor containing one master bedroom and either a smaller bedroom or a recreation room, depending on where the unit is located within the building. The upper floor of each of the units contains one bedroom,

and living and dining areas. The design proposes a total of 20 – Three bedroom units, and 18 – Two bedroom units.

The drive aisle from Glen Park Drive proceeds into the central portion of the site, where the driveway turns 90°, and proceeds towards the relocated Brandt's Creek. There are buildings located on both sides of the driveway. There are 4 visitor parking stalls located at the end of the driveway, and an additional 3 visitor stalls located at the turn. There is also an additional parking stall located adjacent to the space between each of the building. Each of the dwelling units has a single garage and an open parking stall located adjacent to the entrance.

The exteriors of the proposed building are designed to be finished with horizontal siding and wood shake siding in the gable ends of the roof facing the internal drive aisle. The columns supporting the carports and the roof areas over the entry doors are designed to have stone finishes at the base. The walls are proposed to be finished with a horizontal siding in either a medium grey, light grey, or a beige colour, and a natural wood colour for the shingled areas. The door and window trim, as well as the eave and gutters are proposed to be painted white. The roof is proposed to be finished with a sculpted asphalt shingle product that has multi-coloured flecks that incorporates the wall colours.

The landscape plan indicates a substantial amount of landscape plantings around the perimeter of the proposed development. There are also landscaped planting beds located within the site between the buildings. The area adjacent to Brandt's Creek is well landscaped, and proposes to have a path located on one side of the creek within the creek dedication. Each of the dwelling units has an outdoor patio area at grade.

The proposal as compared to the RM3 zone requirements is as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	12,692 m ²	900 m ²
Site Width (m)	130 m	30.0m
Site Coverage (%) Buildings Bldg & Pavemnt	27.4% 50%	40% for buildings 50% for bldgs, dwys, parking area
Total Floor Area (m ²)	5,076 m ²	6,346 m ² @ FAR = 0.5
F.A.R.	0.40	Max Far = 0.5
Storeys (#)	1½ storeys (6.86m)	2 ½ storeys or 9.5 m max
Setbacks (m)		
- Front - Glen Park Drive	4.5 m	4.5 m
- Front – Glenmore Bypass	7.5 m	4.5 m
- North Side (Brandt's Ck.)	4.5 m	4.0 m for 1 or 1½ storey portion
- South Side	4.5 m	4.0 m for 1 or 1½ storey portion
Parking Stalls (#)	76 stalls provided (11 visitor stalls)	67 stalls required
Bicycle Parking	38 provided	Class I 0.5 per unit – 19 Class II 0.1 per unit – 2 req
Private Open Space	1,379 m ² provided	25.0 m ² per unit = 950m ² req'd

Parking Calculations

3 bedroom – 20 units @ 2 stalls = 40 stalls

2 bedroom – 18 units @ 1.5 stalls = 27 stalls

Total parking stalls required 67 stalls

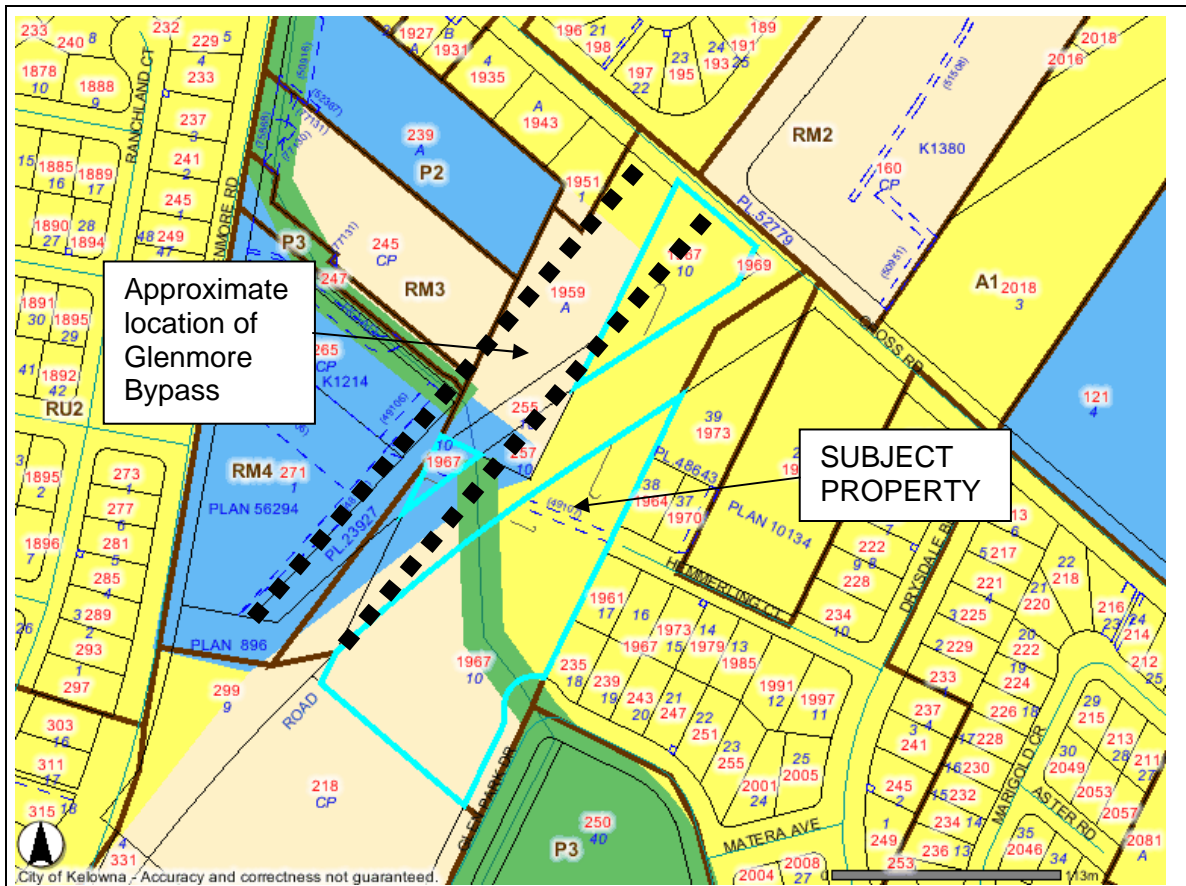
3.2 Site Context

The subject property and the adjacent unconstructed road right of way are vacant, and generally level. There had been a single unit dwelling located on the subject property. That dwelling was destroyed by fire in November 2004. Brandt's Creek did run across the subject property in a poorly defined creek channel. Brandt's Creek was relocated to the new location with appropriate approvals. The area has several recently constructed townhouse developments located nearby. The single unit residential subdivision located to the southeast of the property was created in the early 1990's.

Adjacent zones and uses are, to the:

- North - RU3 – Small Lot Housing - single unit dwellings
RM2 – Low Density Row Housing – Row Housing units
- East - RU1 – Large Lot Housing – single unit dwellings
- South - RM3 – Low Density Multiple Housing - Townhouses
- West - RM4 – Transitional Low Density Housing – Church & apartments
A1 – Agriculture 1 -Vacant

SUBJECT PROPERTY MAP



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

This proposal is consistent with the Official Community Plan which designates the subject property as Multiple Unit Residential – Low Density future land use.

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

Natural Surveillance

- wherever feasible, ground-oriented units enable surveillance over outdoor activity areas and the street;
- 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);
- visitor parking should be designated;

- 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;
- Recreation areas, in particular, children's play areas, should be visible from a multitude of windows and doors;
- playgrounds should not be visible from the street in order to protect children from strangers and traffic;
- dumpsters should not create blind spots or hiding areas;
- 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;
- access to the building should be limited to no more than two points.

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 technical comments have been addressed as part of the associated rezoning application (Z06-0069).

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

City of Kelowna Community Development and Real Estate department staff have been working with the applicant to negotiate a suitable land arrangement to facilitate a land swap to close the existing dedicated road right of way and to dedicate the required alignment for the proposed "Glenmore Bypass" route. Associated with this process, there has also been a proposal to relocate "Brandt's Creek" through the subject property to a location which increases the size of the Multiple Unit Residential – Low Density area.

The applicant has worked with the City of Kelowna Environment Department and Parks Department staff to ensure that the proposed relocated creek meets provincial regulations. The applicant has also worked with the City of Kelowna Parks Department to address the linear trail along Brandt's Creek to ensure that the trail meets the Parks Department requirements.

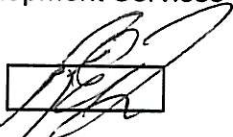
The application as submitted does not seek any variances to the zoning bylaw. The OCP amendment and the Rezoning application received a successful Public Hearing on May 1, 2007, and the bylaws received second and third reading the same night.

Now that the conditions associated with the zone amending bylaw have been concluded, it is appropriate for Council to consider adoption of the bylaws, and to consider the associated Development Permit application.

In conclusion, the Planning and Development Services Department supports this application, and recommends for positive consideration by Council.


Shelley Gambaçort
Acting Manager of Development Services

Approved for inclusion

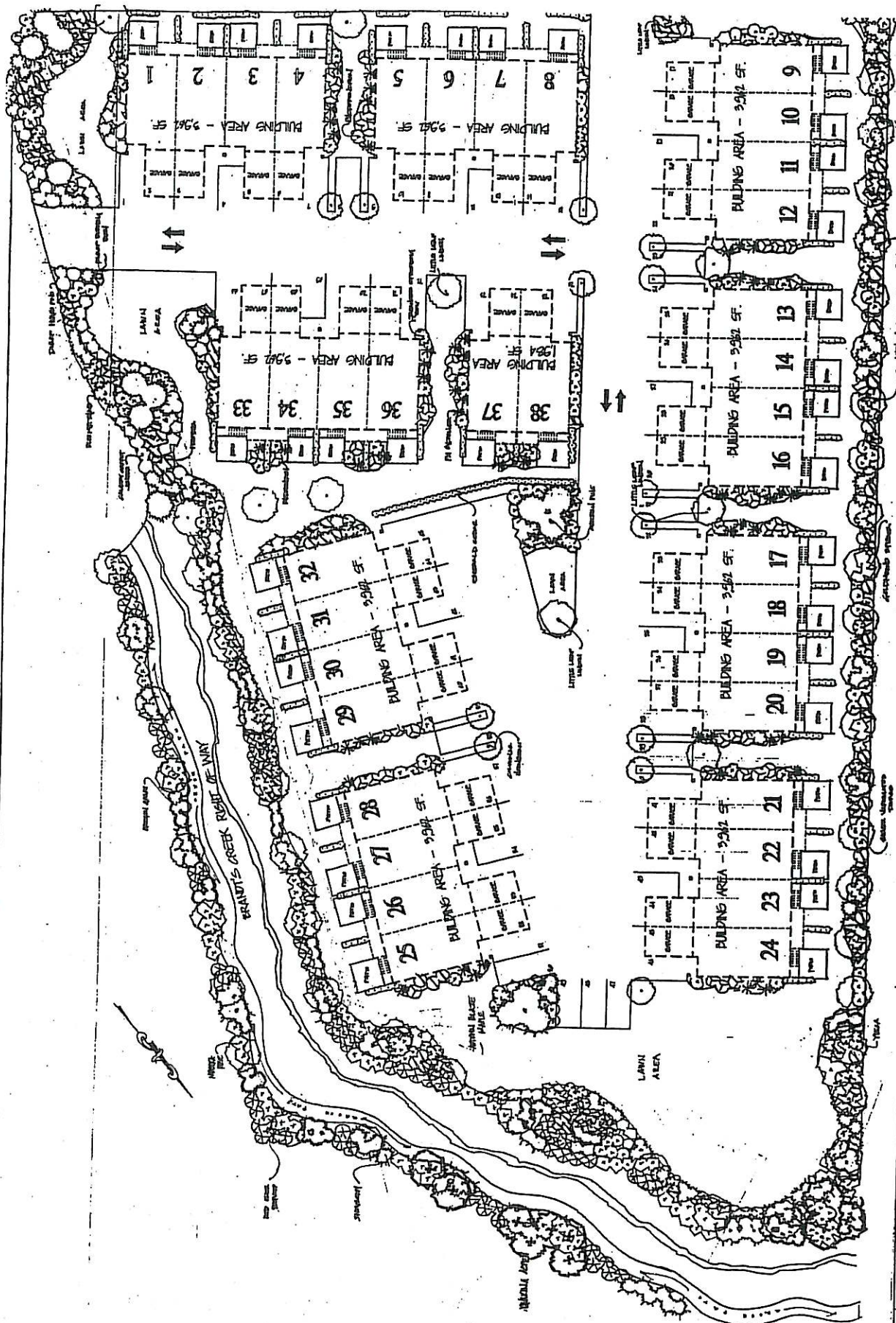


Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

PMc/pmc
Attach.







DRAWING NO.

L/3

MAXWELL VILLAS

BRADSHAW VILLAS

DATE: FEB. 15, 2007

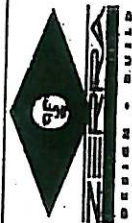
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MAXWELL HOUSE
DEVELOPMENTS LTD.



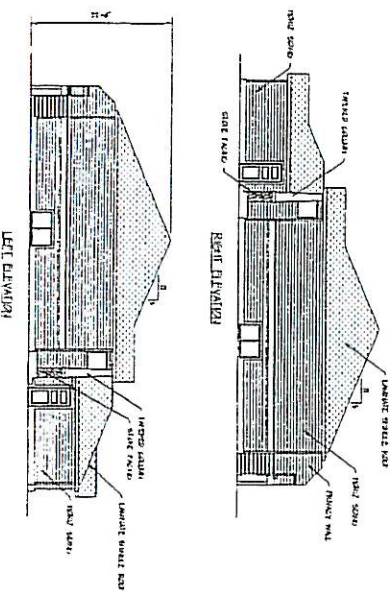
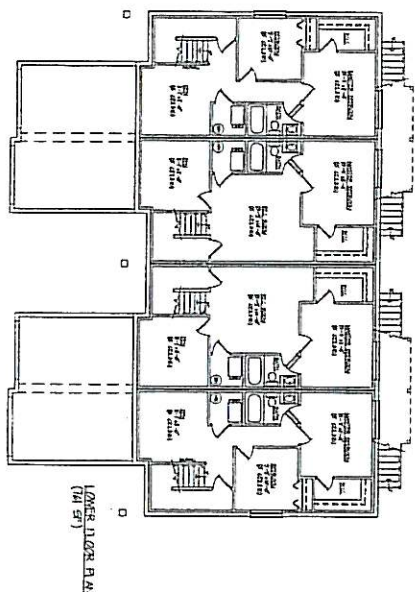
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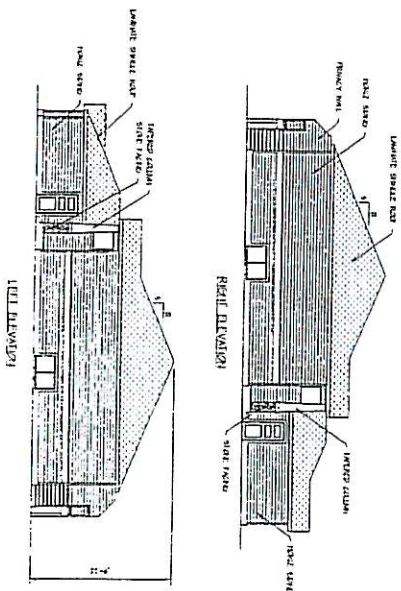
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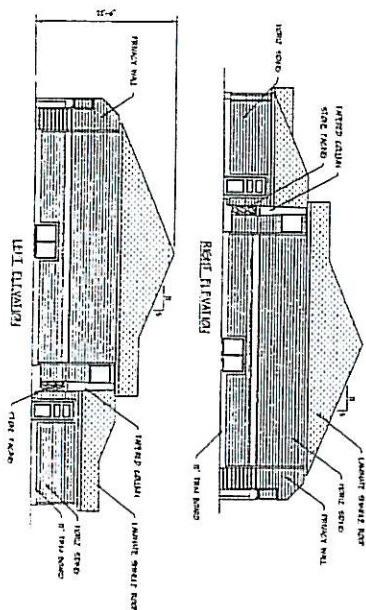
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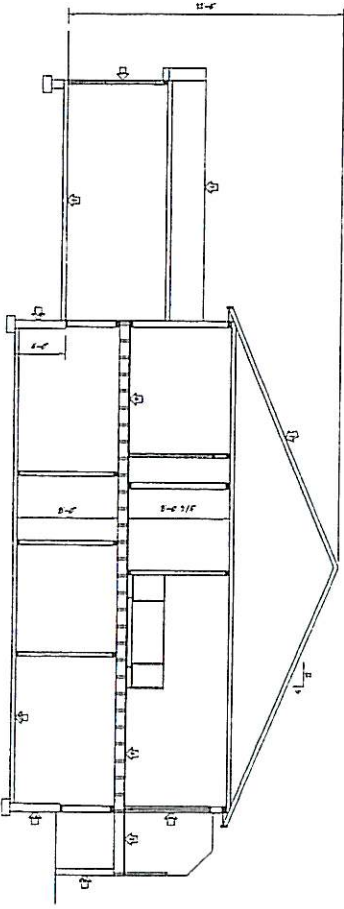
MAXWELL HOUSE DEVELOPMENTS LTD.

OASIS DESIGN

DESIGNED BY: JAMES W. HAASDYK
DATE: NOVEMBER 1, 2006

BUILDINGS 1 - 10 BUILDING CROSS SECTION

SCALE: 1/8" = 1'-0" | DRAWING NUMBER: 06-69-005 | REVISION: D1P



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