Please note: The following Council Report OCP07-0009/Z07-0026 was forwarded to Public Hearing according to the alternative recommendation in the report, except the fifth paragraph of the alternative recommendation was amended to read as follows:

AND THAT final adoption of the OCP Amending Bylaw and Zone Amending Bylaw be considered in conjunction with final adoption of a Housing Agreement Bylaw to dedicate an area for affordable housing units equivalent to **50%** of the density increased achieved through the rezoning and OCP amendment applications.

Please scroll down for the report.

CITY OF KELOWNA

MEMORANDUM

Date:

JULY 13, 2007

To:

CITY MANAGER

From:

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

APPLICATION NO. OCP07-0009

OCP07-0009 **OWNER:** Z07-0026

0763831 BC LTD.

AT:

1315 Hwy.33 W 1325 Hwy.33 W 1345 Hwy.33 W 145 Taylor Road 155 Taylor Road

165 Taylor Road

PURPOSE:

TO AMEND THE EXISTING OFFICIAL COMMUNITY PLAN FUTURE LAND USE DESIGNATION OF MULTIPLE UNIT RESIDENTIAL-LOW DENSITY TO MULTIPLE UNIT RESIDENTIAL-MEDIUM DENSITY:

APPLICANT: BOB GUY

TO REZONE THE SUBJECT PROPERTIES FROM THE EXISTING RU1 – LARGE LOT HOUSING ZONE TO THE RM4 – TRANSITIONAL LOW DENSITY HOUSING ZONE;

TO CONSTRUCT A 49 UNIT, 3 STOREY APARTMENT HOUSING DEVELOPMENT ON THE SUBJECT PROPERTIES

EXISTING ZONE:

RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RM4 - TRANSITIONAL LOW DENSITY HOUSING

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Official Community Plan Bylaw Amendment No. OCP07-0009 to amend Map 19.1 of the Kelowna Official Community Plan (2000 - 2020) Bylaw No. 7600 by changing the Future Land Use designation of Lots 1 (except Plan 39705), 2 (except plan 39705), 3 (except plan 39705), 4, 5, 6, Section 22, Township 26, ODYD Plan 3727, located on Taylor Road and Highway 33, Kelowna, B.C., from the Multiple Unit Residential – Low Density designation to the Multiple Unit Residential – Medium Density designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated July 13, 2007, <u>not</u> be considered by Council;

THAT Rezoning Application No. Z07-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1 (except Plan 39705),2 (except plan 39705), 3 (except plan 39705), 4, 5, 6, Section 22, Township

26, ODYD Plan 3727, located on Hwy 33 and Taylor Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone **not** be approved by Council;

2.0 SUMMARY

The applicant is proposing to amend the Official Community Plan future land use designation of Multiple Unit Residential – Low Density to Multiple Unit Residential – Medium Density and to rezone the subject properties from the RU1 – Large Lot Housing zone to RM4 – Transitional Low Density Housing zone for a proposed 49 unit apartment housing development. There is an associated development permit application that deals with the form and character of the proposed development.

3.0 ADVISORY PLANNING COMMISSION

3.1 <u>Current Recommendation</u>

At the regular meeting of April 11, 2007 it was resolved:

THAT the Advisory Planning Commission support Official Community Plan Application No. OCP07-0009 for 1315, 1325 and 1345 Highway 33 W, Lots 1, 2 and 3; 145, 155 and 165 Taylor Road, Lots 4, 5 and 6, Plan 3727, Secs. 22 and 27, Twp. 26, ODYD., by Rohit Group of Companies (R. Dauk), to amend the future land use designation from multiple unit residential – low density to multiple unit residential –medium density;

AND THAT the Advisory Planning Commission support Rezoning Application No. Z07-0026 for 1315, 1325 and 1345 Highway 33 W, Lots 1, 2 and 3; 145, 155 and 165 Taylor Road, Lots 4, 5 and 6, Plan 3727, Secs. 22 and 27, Twp. 26, ODYD., by Rohit Group of Companies (R. Dauk), to rezone from the RU1 – large lot housing zone to the RM4 – Transitional Low Density Multiple Housing zone to allow for a 49 unit multiple family residential building;

3.2 Previous Recommendation

At the regular meeting of March 14, 2006 it was resolved:

THAT the Advisory Planning Commission <u>not</u> support Official Community Plan Amendment No. OCP05-0019 and Rezoning Application No. Z05-0085, for 1315, 1325, 1345 Hwy 33 W & 145, 155, 165 Taylor Road, Lots 1, 2, 3, 4, 5 & 6, Plan 3727, Sec. 22, Twp. 26, ODYD, by K. Rusnak, to amend the Official Community Plan Future Land Use from Multiple Unit Residential (Low Density) to Multiple Unit Residential (Medium Density); to rezone from the RU1-Large Lot Housing zone to the RM5-Medium Density Multiple Housing zone, to allow for a 60 unit apartment house style development, as it was felt that the applicant should explore the possibility of developing in the RM4 zone which is more consistent with development in the surrounding neighborhood.

APC Noted the following issues in their discussion:

- Concerned with land use. Increase in density is not consistent with OCP.
- Discussion and concern regarding building setback variances.

 Concerned about the amount of deck area that was projecting into the side yard building setbacks.

**As a result of the Advisory Planning Commission not supporting the OCP Amendment and Rezoning application, there is no recommendation for Development Permit Application No. DP05-0236.

4.0 HISTORY

The six properties under application were the subject of a development application in 2000 for an 80 unit seniors congregate housing development. This application was eventually withdrawn and the associated bylaws were rescinded.

The subject properties were subject to a second application, which was considered by the Advisory Planning Commission and Council in 2006. The Advisory Planning Commission's recommendations are noted above, while Council deferred consideration of the application with the request that the applicant revise the project to an RM3 density.

5.0 PROPOSAL

The subject properties are located at the corner of Highway 33 West and Taylor Road. The applicant is proposing to construct a three storey apartment building which would sit above a parkade that would be located below grade. The building would house 49 units of varying size. Access to the building's underground parkade would be via a drive-aisle and ramp on the south end of the property. A pick-up and drop-off area covered by a porte-cochere feature would also be provided on the Taylor Road frontage with access to both handicap and visitor parking stalls. The refuse bins for the development would be located along the proposed laneway.

The three storey building would have a contemporary character with the use of brick, hardi-plank and vinyl siding. The applicant has also presented a basic landscape scheme which allows for vegetative buffering along the front and flanking side yards as well as a small landscaped amenity area on the corner of Highway 33 and Taylor Road. A courtyard will also be provided with access from Taylor Road which will accommodate visitor parking on a stamped concrete surface.

The application meets the requirements of the zone as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS		
Lot Area (m²)	4,902 m ^{2 A}	900m²		
Lot Width (m)	55.29	30.0m		
Lot Depth (m)	109m	30.0m		
Building Site Coverage (%)	34.6%	50%		
Total Site Coverage (%)	4%	60%		
Total Floor Area (m²)	8230m²	n/a		
Net Floor Area (m²)	4,591 m ²	n/a		
Total Floor Area Ratio (FAR)	0.94	0.95		
		0.65 +0.1 for housing agreeme 0.2 Bonus for parking below the building/amenity space		

Parking Spaces	73	70
Bicycle Parking Spaces	25	25
Height	10.75m	13.0m
Storeys (#)	3	3
Setbacks (m)		THE STATE OF THE SECOND SHEET SHEET SHEET
-Front (Hwy.33)	15.34m	15.0m (Provincial Hwy Setback)
-Side (West)	6.0m	4.5m
-Side (East)	5.85m	4.5m
-Rear (south)	22.07m	9.0m
Drive Aisle Width	7.62m	7.0m
Useable Private Open Space	2841m ²	1075m ²

A The applicant has incorrectly shown 5,294 m² as the net lot area, for determining F.A.R. However, the actual net lot area should be 5,294 m² less 392 m² of dedication for the lane = 4.902 m^2 .

6.0 SITE CONTEXT

The subject properties are located on the southeast corner of Highway 33 at Taylor Road. The site is between the Highway 97 Urban Centre and the Rutland Urban Centre and there have been several low density-multiple family developments within 200 meters of the subject property.

Adjacent zones and uses are:

North - RM3 - Low Density Multiple Family - New Townhouse Development

East - P2 - Education and Minor Institutional - Church of Nazarene Canada

Pacific

South - RM3 – Low Density Multiple Family – Townhouse Development

West - RU6 - Two Dwelling Housing/RM1 - Four-plex Housing

7.0 SITE LOCATION MAP

Subject Properties: 1315 Hwy.33 W

1325 Hwy.33 W 1345 Hwy.33 W 145 Taylor Road 155 Taylor Road 165 Taylor Road

8.0 CURRENT DEVELOPMENT POLICY

8.1 Existing and Proposed Development Potential

The subject properties are currently zoned RU1 - Large Lot Housing. The purpose of the RU1 - Large Lot Housing zone is to provide for single detached housing, and compatible secondary uses, on larger serviced urban lots. The applicant is proposing to rezone the subject properties to the RM4 - Transitional Low Density Housing zone. The purpose of the RM4 - Transitional Low Density Housing zone is to provide for low rise low density apartment housing with urban services as a transition between low and medium density development.

8.2 Kelowna Official Community Plan

The subject properties are designated for multiple family residential – low density development by Map 19.1 of the Kelowna 2020 – Official Community Plan. Staff has reviewed this application, and it may move forward without affecting either the City's financial plan or waste management plan

The proposed development is not consistent with the future land use designation for the subject properties as identified in the OCP Future Land Use Map. The proposed density exceeds that prescribed in the Official Community Plan by one increment.

If the project were to proceed, and if it can be expected that adjacent land uses would continue to be lower density in nature, then the form and character of the proposed project would need to respond to the future context. As proposed, the project does not have the qualities that would allow it to complement that context. Specifically, the building's placement on the site could do more to enhance the walkability of the neighborhood which is expected to continue to be residential in character. This would happen by moving the units up to the property lines fronting the adjoining streets, particularly along Taylor Road, and by putting guest parking behind the building. Additionally, the first storey units would have ground level access and amenity space, and the building would step down in form adjacent to lower-scale structures on adjoining properties.

The OCP contains the following policy direction for staff and Council to consider for applications which propose rezoning to higher densities:

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 it can be argued that the project meets several of the criteria noted above, staff remain concerned that the proposed development does not offer a satisfactory amount of affordable housing.

The proposal meets the development guidelines for form and character contained in the OCP as follows:

Multiple Family Development Guidelines

Landscaping

Landscaping should:

- provide noise buffering
- enhance the edges of buildings
- screens parking areas from view
- provides visual buffers of new buildings
- provides colour
- · creates shade
- retains required sight distances (from roadways)
- contributes to a sense of personal safety and security
- provide equal access for mobility-challenged individuals
- incorporates existing vegetation with special character

Relationship to the Street

- First storey units do not provide ground-level access
- The principle front entranceway is not clearly identifiable and is out of scale with the development.
- Porches are not provided as there is no ground level access to units at grade.

Building Massing

- The proposed developments is not sensitive to and compatible with the massing and rhythm of the established streetscape.
- Sub-roofs, dormers, balconies, and bay windows are provided.
- Variation between architectural bays within each façade is provided but repetitious.

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.

Environmental Considerations

• The applicant has not indicated any environmental or sustainability principles that would be incorporated into this proposal.

Crime Prevention

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

Ancillary Services/Utilities

- Loading, garbage and other ancillary services are located at the rear of buildings.
- It is not clear whether or not utility service connections will be screened from view as they are not shown on the development plans.

Amenities

• The developer has proposed some amenity space; however, it is located in close proximity to Hwy.33 and does not appear to serve any functional outdoor space needs for the residents of the proposed development.

Access

- Vehicle access and on-site circulation minimizes interference with pedestrian movement.
- Vehicle access to and from the development will conflict with traffic flow on the future lane. Access should be re-designed to reduce potential conflicts.

Parking

· Underground parking is provided.

8.3 <u>City of Kelowna Strategic Plan (2005)</u>

The City of Kelowna Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and redevelopment within existing urban areas and to provide for increased densities within future urban areas. Also redeveloping transitional area to increase densities for more efficient use of existing land.

8.4 Rutland Sector Plan (1997)

The Rutland Sector Plan acknowledges that given the general lack of vacant land for development in the Rutland area, new housing will be primarily redevelopment to higher densities. As these densities require sanitary sewer, development will occur within close proximity to the Rutland Town Centre or along existing sanitary sewer corridors.

9.0 TECHNICAL COMMENTS

This application was circulated to various City Departments and external agencies and the following feedback was received:

9.1 <u>Inspection Services Division</u>

No concerns.

9.2 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application to rezone from RU-1 to RM-4 are as follows:

These are Works and Utilities initial comments and are subject to the MOT comments and requirements

9.2.1 Subdivision

Consolidate the lots.

Highway to be established 15 m. from existing mean centreline by survey plan registered in the Land Title Office.

Taylor Road to be established 10.0 m. from existing mean centreline by legal survey plan registered in the Land Title Office.

6m. x 6 m. corner cut-off to be established at the intersection of Hwy. 33 and Taylor Road by legal plan registered in the Land Title Office.

Dedicate a 7.5 m. lane along the southern boundary of the property, to line up with the existing lane to the east, by survey plan registered in the Land Title Office.

Provide easements as may be required.

9.2.2 Geotechnical Study

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulphates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

9.2.3 <u>Domestic Water and Fire Protection</u>

This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection, and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current Bylaws and policies requirements.

A watermeter is mandatory as well as a sewer credit meter to measure all the irrigation water. Watermeters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

9.2.4 Sanitary Sewer

A new sanitary service, sized and conveniently located to accommodate the proposed development will be required. All the existing 100 mm. dia. services must permanently disconnected. The cost of disconnecting the old services and installing a new service will be determined when an application for the new service is received by the City Inspection Services Department or at the time of the frontage upgrades.

9.2.5 Drainage

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. The drainage study should indicate the size and location of the detention facility and provide for a positive outflow to the existing municipal storm drainage system. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

9.2.6 Power and Telecommunication Services

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

9.2.7 Road improvements

a) Hwy.33

The applicant is responsible for the removal of the existing drop curbs on Hwy. 33 and the construction non-mountable curb and gutter to MOT standard. The existing portion of the sidewalk constructed adjacent to the curb must be removed and relocated to the property line at the same alignment as the existing separate sidewalk. The boulevard must be constructed with interlocking bricks and irrigated trees set in a concrete barrel. The estimated cost of this work, for bonding purpose would be \$25,000.00, inclusive of a bonding contingency.

b) Taylor Road

The applicant is responsible to upgrade Taylor Road to a paved urban collector standard (SS-R5). The construction consists of curb, gutter and sidewalk, fillet paving, storm drainage works, removal and/or relocation of utilities as may be required, etc. The estimated cost for this work, for bonding purpose, would be \$72,000.00, inclusive of a bonding contingency (Utility poles relocation not included).

c) Lane

The applicant is responsible to construct the lane to a paved standard. The construction consists of paving and storm drainage works, removal and/or relocation of utilities as may be required, etc. The estimated cost for this work, for bonding purpose, would be \$37,000.00 inclusive of a bonding contingency (Utility poles relocation not included).

9.2.8 Street lights

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

9.2.9 Engineering

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.

9.2.10 DCC Credits

None of the required improvements qualify for DCC credit consideration, as these upgradings are not identified in the current DCC schedules.

9.2.11 Bonding and Levies Summary.

a) Performance Bonding

Hwy.33 frontage upgrading	\$ 25,000.00
Taylor Road frontage upgrading	\$ 72,000.00
Lane construction	\$ 37,000.00

Total security

\$134,000.00

b) Levies

Inspection and administration fee

\$ 3,043.26 (\$2,831.00 + \$172.26 GST)

9.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows will determine if present hydrant location, number of hydrants, and hydrant volume will be adequate. One hydrant must be 45m (unobstructed) from the Siamese connection.

9.4 <u>Ministry of Transportation</u>

No direct access to Hwy.97. MOT requires a setback for 4.5 m and Highway to be established 15 m from existing mean centre-line by survey plan registered in the Land Title Office.

10.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

This proposal represents a substantial improvement upon the previous development proposal. Despite such improvement, however, Staff maintains their opposition to the proposed Official Community Plan Amendment application, because the proposal fails to provide a sufficient amount of affordable housing.

Part of the rationale behind "future land use" designations is to signal to the development community where priorities of density and land use exist, in order that they might respond with projects that satisfy the growth management objectives of the community. Deviating from that direction compromises those planning objectives, sometimes making it even more difficult to realize (for example) increased residential densities proximate to the City's urban centres (e.g. Rutland). Staff may consider projects that exceed the desired "future land use" density by one increment, where such projects satisfy certain criteria (see Section 8.1.31 of the OCP). In addition to the criteria detailed in that policy, Staff normally require that at least 50% of the density increase realized through the OCP amendment, be dedicated for affordable housing.

In the case of this application, the 50% rule works out to a minimum of 467 $\rm m^2$ of floor area, given the 931 $\rm m^2$ increase in floor area that could result under the proposed development scenario. The table below shows these calculations:

Affordable Housing Calculation		
Maximum F.A.R. under existing future land use designation Multiple Unit Residential (Low Density): RM1, RM2, or RM3	0.75 ^B	
Density proposed under this application	0.94	
Difference	0.19	
50% of density increase above 0.75	0.095	
Minimum Affordable Housing Component (0.095 x site area of 4,902 m²)	467 m²	
Affordable Housing Component Proposed (4 x Unit G or 50.12 m²)	200 m²	

 $^{^{\}rm B}$ RM3 base F.A.R. is 0.50 + 0.05 bonus for housing agreement, + 0.2 bonus for underground parking = total of 0.75 F.A.R.

Should the applicant be willing to meet or exceed the minimum affordable housing component of 467 $\rm m^2$ of floor area, Staff would be willing to support the rezoning and OCP amendment applications.

With regard to the design of the building and the functionality of the project on this site, Staff will continue to work through some necessary changes, prior to coming back to Council for approval of a Development Permit, should Council favourably consider the OCP and rezoning applications.

Should Council choose to support this application, an alternate recommendation is provided below:

11.0 <u>ALTERNATE RECOMMENDATION</u>

THAT Official Community Plan Bylaw Amendment No. OCP07-0009 to amend Map 19.1 of the Kelowna Official Community Plan (2000 - 2020) Bylaw No. 7600 by changing the Future Land Use designation of Lots 1 (except Plan 39705), 2 (except plan 39705), 3 (except plan 39705), 4, 5, 6, Section 22, Township 26, ODYD Plan 3727, located on Taylor Road and Hwy 33, Kelowna, B.C., from the Multiple Unit Residential – Low Density designation to the Multiple Unit Residential – Medium Density designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated July 13, 2007, be considered by Council;

THAT Rezoning Application No. Z07-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lots 1 (except Plan 39705),2 (except plan 39705), 3 (except plan 39705), 4, 5, 6, Section 22, Township 26, ODYD Plan 3727, located on Taylor Road and Hwy 33, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RM4 – Transitional Low Density Housing zone be considered by Council;

AND THAT final adoption of the OCP Amending Bylaw and Zone Amending Bylaw be considered subsequent to the requirements of the Works & Utilities Department and Ministry of Transportation being completed to their satisfaction;

AND THAT the OCP Amending Bylaw and Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the OCP Amending Bylaw and Zone Amending Bylaw be considered in conjunction with final adoption of a Housing Agreement Bylaw to create a minimum of 467 m² of floor area dedicated for affordable housing units.

AND THAT final adoption of the OCP Amending Bylaw and Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property;

Shelley Gambacort

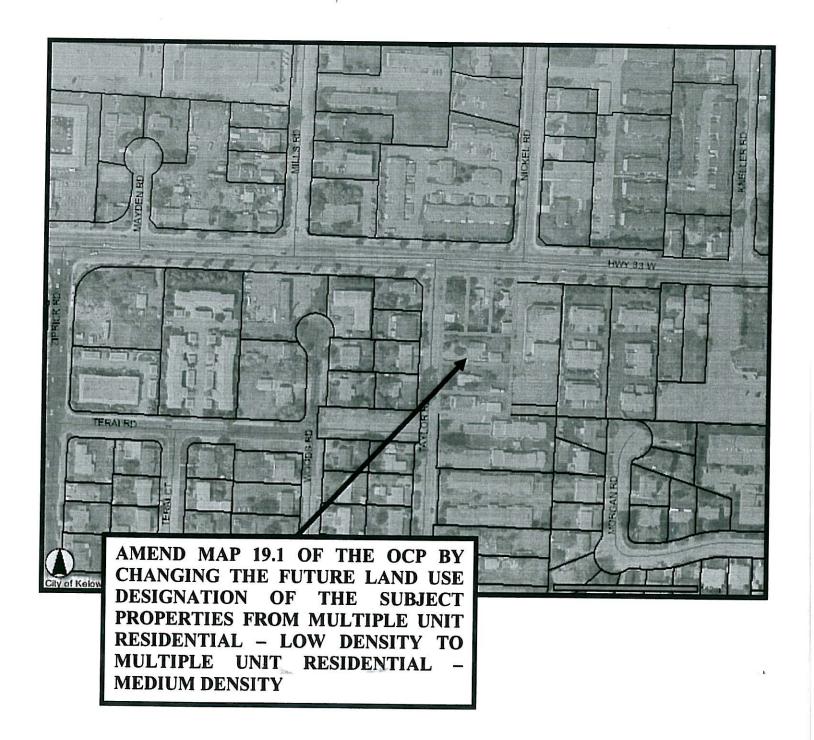
Current Planning Supervisor

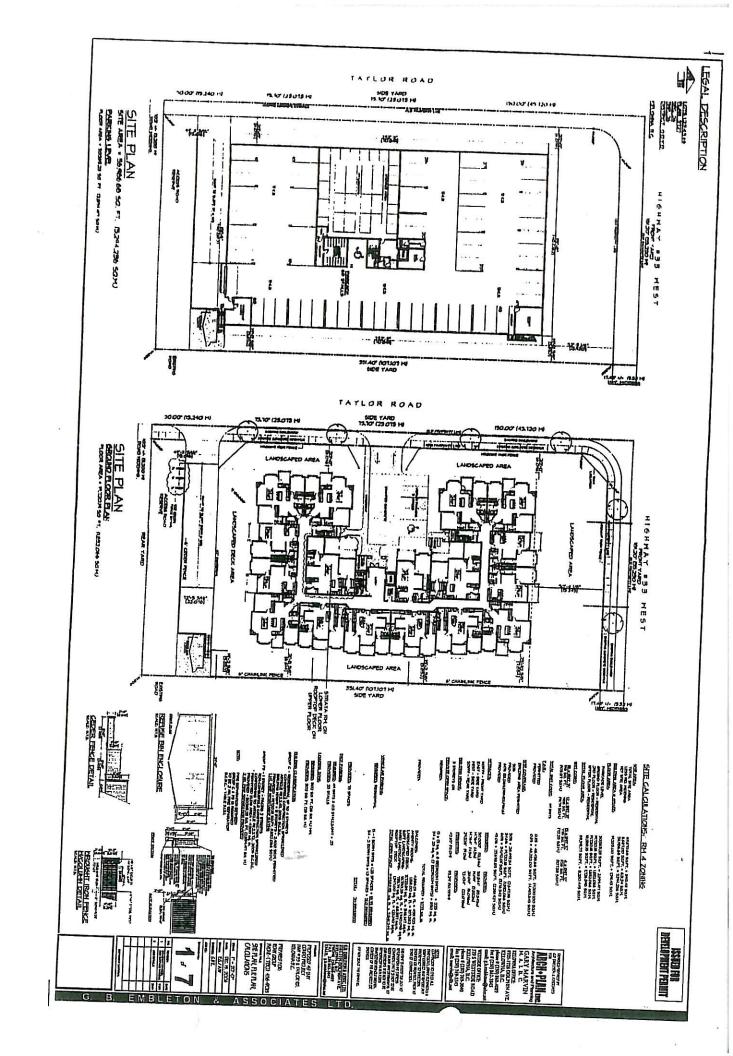
Approved for inclusion

David Shipclark

Acting Director of Planning & Development Services

MAP "A'





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