
CITY OF KELOWNA
MEMORANDUM

DATE: May 15, 2008
TO: City Manager
FROM: Planning & Development Services Department
APPLICATION NO. OCP07-0019, Z07-0067 **APPLICANTS:** Roland Nadon

AT: 695 Webster Road **OWNER:** 0754290 B.C. Ltd.

PURPOSE: TO AMEND THE OFFICIAL COMMUNITY PLAN DESIGNATION OF
THE SUBJECT PROPERTY FROM SINGLE/TWO UNIT RESIDENTIAL
TO MULTIPLE UNIT RESIDENTIAL - LOW DENSITY

TO REZONE THE SUBJECT PROPERTY FROM THE RU1 - LARGE
LOT HOUSING ZONE TO THE RM3 - LOW DENSITY MULTIPLE
HOUSING

TO SEEK AUTHORIZATION FOR THE CITY OF KELOWNA TO
ENTER INTO A HOUSING AGREEMENT WITH 0754290 B.C. LTD.

EXISTING OCP: SINGLE/TWO UNIT RESIDENTIAL
PROPOSED OCP: MULTIPLE UNIT RESIDENTIAL - LOW DENSITY
EXISTING ZONE: RU1 - LARGE LOT HOUSING ZONE
PROPOSED ZONE: RM3 - LOW DENSITY MULTIPLE HOUSING ZONE
REPORT PREPARED BY: Corine (Cory) Gain, MCIP

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP07-0019 to amend Map 19.1 of the *Kelowna 2020* - Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Block 35 Section 26 Township 26 Osoyoos Division Yale District Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157, located at 695 Webster Road, Kelowna, B.C. from the Single/Two Unit Residential designation to the Multiple Unit Residential - Low Density designation, as shown on Map "A" attached to the report of the Planning & Development Services Department, dated April 16, 2008, **NOT** be considered by Council;

AND THAT Rezoning Application No. Z07-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Block 35 Section 26 Township 26 Osoyoos Division Yale District Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157, located at 695 Webster Road, Kelowna, B.C. from RU1 - Large Lot Housing Zone to the RM3 - Low Density Multiple Housing Zone **NOT** be considered by Council;

AND THAT Council **NOT** forward a Bylaw authorizing a Housing Agreement between the City of Kelowna and 0754290 B.C. Ltd. which requires the owner(s) to designate 5 dwelling units for affordable ownership housing on Block 35 Section 26 Township 26 Osoyoos Division Yale



District Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157, located at 695 Webster Road, Kelowna, B.C. for reading consideration.

2.0 SUMMARY

The applicant is proposing to develop a 23-unit multiple unit residential development on the subject property. Applications as follows have been submitted in conjunction with this proposal:

1. an Official Community Plan Amendment application to change the designation from Single/Two Unit Residential to Multiple Unit Residential – Low Density;
2. a rezoning application to change the zoning from RU1 to RM3;
3. a Development Permit to address the form and character of the development; and
4. a Development Variance Permit to vary certain development regulations (building height and retaining wall height in two locations, along the eastern property line and along the southern property line)

3.0 ADVISORY PLANNING COMMISSION

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of December 4, 2007 and the following recommendation was passed:

THAT the Advisory Planning Commission not support Official Community Plan Application No. OCP07-0019 by R. Nadon, to amend the OCP from Single/Two Unit Residential to Multiple Unit Residential Low Density;

AND THAT the Advisory Planning Commission not support Rezoning Application No. Z07-0067, by R. Nadon, to rezone from the RU1-Large Lot Housing zone to the RM3-Low Density Multiple Housing zone to allow construction of a 24 unit multi family development.

As a result of the Advisory Planning Commission not supporting the OCP Amendment and Rezoning application, there is no recommendation for Development Permit Application DP07-0175 and Development Variance Permit Application DVP07-0176.

4.0 BACKGROUND

4.1 Site Location Map (See Attachment 'B')

Subject Property: 695 Webster Road

4.2 Site Context (See Attachments 'C' & 'D')

Adjacent zones and uses are, to the:

North	-	A1 – Agriculture 1 Zone
East	-	A1 – Agriculture 1 Zone
South	-	A1 – Agriculture 1 Zone
West	-	RU1 – Large Lot Housing Zone

4.2 The Proposal

The proposed development meets the requirements of the RM3 – Low Density Multiple Housing zone except as noted; an explanation of these items is provided immediately following the table:

Table 1:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area (m ²)	4,901.1 m ²	900 m ²
Lot Width (m)	200 m	30 m
Lot Depth (m)	0 m to 73.33 m	30 m
Development Regulations		
Floor Area Ratio	0.52	.50, except it is 0.55 with a housing agreement
Site Coverage	27.4% 49.9%	40% (buildings) 50% (buildings, parking areas, and driveways)
Height	10 m 3 storeys ^A	9.5 m or 2 ½ storeys
Front Yard (Webster Road)	4.52 m	4.5 m
Rear Yard (West)	7.52 m	7.5 m
Side Yard (South) ALR (South)	4.5 m 7.52 m	4.5 m (2 ½ storeys) 3.0 m
Other Regulations		
Minimum Parking Requirements	1/bachelor unit x 2 = 2 1.25/1-bedroom unit x 3 = 4 1.5/2-bedroom unit x 7 = 11 2.0/ 3-bedroom unit x 11 = 22 Total Provided: 39 spaces	1 per bachelor unit + 1.25 per 1-bedroom unit + 1.5 per 2-bedroom unit + 2 per 3-bedroom unit Total required = 39 spaces
Small Car Parking Spaces	14 small car spaces	Maximum 40% small car 39 x 40% = maximum 15
Visitor Parking	4 spaces	1 for every 7 dwelling units is to be designated for visitor parking = 24 / 7 = 4 spaces
Bicycle Parking	Class I - Within garages (18) Class II (4)	Class I: 0.5/unit = 12 Class II: 0.1/unit = 2.4
Private Open Space	As required, each unit has access to a yard or deck Children's & Toddler's Play Areas Total Provided: 540 m ²	Private Open Space Req'd: 7.5 m ² /bachelor unit x 2 = 15 m ² 25 m ² / 1 to 3-bdrm units x 21 = 525 m ² Total Required: 540 m ²

Landscaping	<p>Front (Webster Road): 3.0 m</p> <p>Rear (West Side): 3.0 m or opaque screen</p> <p>South (Side): 3.0 m or opaque screen</p>	<p>Level 2 and 3 buffer required.</p> <p><i>Level 2:</i> A minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer where no continuous opaque barrier is required.</p> <p><i>Level 3:</i> A minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer or a continuous opaque barrier.</p>
Retaining Walls	<p>See "Site Grading & Retaining Wall Layout" Plan (Sheets No. G-1 & G-2) Prepared by Site360 and dated May 15, 2008 in Attachment 'G'</p> <p>Variances Required:</p> <p>Along East property line: From 1.2 m to 2.2 m for the first course and 3.6 m for the second course.</p> <p>Along South property line: From 1.2 m to 2.6 m</p>	<p>Section 7.5.9 Retaining walls on all residential lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2 m measured from grade on the lower side, and must be constructed so that any retaining walls are spaced to provide at least a 1.2 m horizontal separation between them.</p>
Garbage Enclosure	As per requirements (See Attachment 'H')	<p>Opaque screening from adjacent lots and streets required & All sides open to public view shall be screened by additional planting of shrub and groundcover material at least 1.5 m in height</p>

^A The applicant is requesting a variance to allow an increase in the height of the buildings.

^B The applicant is requesting a variance to the height of proposed retaining walls as shown on the "Site Grading & Retaining Wall Layout" Plan (Sheet No. G-1 & G-2) Prepared by Site360 and dated May 15, 2008.

5.0 DEVELOPMENT POTENTIAL

The subject property is currently designated "Single/Two Unit Residential" by the Official Community Plan and zoned RU1 – Large Lot Housing. The purpose of this zone is to provide for single detached housing and compatible secondary uses, on larger serviced lots. Multiple-unit residential development is not permitted in the RU1 – Large Lot Housing zone.

6.0 CURRENT DEVELOPMENT POLICY

6.1 Kelowna Official Community Plan (OCP)

Future Land Use

The subject properties are designated "Single/Two Unit Residential". The proposal to change the OCP designation to Low Density Multiple Residential and to rezone the property to the RM3 – Low Density Multiple Housing zone is inconsistent with that designation.

OCP Policies

- 7.1.4 **Environment – Visual Impact.** retain the option of requiring those pursuing development of visually prominent slopes and ridgelines to submit a report providing information on the anticipated aesthetic impacts of the proposed development. *Verification of visual impact will be required to complete the Development Permit application submission.*
- 7.2.3 **Xeriscape Landscaping.** Encourage developers to incorporate xeriscape (drought resistant, low water requirement) concepts into development of landscape programs). *Verification from the Landscape Architect that the proposed landscaping and irrigation adheres to the Water Smart Guidelines for this region will be required to complete the Development Permit application submission.*
- 7.3.15 **Buffering.** Utilize the Development Permit process to establish buffers to protect environmentally sensitive areas such as watercourses and steep slopes from debilitating land uses. *Note: The site features steep slopes that must be considered relative to site grading, foundation and roof drainage, site drainage, erosion and sediment control during and after construction.*
- 8.1.4 **Partnerships for Affordable Housing.** Encourage the development of partnerships among community groups, non-profit organizations, the business community, professionals and all levels of government to provide affordable and special needs housing.
- 8.1.18 **Housing Agreements.** Support the use of housing agreements to assist in creating affordable and special needs housing.
- 8.1.22 **New Housing Distribution.** Support a new housing distribution as outlined in Table 8.1 and Map 8.1, which represents the housing component of the growth strategy used to establish the 20 Year Servicing Plan and Financing Strategy. *Note: This property is outside of the identified Rutland Growth Area.*
- 8.1.29 **Bonuses for Affordable and Special Needs Units.** Grant density bonuses for the creation of affordable and special needs housing, as per the provisions of the Zoning Bylaw. *Implies support for Development that satisfies the Zoning Bylaw without variances.*
- 8.1.31 **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 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). *Refer to 8.1.31 for mitigative measures to accompany such an application.*

- 8.1.33 **Density Profile.** Support a land use approach where residential densities increase as proximity to the core of Urban Centres increase, as shown on Future Land Use Map 19.1. *Note: This property is located a significant distance from the Rutland Urban Centre at the urban/rural boundary.*
- 8.1.35 **Land Utilization within Single Detached Areas.** Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, and duplexes etc. that are sensitively integrated into a neighbourhood.
- 8.1.38 **Ground-Oriented Housing.** Encourage the development of ground-oriented multiple unit housing as an affordable housing choice for the rental or ownership markets, including families with children, in those areas where Map 19.1 indicates necessary densities as being appropriate. Ground oriented housing is defined as housing where each dwelling unit has direct access to the unit and private open space at grade level.
- 8.1.39 **Family Housing.** Encourage family-oriented townhouses or apartment housing, and work to achieve some family housing that conforms to the City's definitions of affordability especially within, and in proximity to, Urban Centre areas.
- 8.1.44 **Integration.** Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities.
- 8.1.54 **Housing in Agricultural Areas.** Discourage residential development (both expansions and new developments) in areas isolated within the agricultural environments (both ALR and non-ALR).
- 8.2 **Objectives for 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 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).
- 11.1.8 **Farm Practices Protection (Right to Farm) Act.** Support the provisions of the *Farm Practices Protection (Right to Farm) Act*, and consequential amendments to the *Local Government Act* and the *Land Title Act*, in the interest of contributing to a positive environment for farmers to conduct business.
- 11.1.14 **Transition Uses.** Consider complementary agricultural uses as a transition between existing urban development and farm operations. Consideration of such uses should not be construed as support for subdivision to smaller parcels.
- 11.1.19 **Buffers.** Provide for distinct boundaries that separate urban and rural

uses by utilizing, where appropriate, roads, topographic features, watercourses, ditching, fencing, or small lot rural transition areas, as buffers to preserve larger farm units and areas.

11.1.20 **Buffering.** Require that new developments adjacent to or abutting agricultural areas provide sufficient setbacks, on-site fencing and vegetative buffering to mitigate potential conflicts. (Please refer to Zoning Bylaw and appropriate provincial ministry or agency specifications for information on minimum landscape buffers).

11.1.21 **Bonding for Buffers.** Require bonding to be provided for landscape buffers and fencing requirements adjacent to agricultural land at the time of rezoning, subdivision, and/or building permit, in accordance with the *Local Government Act*.

Staff recommends that the Advisory Planning Commission public process should be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act* and that the process is sufficiently early and does not need to be further ongoing in this case. Furthermore, additional consultation with the Regional District of Central Okanagan, other boards, councils or agencies listed in Section 879, is not required in this case.

Staff has reviewed this application and it may move forward without affecting either the City's financial plan or waste management plan.

6.2 Strategic Plan

Goal 3, Objective 7: "Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas".

7.0 TECHNICAL COMMENTS (See Attachment 'J')

8.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

8.1 Official Community Plan and Zoning Bylaw Amendments

As the subject property is designated as Single/Two Unit Residential the proposal cannot proceed without an OCP amendment.

This site is located at the very edge of the Rutland community on the interface between urban and agricultural lands. As such, this is not an appropriate location for higher density forms of housing; the proposed development increases the potential for impacts and conflict between urban and rural uses along their interface. Such development would be an intrusion into the rural nature of this location and could generate speculation that similar development would be supported on adjoining and/or nearby agricultural parcels. The resulting increase in speculative pressure on other farmland makes it increasingly difficult for new farmers to enter the business and make a living off the land when the cost of agricultural land significantly outweighs the potential return from farming.

If the project were to proceed the Planning and Development Services Department recommends to Council that the applicant register a restrictive covenant against the title of the subject property(ies) alerting future property

owners to the fact that the property is adjacent to lands within the agricultural land reserve and may be adversely affected by normal farm practices carried out by the owners of the farm land (including, but not limited to noise from farm operations at various times of the day including propane cannons and other devices used to deter birds and pests, farm smells and chemical sprays, aesthetic appearance of fields including unkempt areas, materials storage and the like, light from greenhouses, and other such normal farm practices) and that they indemnify and save harmless the farm operators from all claims and demands. Further, the requirement for a standard restrictive covenant regarding maintenance of the agricultural land reserve buffer area in perpetuity by the owners of the subject property would also be applicable.

(See Agriculture Plan – Chapter on Urban – Rural/Agricultural Boundary Issues – Policy # 8).

While the OCP does support an overall increase in density, particularly ground-oriented housing (OCP Policy 8.1.38), any increase in density needs to be handled in a sensitive manner (OCP Policy 8.1.35). Strategic Plan Goal 3, Objective 7 advises: "Sensitively integrate new development with heritage resources and existing urban, agricultural and rural area." The development proposed does not provide an effective transition from single-unit residential to agricultural land uses.

The physical characteristics of this site do not lend themselves to sensitive integration of the development into the adjoining rural or urban areas particularly with respect to topography and the impact on neighbouring property owners to the west. This site is elevated over the existing single and two unit development located immediately to the west. Many of the proposed units will be positioned overlooking the homes and backyards of at least six adjoining properties and the neighbourhood in general. The development as proposed represents an inappropriate intrusion into the neighbourhood that may be characterized as 'insensitive' infill.

8.2 Housing Agreement

This project seeks to gain additional density equivalent to 0.55 F.A.R. in exchange for the registration of a housing agreement in accordance with Zoning Bylaw sections 13.8.6(a) and 6.9.2. The applicant has offered to provide 20% of the proposed units (5 units based on unit count or 8 units based on the total floor area and the typical unit area of approximately 160 m²) affordable housing units. The applicant has indicated that units 12 - 16 would be dedicated as 'affordable housing' through the registration of Housing Agreements. Planning & Development Services policy has been to request that 50% of the additional units provided by the increase in density should be subject to Housing Agreements; as shown in the table below:

Affordable Housing Calculation	
Density bonus for affordable housing (Zoning F.A.R.)	0.05
Lot area (Approximate - After Road Dedication)	4,906.34 m ²
50% of F.A.R. density bonus (4,906.34 m ² x 0.05 x 50%) Based on the typical unit area of approximately 160 m ² , one unit must be subject to a housing agreement	122.66 m ² or 1 unit
50% of density bonus under OCP Policy 8.1.31 (23	7 units

units multiple residential housing - 5 RU6 lots/10 units = 13 units x .5 = 6.5 units)	
Total affordable units requested:	8 units
Applicant's existing proposal (22% of 23 units)	5 units
Difference (Deficit of affordable units)	3 units

NOTE: Based on the maximum potential for five (5) RU6 lots yielding a total of ten residential units under the current OCP designation and the proposal for a 23-unit low density residential development, a total of an additional 13 residential units would be created by the proposed OCP change. Planning and Inspections Services Department has consistency requested under OCP Policy 8.1.31 that 50% of the bonus in density be subject to a housing agreement.

The floor plans for the affordable housing units are provided in Attachment 'K' (pages 4).

8.3 Sustainability

The applicant has submitted a report entitled "695 Webster Road - Sustainability/Built Green Strategies" prepared by Architecturally Distinct Solutions Inc. intended to consider elements of the City of Kelowna's Sustainability Checklist and demonstrate project details that are socially and environmentally responsible.

The report advises that the proposal incorporates the following characteristics:

- Mixed housing forms including entry level, single family town homes, affordable housing, a playground area and a community vegetable garden including on-site composting;
- Compact urban form located at the edge of the Rutland Urban Centre takes advantage of the proximity of existing infrastructure (roads, utility services, community facilities, etc.)
- Creates direct employment during construction and subsequent utilization of support services
- Central waste management centre and on-site composting
- Drought resistant planting
- Components of the development meet or exceed the Built Green™ Checklist
- "The orientation and location of the buildings is in direct response to the natural topography and included balancing of the cut and fill on the site as well as stepping the buildings down the slope on site. Green space has been incorporated into portions of the site that offer a sense of privacy while maintaining vital visual links from adjacent homes to instil a sense of security to users."
- Anticipated price range of units: Town home units will range from between \$299 to \$359K per home for an approximate average price of \$219/sq.ft. Affordable apartments will be approximately \$152K per home for an approximate average price of \$190/sq.ft.
- 5 affordable grade level entry market housing units (22% of the total number of units) are being constructed as part of the proposed development.

8.3 Development Variance Permit and Design Issues

The project contemplates two variances as detailed in Table 1 of Section 3.0 of this report.

In considering Official Community Plan and Zoning Bylaw amendment applications the Planning and Development Services Department favours applications that do not require variances to zoning bylaw provisions. Applicants are expected, to the greatest extent possible, to work within the bylaw regulations to create a development consistent with good planning practice. The potential for a development to be inconsistent with the spirit and intent of the OCP and zoning bylaw designations increases significantly with the number of variances requested. The applicant has revised the proposed development plans to eliminate all but two of the required variances, one to the height of the eastern building and one to the height of retaining walls along the eastern and southern property lines.

The variance to the height of the retaining walls proposed along the eastern property line as indicated on the Site360 site Grading & Retaining Wall Layout Plan will be internal to the site and will not be seen from Webster Road. The proposed landscaping is expected to soften the impact of the walls along the eastern property line. The retaining wall at the south property line is also internal to the site however; it will be more exposed to the residents as it is a single wall with limited landscaping to hide it.

There is some concern that the provision of "small car" parking spaces in front of units 1 through 12 will either limit the vehicles that may be parked in this area or result in oversize vehicles extending out into the drive aisle. The applicant has advised that the turning radius for service vehicles on site has been confirmed.

The applicant has consulted with the City of Kelowna Fire Department and advises as follows: "We are committed to adjust the site plan configuration to accommodate [the hammerhead turn-around] and comply with the BC Building Code (2006) requirements in this regard. We will be able to modify the building widths, step the buildings and reconfigure the urban plaza without affecting the number of units, required parking, form or character of our existing submission and would like to proceed through the process with our existing drawings."

From a form and character perspective the proposed project has a reasonable degree of detail and visual interest. The use of colour seems to work well in breaking up the mass of the buildings despite the length of the proposed western building.

The landscaping provided along Webster Rd. lends definition to the street edge and the residents of the east building will enjoy added privacy at the southeast corner of the property. Definition of yards associated with the units is a positive feature. While provision of a play areas is very important on this site of limited flat open areas its utility is reduced significantly because it is not situated in a location that can readily be observed by residents. Overall, the revised Landscape Plan helps to mitigate the privacy issues and 'exposed' nature of the

site. The provision of garden area for the cultivation of residents offers a "sustainable" solution to a difficult landscaping challenge.

Installation and maintenance of the landscaped areas will be particularly important because an extended area of the project is monotone pavement.

Recommendations for modification of the proposal

- Some degree of privacy between the patio areas at the rear of the buildings should be provided, e.g., louvered screen, trellis, etc.
- The paved areas should be softened, e.g. through the introduction of a border of paving stone or stamped concrete, etc. A threshold of stamped asphalt or pavers is strongly recommended as a means of strengthening the project's face to Webster Road and its connection to the public realm.
- Project identification signage should be provided at the entrance to the site to again enhance the project's identity and connection to the street. This signage should be free-standing, pedestrian-scaled, and of a design consistent with the character of the proposed project. It should include the name of the development (if there is one) and the address and should be illuminated at night. Detail of the proposed sign should be submitted for consideration with the development permit application.

8.5 Conclusion

It is duly noted that the close proximity to schools, especially the local elementary school, is a very favourable characteristic of this site. Safety issues with respect to pedestrian access to the site and Webster Road upgrades will be very important in this regard. The Works & Utilities Division has indicated that road dedication and upgrades to adjacent roads to urban collector standard including curb, gutter, sidewalk, fillet paving, street lights, storm drainage works, removal and/or relocation of utilities will be required in association with this development proposal.

The applicant has modified the proposal submitted to deal effectively with several technical issues; however, the Planning and Development Services Department continues to support conformance with the OCP designation of Single/Two Family Residential in the Official Community Plan and the principles identified in the Agricultural Plan relative to the urban/rural interface.

ALTERNATE RECOMMENDATION:

THAT OCP Bylaw Amendment No. OCP07-0019 to amend Map 19.1 of the *Kelowna 2020* – Official Community Plan Bylaw No. 7600 by changing the Future Land Use designation of Block 35 Section 26 Township 26 Osoyoos division Yale District Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157, located at 695 Webster Road, Kelowna, B.C. from the Single/Two Unit Residential designation to the Multiple Unit Residential - Low Density designation, as shown on Map "A" attached to the report of the Planning & Development Services Department, dated April 16, 2008, be considered by Council;

AND THAT Council consider the APC public process, to be appropriate consultation for the

purpose of Section 879 of the *Local Government Act*, as outlined in the report of the Planning and Development Services Department dated November 27, 2007;

AND THAT Rezoning Application No. Z07-0067 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Block 35 Section 26 Township 26 Osoyoos division Yale District Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157, located at 695 Webster Road, Kelowna, B.C. from RU1 – Large Lot Housing Zone to the RM3 - Low Density Multiple Housing Zone;

AND THAT the OCP Bylaw Amendment No. OCP07-0019 and zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council forward Bylaw No. ____ authorizing a Housing Agreement between the City of Kelowna and 0754290 B.C. Ltd. which requires the owner(s) to designate 5 dwelling units for affordable ownership housing on Block 35 Section 26 Township 26 Osoyoos Division Yale District Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157, located at 695 Webster Road, Kelowna, B.C. for reading consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to registration of a restrictive covenant alerting future property owners to the fact that the property is adjacent to lands within the agricultural land reserve and may be adversely affected by normal farm practices carried out by the owners of the farm land and requiring maintenance of the agricultural land reserve buffer area in perpetuity by the owners of the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to Council authorization of a Housing Agreement between the City of Kelowna and 0754290 B.C. Ltd., which requires the owners to designate a total of five (5) units for affordable ownership housing on Block 35 Section 26 Township 26 Osoyoos division Yale District Plan 264 Except: (1) Plans B991, B4202 and B4348 (2) Parcel A on Plan CG 157;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and the Black Mountain Irrigation District being completed to their satisfaction.



Shelley Gambacort
Current Planning Supervisor

SG:cg

Application received July 26, 2007
Development Permit issued resolved Spring 2008

ATTACHMENTS

- A - Letters from Hans P. Neumann Architect Inc. dated February 25, 2008 (5 pages)
- B - Location/Generalized Zoning Map
- C - Future Land Use Map
- D - Ortho Map (1:2,875)
- E - Ortho Map (1:1,632)
- F - Slopes Mapping
- G - Site Plans (DP1 to DP9 and G-1 Site Grading & Retaining Wall Layout Plan (Sheets No. G-1 & G2) prepared by Site360 and dated May 15, 2008
- H - Proposed Colour Board (DP10 & Garbage Enclosure Detail)
- I - Proposed Landscape Plan (L1)
- J - Development Application File Circulation Report (7 pages)
- K - "Webster Road Townhouse Project" Information Brochure (4 pages)

HANS P. NEUMANN ARCHITECT INC.

1520 Highland Drive North, Kelowna, B.C. V1Y 4K5
Phone: (250) 868-0878 Fax: (250) 868-0837
Principal: Hans P. Neumann, B.Arch., B.E.S., MAIBC

ATTACHMENT A

RECEIVED

FEB 29 2008

CITY OF KELOWNA
PLANNING DEPT.

TRANSMITTAL

Company: City of Kelowna
Planning & Corporate Services
1435 Water Street
Kelowna, B.C. V1Y 1J4

Date: February 25, 2008

Attention: Corine Gain, Planning Development Officer

From: Hans P. Neumann, MAIBC

Phone No.: (250) 469-8587

Re: Proposed Multi-Unit Condominium Project @ 695 Webster Road, Kelowna, BC
OCP07-0019, Z07-0067, DP07-0175, DVP07-0176

cc: Roland Nadon 764-1717

In response to your initial Planning Report to the Advisory Planning Commission, dated November 27, 2007, we have modified the project design to address the concerns noted in your report, as well as those articulated by the APC. We submit the following summary of revisions and responses for your consideration:

Site Coverage. We have decreased the site coverage to now comply with the RM3 zoning requirement of maximum 50%. We have achieved this by reducing the number of units from 24 to 23, reducing the number of surface parking spaces from 21 to 16 (by incorporating tandem garages), adding 3.0m required landscape buffer along Webster Road between the property line and the drive aisle, and by replacing asphalt paving with concrete pavers and sidewalks.

Parking. We have reconfigured the parking to provide the required 39 spaces, primarily by incorporating tandem garages for six (6) of the units.

Visitor Parking. We have provided the required 4 spaces for visitors.

Front Yard Parking. Only one off-street parking space is located partially within the front yard setback, as permitted by Section 8.1.9.(b), which states that a "maximum of two required spaces may be located on a driveway which provides access to a required off-street parking space that is not in the front yard".

Bicycle Parking. We have located bike stands for four (4) Class II spaces adjacent to the garbage enclosure.

Landscaping. The Level 2 buffer along the front property line (Webster Road) has been increased to the required 3.0m width along the entire length of the property, except at the permitted driveway entrance. The Level 3 buffer adjacent to Units 13-16 is permitted to consist of an opaque screen instead of landscaping by Zoning Bylaw 8000. Additional landscaping has been added to match the buffer along the west side of the property.

Garbage Enclosure. We have clarified that the enclosure will be screened from Webster Road by decorative metal gates, the other 3 sides are screened with cedar shrubs at least 1.5m high.

With regards to the Future Land Use of the Kelowna Official Community Plan (OCP) we disagree that the requested RM3-Low Density Multiple Housing zone is inconsistent, in that Map 8.1 "New Housing Distribution" notes that 1,932 multi-family units are anticipated to be built in Rutland.

In terms of OCP Policies noted in your report, our response is as follows:

- 7.1.4 **Environment – Visual Impact.** With regard to the anticipated visual impact of this development, we have attempted to minimize the overall aesthetic by terracing the site and buildings to follow the existing contours. The buildings are laid out along the length of the contours across the site, with only 2 storeys being visible from the uphill (Webster Road) side. With the site having an overall drop of approximately 50 feet, only 2 storeys will be visible along the majority of the downhill side from the neighbours below the property. This view will be mitigated by significant retaining, landscaping and fencing, with strategic planting located to maximize privacy for the existing residences.
- 7.2.3 **Xeriscape Landscaping.** Xeriscape (drought resistant, low water requirement) landscaping has been incorporated into the landscape design by Site 360, with special attention to the difficult-to- access terraced area adjacent to the neighbours along the west side of the property.
- 7.3.15 **Buffering.** Significant landscaped retaining walls & terraces have been used to protect the surrounding steep slopes from debilitation. The building and site grading has been designed to balance overall cut/fill, and the civil design issues of site grading, foundation and roof drainage, site drainage, erosion and sediment control during and after construction will be addressed and closely monitored by Site 360. No drainage of any kind will be discharged onto adjacent properties, and all internal drainage will be retained on site or discharged into the municipal storm system.
- 8.1.18 **Housing Agreements.** This project proposes to provide five (5) units, over 20% of the total units, through the City's Housing Agreement Policy. The mix will consist of two bachelor units, one 1BR unit, and two 2BR units.
- 8.1.22 **New Housing Distribution.** This property is within the identified Rutland Growth Area noted on Map 8.1 and outlined in Table 8.1, and therefore does support the new housing distribution component of the growth strategy used to establish the 20 year Servicing Plan and Financing Strategy.
- 8.1.33 **Density Profile.** This project provides an increase in residential density in proximity to schools, public transit, playing fields & recreation facilities rather than the Rutland Urban Centre, as we feel this is more appropriate to the family oriented target market.
- 8.1.38 **Ground-Oriented Housing.** This project will provide ground-oriented multiple unit housing as an affordable choice for the ownership market, which includes families with children. Each dwelling unit has direct access at grade, and all units have private open space at grade level or an exterior private deck.
- 8.1.39 **Family Housing.** This project provides family-oriented townhouses with eleven (11) of the units being 3BR, and another seven (7) of the units being 2BR.
- 11.1.20 **Agricultural Buffering.** This site is separated from the agricultural use to the east by a distance of at least 20m, including Webster Road, and 7.5m from the agricultural property on the south side of the site. We intend to use on-site fencing, vegetative buffering and elevation changes to mitigate potential conflicts as much as possible.

In addition, we feel that several of your **Planning and Development Services Comments** do not accurately reflect the intent nor spirit of the OCP with respect to this particular project. We believe that this site and form of higher density housing is appropriately located, as the site size, surrounding street boundaries and proximity to family oriented civic facilities are extremely positive aspects. This development in no way intrudes into the rural nature nor could it generate any kind of speculation, as the surrounding properties are all zoned agricultural, and this is the last property on the border of residential zoning. The physical characteristics of the site actually severely restrict any type of development that does not have a common access to Webster Road, and any forms of housing that could possibly be located on the south portion of the site would definitely overlook the surrounding properties to a much greater extent. The site servicing and frontage upgrades would also be cost prohibitive to any other form of multiple housing units.

The Owner is willing to register a restrictive covenant against the title of the subject property(ies) alerting future property owners regarding the normal farm practices of the surrounding agricultural neighbours as requested, including the maintenance of the ALR buffer in perpetuity.

We also strongly disagree that "many of the proposed units will be perched on the edge of the bank..." Great care has been taken to integrate the development into the hillside, and minimize the overlook and privacy issues as much as possible. While there will be some overlook due to the site topography, we do not believe it is inappropriate or 'insensitive' infill, compared to any alternative form of development that would not be required to go through the Development Permit process.

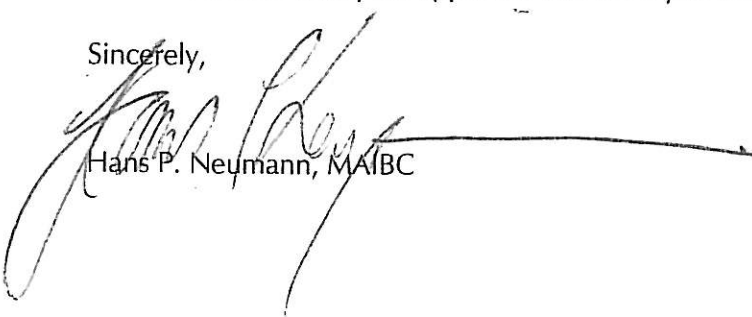
The comments regarding "small car" parking spaces are also inappropriate, as Zoning Bylaw 8000 permits a certain percentage of these spaces, and the issue about "oversize vehicles extending out into the drive aisle" is speculative and typical of any parking area that contains smaller size parking stalls. Limiting the size of vehicles able to park in these spaces is not necessarily negative, as smaller vehicles are more fuel efficient and environmentally friendly, thus should be encouraged within the context of sustainability. The "turning radius" for service vehicles is not required for a BC Building Code Part 9 development, and we have in fact provided turn-around facilities on site.

The project building design has also been revised in response to staff comments, especially with regard to the main entrances facing the central area. We have revised the location of the rough-sawn wood trusses to now articulate the entrances, and reduced the emphasis to the garage elevations. We believe that the balconies are adequate, as the typical size is 8'-2" x 13'-0" (over 100 sq.ft.) and in conjunction with the exterior yards, will provide generous private amenity space for most of the units. The units on the uphill side also have smaller secondary balconies facing the central circulation area which provides additional visual surveillance and connection to activities below. The balconies facing west on the downhill side project the maximum permitted distance of 2.5m into the required yard setbacks. The railing design has been modified, and additional detail has been added to negate the perceived 'utilitarian' look. The play area was intentionally located to maximize security, and we are confident that sufficient observation by residents will allow this to be an active area for children, without negatively impacting the privacy of those units closest to this amenity. A community garden has also been incorporated into the landscape design for the site. Privacy between the patio areas at the rear of the buildings will be provided by 6'-0" high cedar fencing with lattice top panels.

The Owner is committed to working with staff to satisfactorily address additional design recommendations which include entrances, paved area articulation, entry threshold, borders and project identification prior to the Development Permit being issued.

I trust this meets with your approval. Call me if you have any questions or require additional information.

Sincerely,



Hans P. Neumann, MAIBC

HANS P. NEUMANN ARCHITECT INC.

1520 Highland Drive North, Kelowna, B.C. V1Y 4K5
Phone: (250) 868-0878 Fax: (250) 868-0837
Principal: Hans P. Neumann, B.Arch., B.E.S., MAIBC

RECEIVED

FEB 29 2008

CITY OF KELOWNA
PLANNING DEPT.

February 25, 2008

The Honourable Mayor Sharon Shephard
and City of Kelowna Council
1435 Water Street
Kelowna, B.C. V1Y 1J4

Re: Proposed 23 unit Townhouse Project @ 695 Webster Road

We are submitting the above-noted project for Rezoning, Development Permit & Development Variance Permit, and hereby request a variance for Building Height requirements. The existing site is extremely difficult in terms of configuration and slope, which is further exacerbated by a 3.2m (10'-6") road dedication along the entire length of the property on the east side. The intent of the developer is to provide low density entry level family housing in close proximity to schools, public transit, playing fields & recreation facilities within an existing neighbourhood. This proposal generally complies with the OCP regarding increased density, provision of affordable housing, as well as current Zoning Bylaw No. 8000, but requires the following variance, which will have minimal impact on the surrounding properties.

The rationale for requesting the bylaw variance is as follows:

1. **BUILDING HEIGHT:** This project proposes a building height of 3 storeys instead of the 2 ½ storeys permitted, as well as a 10.0m height instead of the 9.5m required by the zoning bylaw. These variances are required due to the extreme east to west slope of the site, as much as 15.7m (51'-6") along the south property line. We have attempted to balance off the cut/fill so that the main driveway elevation is approximately centered on the existing hillside. As a result, the upper (east) building is 3 storeys in building height on the downhill (west) side, but only 2 storeys on the uphill street-facing (east) side. The lower (west) building is 3 storeys at the north end, which is approximately only 20% of the entire building length. This allows the rear yards of the three end units to be at approximately the same elevation as the rear yards of the adjacent residences off of Girard Road. As such, the remaining 80% of the lower building length is only 2 storeys above finished grade, with significant retaining and landscaping being provided to mitigate the elevational differences of the adjacent neighbours to the west.

In view of the intent to provide a well-designed, efficient and liveable entry level housing project, as well as enter into a housing agreement with the City of Kelowna to provide 20% designated affordable housing units, we feel that the requested variance will minimally affect the surrounding properties, while positively upgrading and improving the neighbourhood fabric of Webster Road. Although a difficult site, the overall project design has provided the necessary number of units to make the proposal economically feasible, while providing a benefit to the community.

We trust that you will favourably consider this application, as this type of housing choice is needed within the neighbourhood fabric of the Rutland area.

Sincerely,



HANS P. NEUMANN, MAIBC

HANS P. NEUMANN ARCHITECT INC.

1520 Highland Drive North, Kelowna, B.C. V1Y 4K5
Phone: (250) 868-0878 Fax: (250) 868-0837
Principal: Hans P. Neumann, B.Arch., B.E.S., MAIBC

RECEIVED

FEB 29 2003

CITY OF KELOWNA
PLANNING DEPT.

TRANSMITTAL

Company: City of Kelowna
Planning & Corporate Services
1435 Water Street
Kelowna, B.C. V1Y 1J4

Date: February 28, 2008

Attention: Corine Gain, Planning Development Officer **From:** Hans P. Neumann, MAIBC

Phone No.: (250) 469-8587

Re: Proposed Multi-Unit Condominium Project @ 695 Webster Road, Kelowna, BC
OCP07-0019, Z07-0067, DP07-0175, DVP07-0176

cc: Roland Nadon 764-1717

At our meeting on January 3 at City Hall, we had discussed the many amenities close to the Webster Road townhouse project which make it an especially suitable location for a multi-family development. You suggested a list of these amenities may be helpful and this letter is in response to that suggestion.

The property at 695 Webster Road is located just steps to Rutland Elementary School. In fact, the entrance to the school grounds is just 140 metres away. Based on walking speed data from the Road Engineering Journal that found younger pedestrians walk an average of 83 metres/minute, the walk to school would be just under two minutes. The school is currently full and has a waiting list, but it was designed to be expanded once the student population grew in the area. We have been told that the development will definitely contribute to the decision to begin the addition.

The proposed development is also ideally situated to encourage the use of alternative transportation methods. The bus stop on Craig Road sees service (Route 11) every 15 minutes during the morning and afternoon commutes, every half hour during the day and hourly each evening. The stop is just less than 300 metres from the property and can easily be walked in under four minutes. Also the city's bicycle network is 420 metres away on Bach Road and could be reached in two minutes or less.

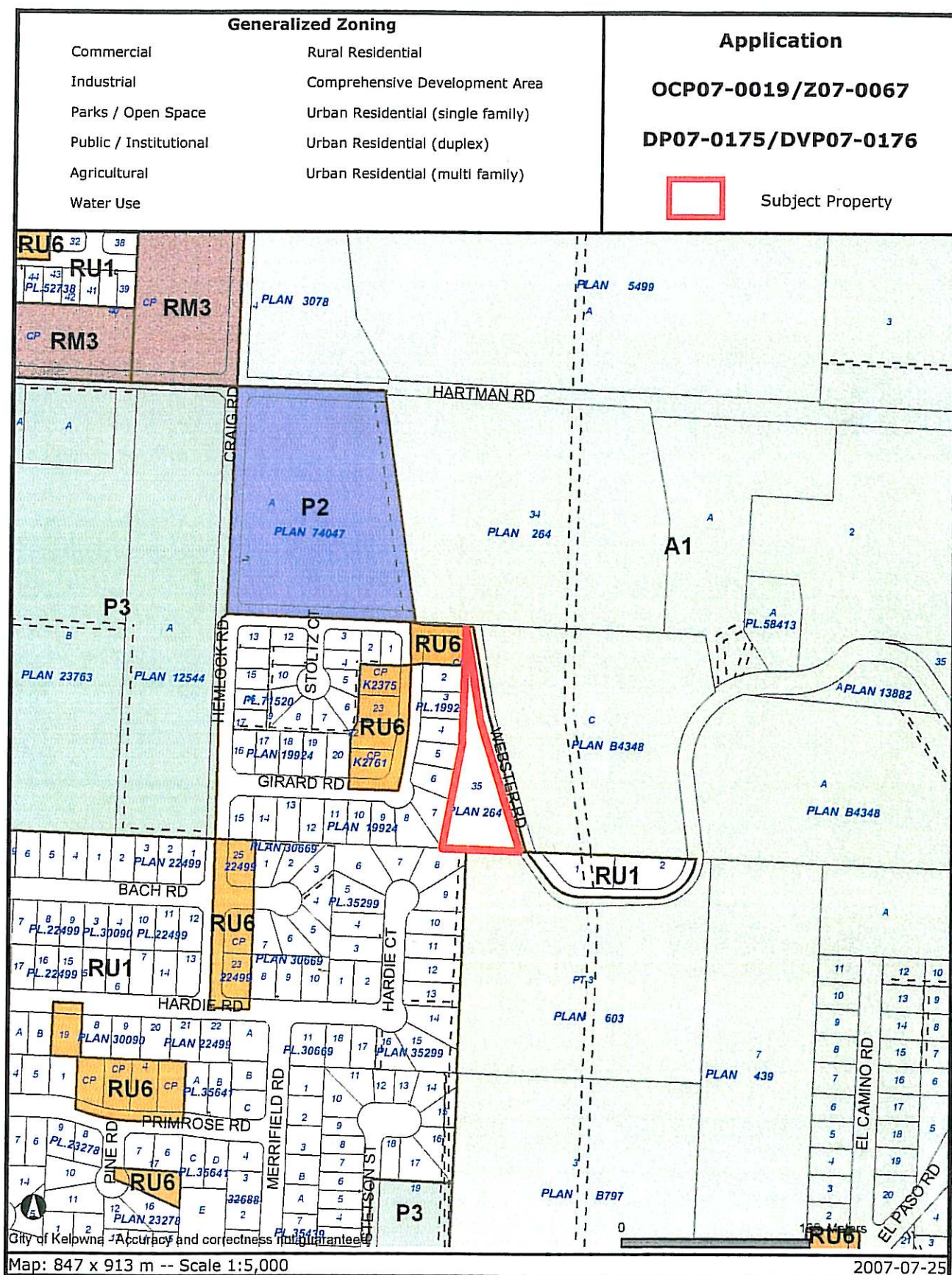
Recreational facilities are both numerous and near, as the Rutland playing fields, BMX track, Kelowna Family Y and Athans Pool, Okanagan Boys and Girls Club, Okanagan Gymnastics Centre and Rutland Arenas are all within 660 metres or less, about an eight minute walk.

For Seniors who may choose to live in the development, the Rutland Senior Centre is approximately 550 metres from the property.

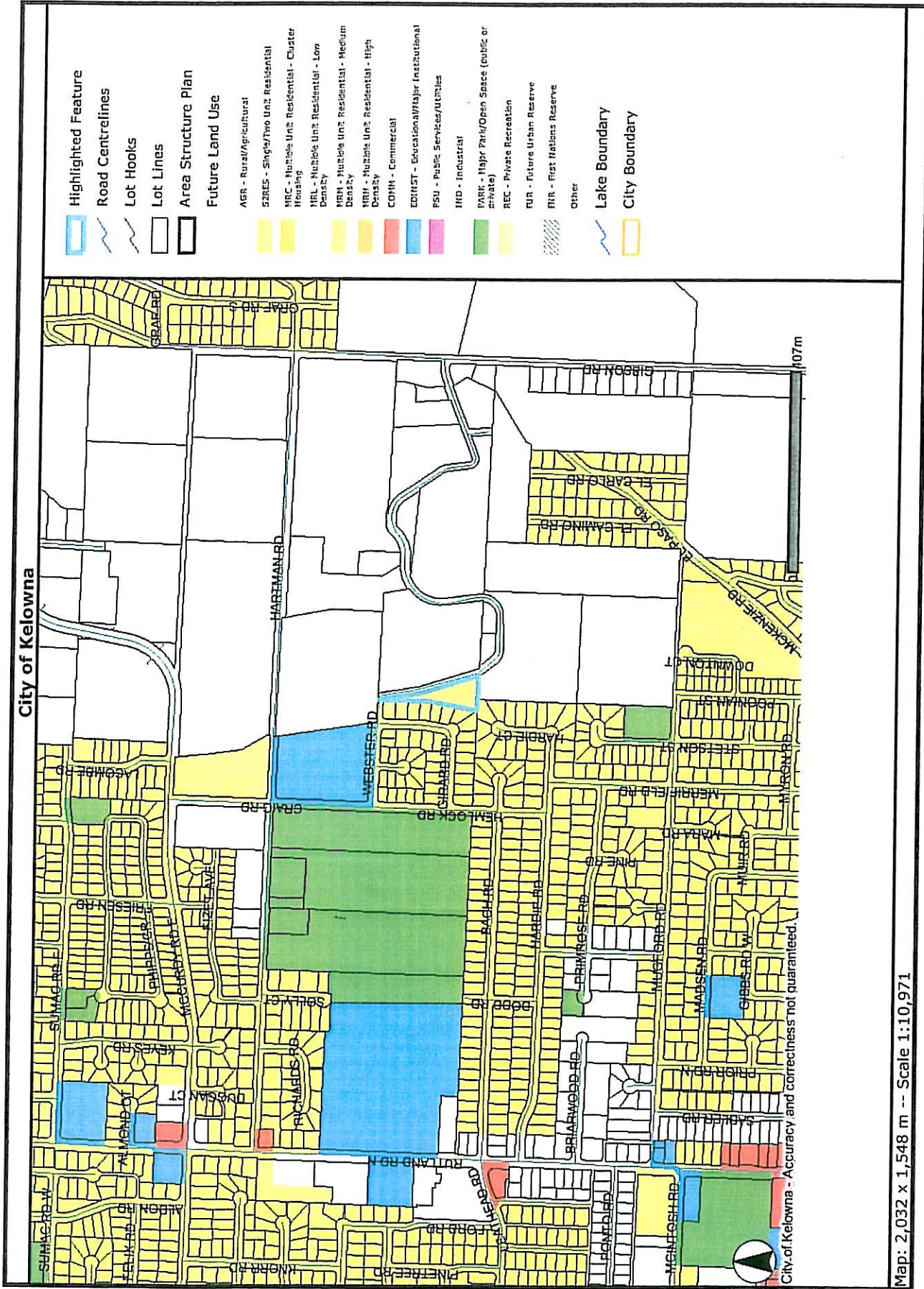
Finally, with the Rutland Convenience store at the corner of Hartman and Rutland Roads and re-opening, groceries and convenience items are available within a fifteen-minute walk. The store is just 1100 metres away by road and less if a shortcut is taken through the playing fields.

Sincerely,

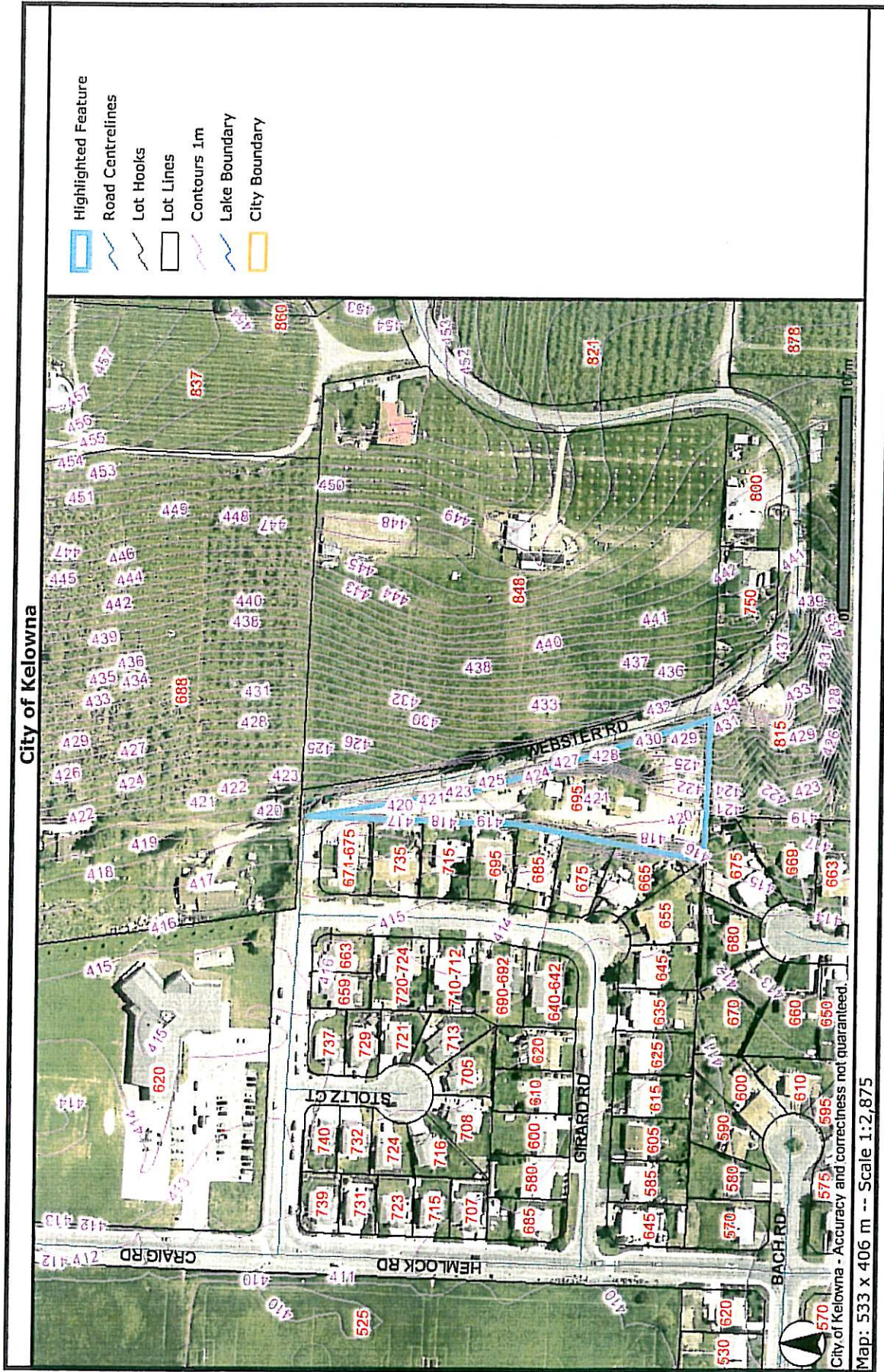

Hans P. Neumann, MAIBC



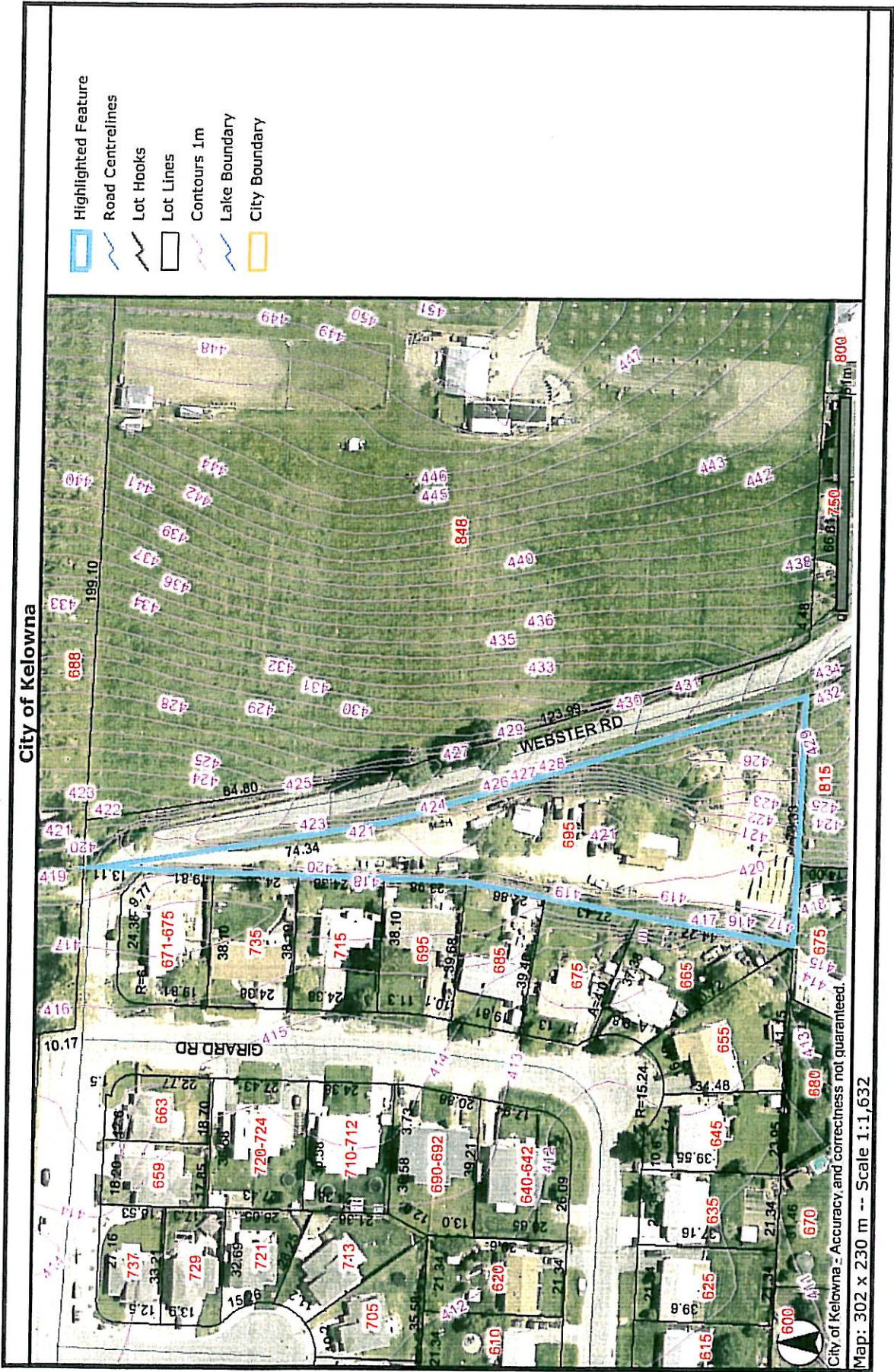
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.



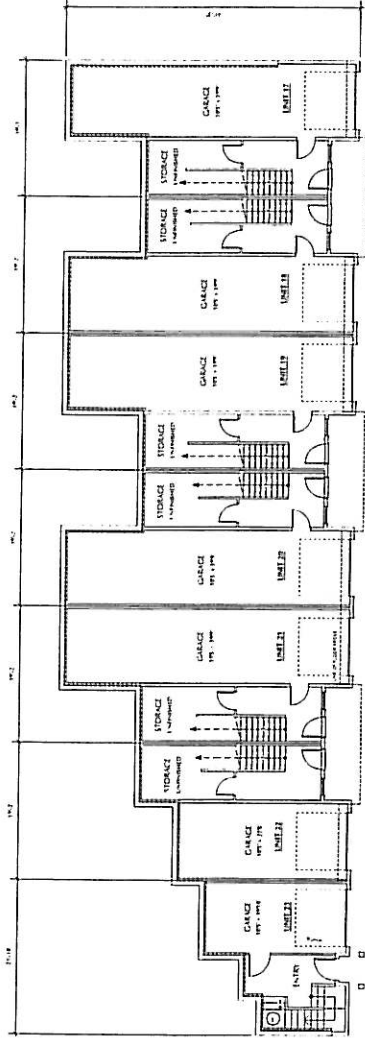
This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



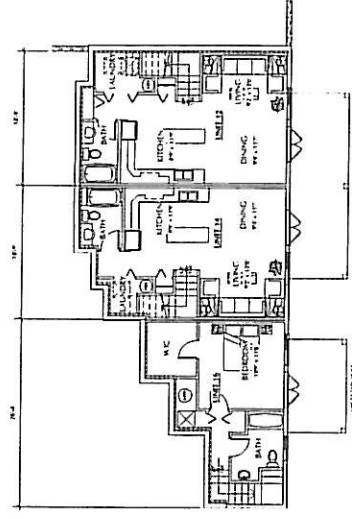
This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.







1 EAST BUILDING BASEMENT PLAN
SCALE: 1/8" = 1'-0"



2 WEST BUILDING BASEMENT PLAN
SCALE: 1/8" = 1'-0"



HANS P. NEUMANN ARCHITECT INC.

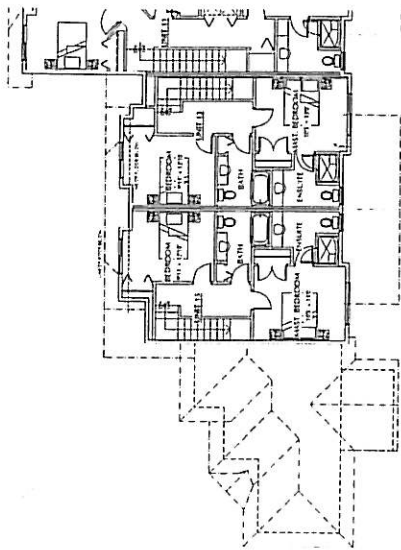
23-UNIT RESIDENTIAL TOWNHOUSE BUILDING
6955 WEBSTER ROAD, KELOWNA, BC

PROJECT

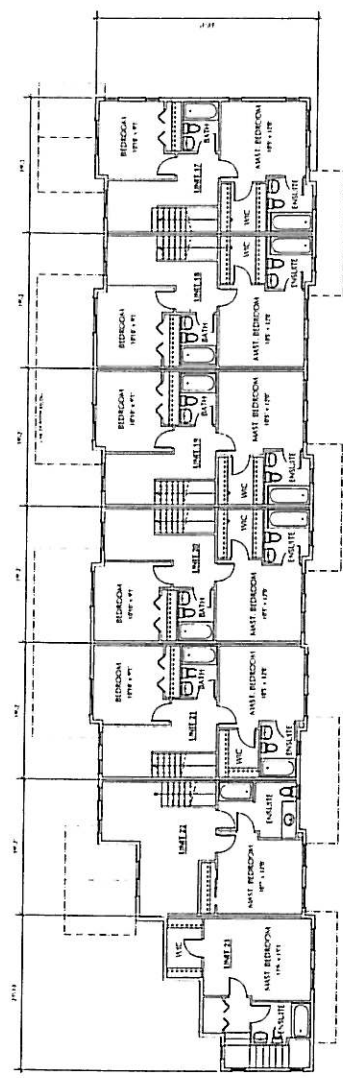
FLOOR PLANS

NO.	DATE	DESCRIPTION	SCALE	BY
1	7/2/08	ISSUE FOR PERMITTING	1/8" = 1'-0"	DP
2	12/2/08	REVISED	1/8" = 1'-0"	DP

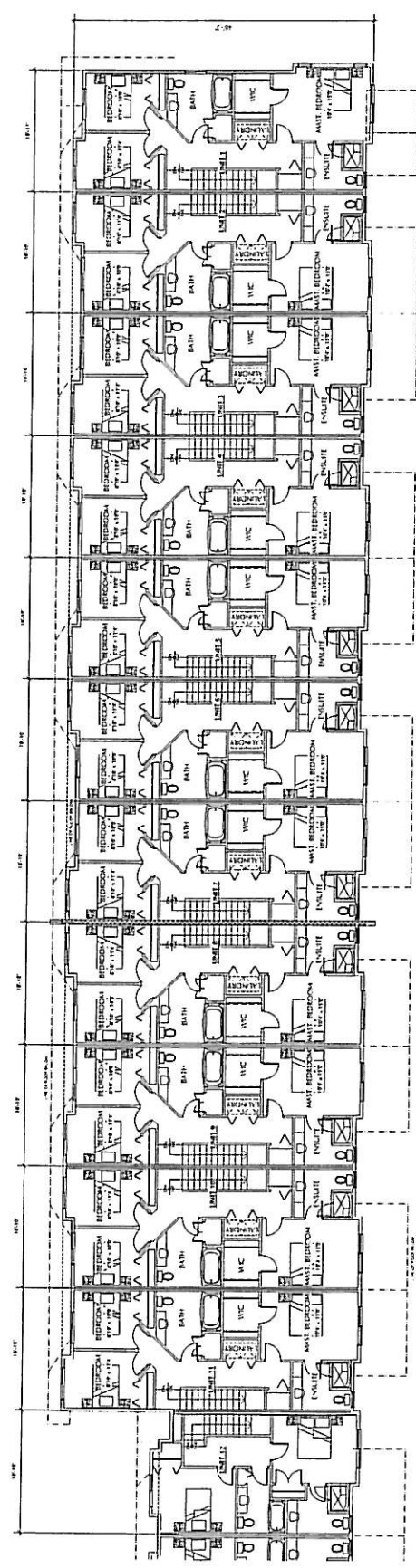
DP2



1 WEST BUILDING SECOND FLOOR
Scale 1/8" = 1'-0"




1 EAST BUILDING SECOND FLOOR
Scale 1/8" = 1'-0"



2 WEST BUILDING SECOND FLOOR
Scale 1/8" = 1'-0"



HANS P. NEUMANN ARCHITECT INC. 

PROJECT 23-UNIT RESIDENTIAL TOWNHOUSE BUILDING
605 WEBSTER ROAD, KELOWNA, BC

PHONE (250) 864-0878 FAX (250) 864-0877

FLOOR PLANS

NO.	DATE	DESCRIPTION	SCALE	BY	CHKD.
1	12/20/97	FOR DEVELOPMENT PERMIT	1/8" = 1'-0"	H.P.N.	H.P.N.
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DP4

1 EAST ELEVATION
Scale: 1/32" = 1'-0"

REVISED ELEVATION – REFER TO DP6a ATTACHED

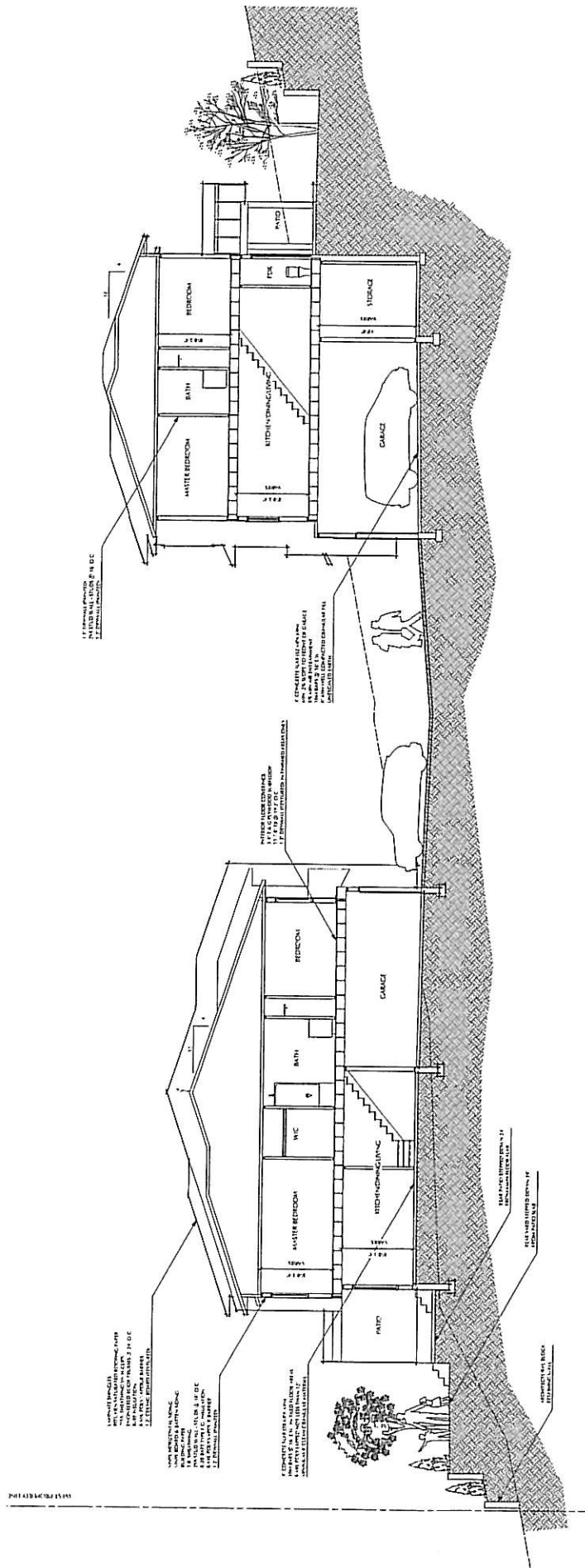
2 WEST ELEVATION
Scale: 1/4" = 1'-0"

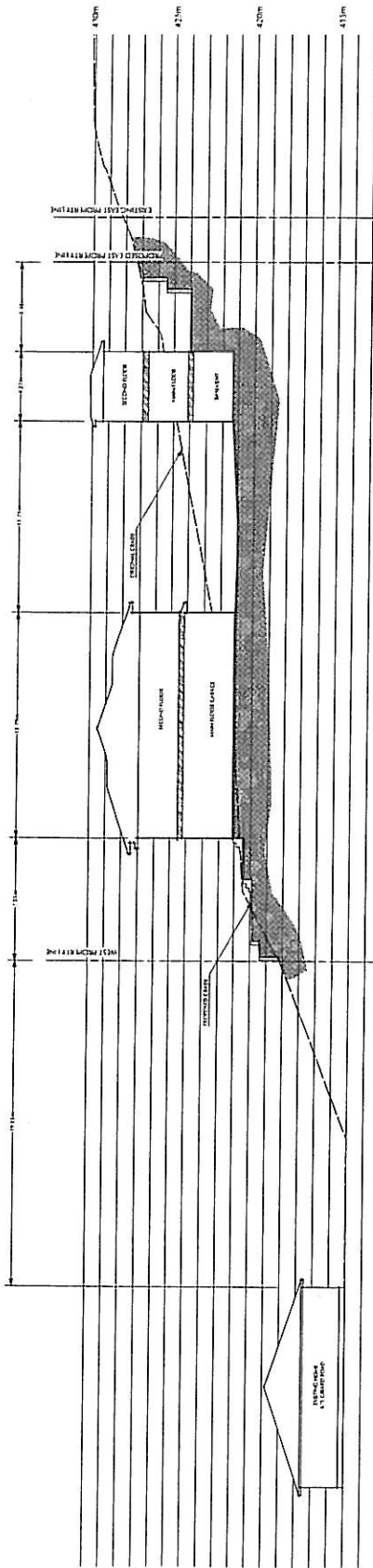
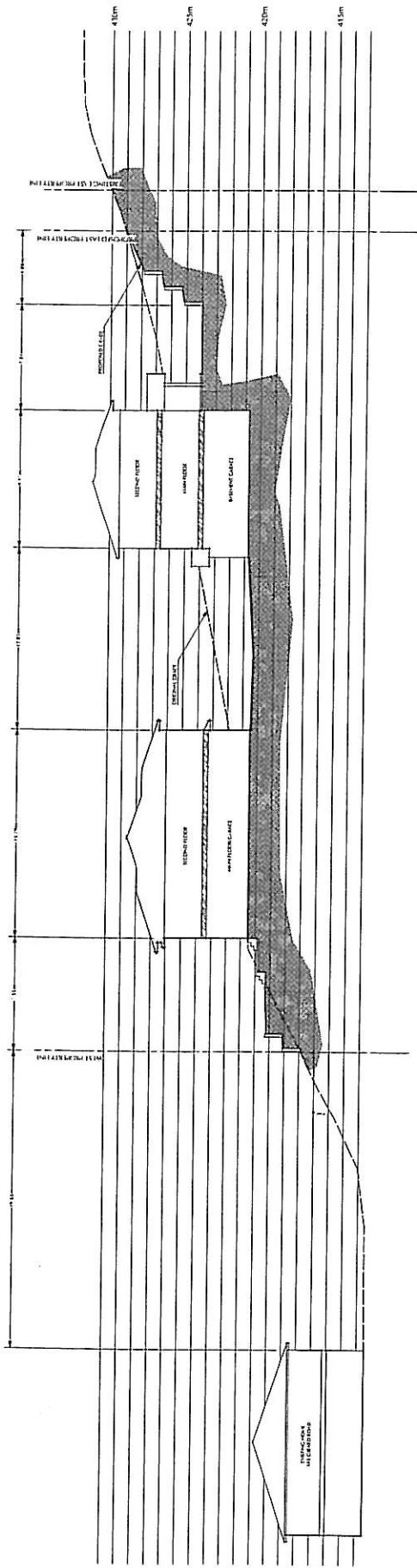
1 SOUTH ELEVATION
Scale: 1/12" = 1'-0"

4 NORTH ELEVATION
Scale: 3/32" = 1'-0"



REVISED ELEVATION – DP6a





ALL DIMENSIONS MUST BE CONFIRMED ON-SITE



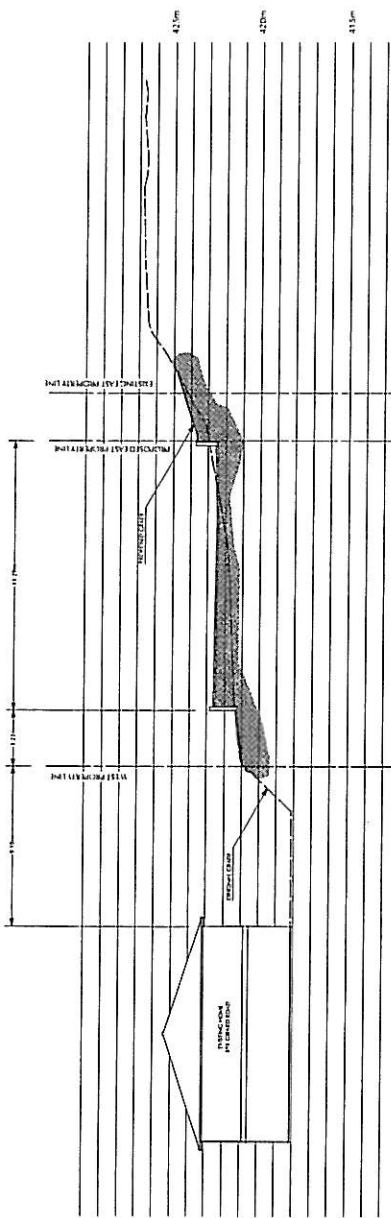
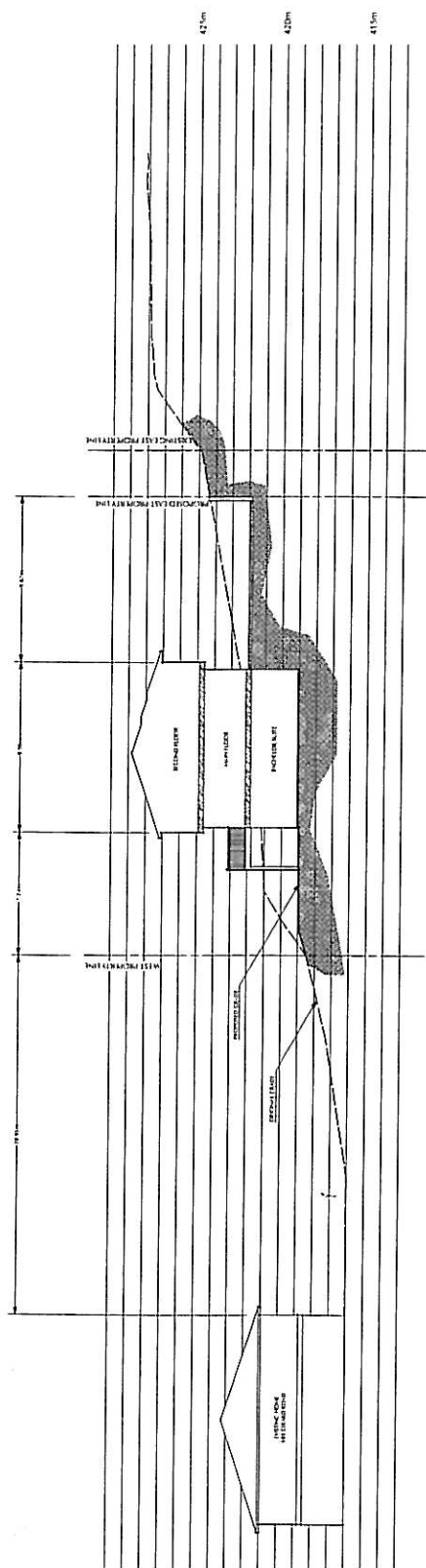
HANS P. NEUMANN ARCHITECT INC.

PROJECT 24-UNIT RESIDENTIAL TOWNHOUSE BUILDING
1045 WEBSTER ROAD, KELOWNA, BC


SITE SECTIONS

NO.	DATE	DESCRIPTION	BY	CHECKED
1	12/12/17	PRELIMINARY SITE PLAN	H.P.N.	H.P.N.
2	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
3	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
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87	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
88	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
89	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
90	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
91	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
92	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
93	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
94	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
95	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
96	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
97	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
98	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
99	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.
100	12/12/17	FINAL SITE PLAN	H.P.N.	H.P.N.

DP8



11 - 12 2000

	HANS P. NEUMANN ARCHITECT INC.		PROJECT: 24-UNIT RESIDENTIAL TOWNHOUSE BUILDING 6045 WEBSTER ROAD, KELOWNA, BC	DRAWING TITLE: SITE SECTIONS	SCALE: 1/16" = 1'-0" DATE: MAY 18, 2022 DRAWN BY: CTP CHECKED BY: CTP
	NO. DATE DESCRIPTION 1 7/1/22 BUILD DEVELOPMENT PRELIM 2 12/2/22 REVISION-A	Examples:			

NOTES

ALL RETAINING WALLS TO BE SPLIT FACE STACKING SEGMENTAL CONCRETE UNIT SYSTEMS
TO BE INSTALLED AS PER MANUFACTURERS SPECIFICATION
ALL WALLS TO BE CONFIRMED AND CERTIFIED BY PROFESSIONAL ENGINEER

WEBSTER ROAD

PLAN VIEW SCALE

SECTION A-A

SECTION B-B

SECTION C-C

24 UNIT RESIDENTIAL TOWNHOUSE BUILDING

PROJECT NO: 0754290 BC LTD
DATE: 12/12/2018
DRAWN BY: JACQUES

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	12/12/2018
2	REVISED PER COMMENTS	12/12/2018
3	REVISED PER COMMENTS	12/12/2018

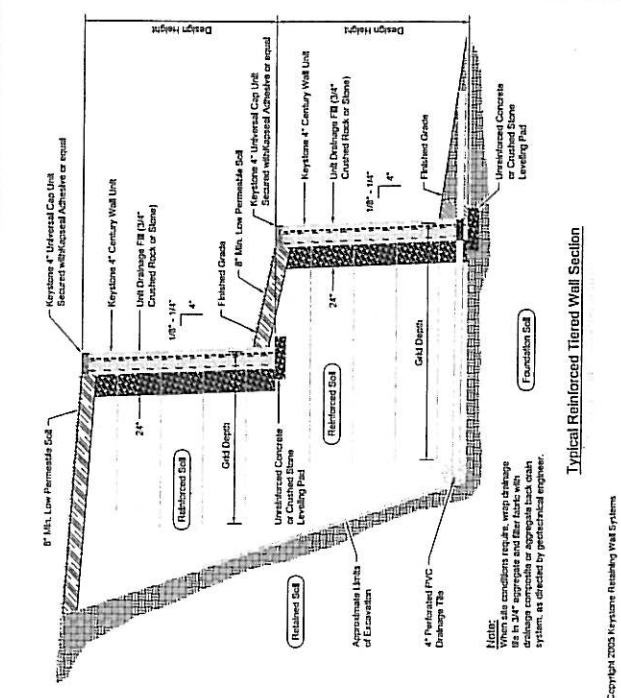
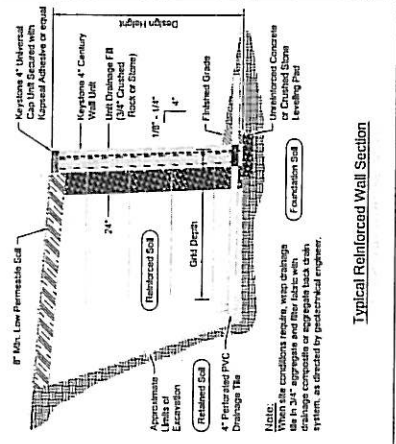


PROJECT NO:	0754290
PROJECT NAME:	24 UNIT RESIDENTIAL TOWNHOUSE BUILDING
DATE:	12/12/2018
DRAWN BY:	JACQUES
CHECKED BY:	
APPROVED BY:	

G-1

RETAINING WALL LAYOUT

DATE: 12/12/2018



Century Wall Unit

[illegible]



PROJECT

23-UNIT RESIDENTIAL TOWNHOUSE BUILDING
605 WEBSTER ROAD, KELOWNA, BC

CLIENT

1520 HIGHLAND DRIVE NORTH, KELOWNA, B.C. V1Y 4J5
PHONE: 250-864-0970 FAX: 250-864-0937

DESIGNER

HANS P. NEUMANN ARCHITECT INC.

LOCATION

605 WEBSTER ROAD, KELOWNA, BC

DATE

2/23/20

2/23/20

2/23/20

DESCRIPTION

1520 HIGHLAND DRIVE NORTH
2/23/20

1520 HIGHLAND DRIVE NORTH
2/23/20

1520 HIGHLAND DRIVE NORTH
2/23/20

SCALE

DATE: 2/23/20

DATE: 2/23/20

DATE: 2/23/20

REVISION

REVISION

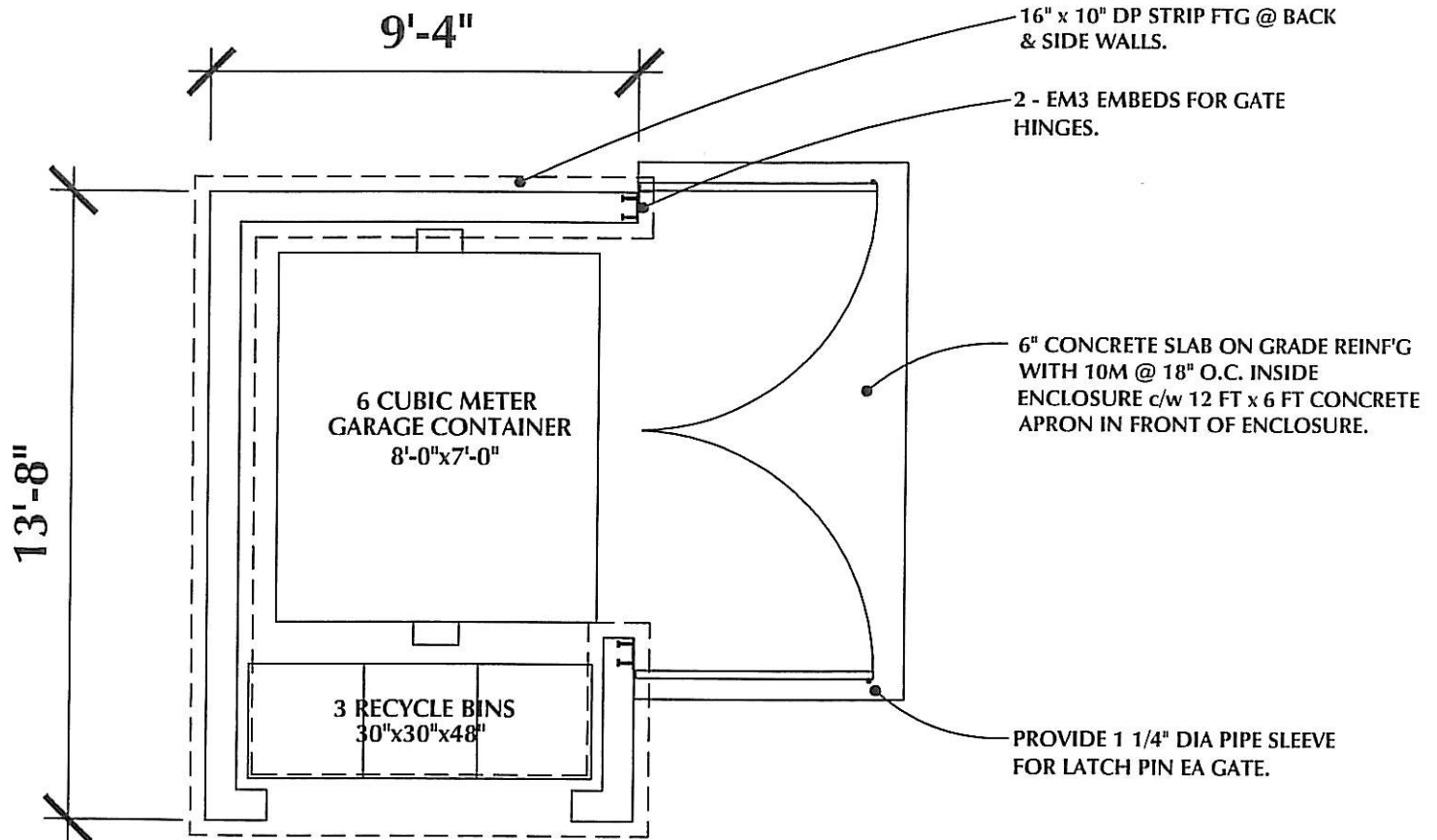
REVISION

DP10

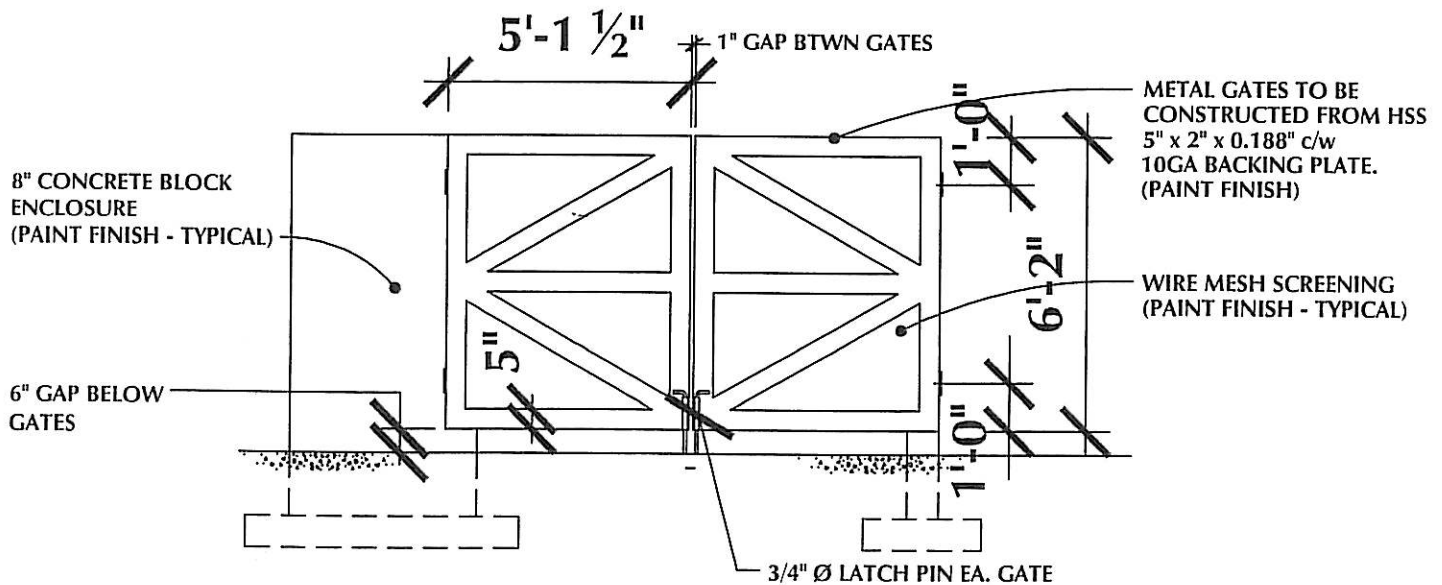
DP10

DP10

COLOUR BOARD

**GARBAGE ENCLOSURE FOUNDATION PLAN**

SCALE: 1/4" = 1'-0"

**GARBAGE ENCLOSURE FRONT ELEVATION**

SCALE: 1/4" = 1'-0"



LANDSCAPE DEVELOPMENT DATA

1. THE PLANTINGS ARE CONSIDERED TO BE A MINIMUM STANDARD FOR THE PROJECT. THE LANDSCAPE DESIGNER HAS CONDUCTED VISUAL ANALYSIS OF THE PROJECT AND HAS DETERMINED THAT THE PLANTINGS ARE APPROPRIATE FOR THE PROJECT.

2. THE LANDSCAPE DESIGNER HAS CONDUCTED VISUAL ANALYSIS OF THE PROJECT AND HAS DETERMINED THAT THE PLANTINGS ARE APPROPRIATE FOR THE PROJECT.

3. THE LANDSCAPE DESIGNER HAS CONDUCTED VISUAL ANALYSIS OF THE PROJECT AND HAS DETERMINED THAT THE PLANTINGS ARE APPROPRIATE FOR THE PROJECT.

4. THE LANDSCAPE DESIGNER HAS CONDUCTED VISUAL ANALYSIS OF THE PROJECT AND HAS DETERMINED THAT THE PLANTINGS ARE APPROPRIATE FOR THE PROJECT.

5. THE LANDSCAPE DESIGNER HAS CONDUCTED VISUAL ANALYSIS OF THE PROJECT AND HAS DETERMINED THAT THE PLANTINGS ARE APPROPRIATE FOR THE PROJECT.

PLANT	QUANTITY
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PLANT	QUANTITY
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PLANT 24	10

LANDSCAPE PLAN

L-1

site360

LANDSCAPE ARCHITECTURE & PLANNING

24 UNIT RESIDENTIAL TOWNHOUSE BUILDING

0754-290 BC LTD

LANDSCAPE ARCHITECT

LANDSCAPE ARCHITECT

LANDSCAPE ARCHITECT

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LANDSCAPE ARCHITECT

LANDSCAPE ARCHITECT

File: Z07-0067

Application

File: Z07-0067

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only) 2007-07-26 2007-07-26
				Canada Post 2007-07-26 2007-09-14
2				Canada Post 2008-02-27 2008-04-14
				Community Development & Real Estate Mgr 2007-07-26 2007-08-10
			SALEXANC	Land Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 ? x 11 copy, of any survey plans. The 20% affordable units must meet the City's definition and be secured by a Housing Agreement.
2				Community Development & Real Estate Mgr 2008-02-27 2008-03-13
			SALEXANC	REVISED DRAWINGS
3				Community Development & Real Estate Mgr 2008-02-27 2008-03-13
			SALEXANC	CD&RE Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 ? x 11 copy, of any survey plans.
				Environment Manager 2007-07-26 2007-08-27
			CDAVIS	No comment
2				Environment Manager 2008-01-10 2008-02-29
			CDAVIS	Circulated Summit Enviro Consultant - Phase I Enviro Site Assessment
3				Environment Manager 2007-07-26 2008-01-14
				The phase 1 Environmental Site Assessment for 695 Webster Road, Kelowna, BC, completed by Summit Environmental Consultants Ltd., dated December 2007 concludes that historic activities on Subject Site suggest a moderate potential that soil and/or groundwater beneath the Subject Site are contaminated to concentrations exceeding applicable Provincial Residential land use standards for soil, and Drinking Water and Irrigation and Livestock criteria for groundwater. Areas of potential environmental concerns identified at the site include potential impacts to local fill material related to the former storage of automotive parts and scrap metal. Potential contaminants of concern include associated automotive fluids, greases, and metals.
				The Summit Environmental Consultants report recommends that further investigation to assess soil and groundwater at the Subject Site is warranted. The Summit report concludes that the human health and ecological risks from the above mentioned fill is considered to be low.
				The Summit Environmental Consultants Ltd report recommends a Phase 2 Environmental Site Assessment for the Subject Site; therefore, this rezoning application should be suspended until a release notice has been received from the Director of Waste Management (Ministry of Environment). In order to determine whether to grant one of these releases, the Ministry of Environment must receive a written request for a release from the property owner or applicant.
4				Environment Manager 2008-02-27 2008-02-29
			CDAVIS	REVISED DRAWINGS
5				Environment Manager 2008-02-27 2008-02-29
			CDAVIS	No comment
				Fire Department 2007-07-26 2007-08-30
			MNEID	It appears article 3.2.5.6 of the BCBC is not met. Detailed drawings are required showing article 3.2.5.6 of the BC Building Code is met. No parking signs maybe required as per article 2.5.1.5 of the BC Fire Code. Building code analysis required for proposed buildings and should include among other life safety items, building classification/const. type and fire separations/ratings. Insure article 3.2.5.6 of the BCBC is met. Engineered fire flows are required and will determine hydrants locations. Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. The drawings were too small to make a comment on other life safety issues.

File: Z07-0067

2/7

Seq	Out	In	By	Comment
2	Fire Department 2008-02-27	2008-03-25	MNEID	REVISED DRAWINGS
3	Fire Department 2008-02-27	2008-03-25	MNEID	It appears article 3.2.5.6 of the BCBC is not met. Detailed drawings are required showing article 3.2.5.6 of the BC Building Code is met. No parking signs maybe required as per article 2.5.1.5 of the BC Fire Code. Building code analysis required for proposed buildings and should include among other life safety items, building classification/const. type and fire separations/ratings. Insure article 3.2.5.6 of the BCBC is met. Engineered fire flows are required and will determine hydrants locations. Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. The drawings were too small to make a comment on other life safety issues.
	FortisBC 2007-07-26	2007-09-19		no response
2	FortisBC 2008-02-27	2008-04-14		REVISED DRAWINGS No response
	Inspections Department 2007-07-26	2007-08-01	RREADY	Hillside development guidelines apply to this proposal related to site grading, foundation and roof drainage and soil retention at west and south property lines with retaining walls that meet requirements of building/zoning bylaws. Provide handicap parking stalls. Garage/recycling to meet enclosure guidelines for clearances.
2	Inspections Department 2008-02-27	2008-03-04	RREADY	REVISED DRAWINGS
3	Inspections Department 2008-02-27	2008-03-04	RREADY	Retaining wall revisions still do not meet requirements of zoning bylaw (1.2m max height)and offset of 1.2m. Garbage/recycling does not meet enclosure guidelines. No handicap parking stalls identified.
	Irrigation District - BMID 2007-07-26	2007-09-17		see file
2	Irrigation District - BMID 2008-02-27	2008-03-03		REVISED DRAWINGS See file.
	Kelowna Regional Transit/Operations Mgr 2007-07-26	2007-09-14		no response
	Mgr Policy, Research & Strategic Plannin 2007-07-26	2007-08-31		PRSP comments were too extensive to fit in this space. Please refer to the email dated August 31, 2007 kept in the file.
2	Mgr Policy, Research & Strategic Plannin 2008-02-27	2008-03-17		PRSP comments were too extensive to fit in this space. Please refer to the email dated March 17, 2008 kept in the file.
	Ministry of Transportation 2007-07-26	2007-09-11		Ministry of Transportation has no objection to this proposal and would be prepared to affix signature to the rezoning bylaw after 3rd reading.
2	Ministry of Transportation 2008-02-27	2008-04-16		REVISED DRAWINGS - In response to your February 27, 2008 revised referral I can advise that this Ministry has no objection to the rezoning or development permit.
	Other 2008-01-15	2008-01-24		Confirmation from the BC Ministry of Environment that: "Based on the Phase I Environmental Site Assessment Report completed by Summit Environmental Consultants Ltd., it appears that no Schedule 2 activities of occurrences are associated with this site. Kelli Larsen, Senior Contaminated Sites Officer.
	Park/Leisure Services Dir. (info only) 2007-07-26	2007-07-26		
2	Park/Leisure Services Dir. (info only) 2008-02-27	2008-02-27		REVISED DRAWINGS
	Parks Manager 2007-07-26	2007-08-07	TBARTON	The City of Kelowna Boulevard Maintenance By-Law No. 5708-84 requires the residents to be responsible to weed, water and mow the boulevards adjacent to their properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.
2	Parks Manager 2008-02-27	2008-03-03	TBARTON	REVISED DRAWINGS
3	Parks Manager 2008-02-27	2008-03-03	TBARTON	The City of Kelowna Boulevard Maintenance By-Law No. 5708-84 requires the property owner to be responsible to weed, water and mow the boulevards adjacent to their properties on Webster Rd. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.
	Public Health Inspector 2007-07-26	2007-08-16		sewer required.
2	Public Health Inspector 2008-02-27			REVISED DRAWINGS No comment.
	RCMP 2007-07-26	2007-08-07		no comment.
2	RCMP 2008-02-27	2008-04-14		REVISED DRAWINGS No response

File: Z07-0067

3/7

Seq	Out	In	By	Comment
	School District No. 23			no response
	2007-07-26	2007-09-19		
	Shaw Cable			Owner/developer to supply and install an underground conduit system
	2007-07-26	2007-08-07		
	Telus			TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.
	2007-07-26	2007-08-08		
2	Telus			REVISED DRAWINGS TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.
	2008-02-27	2008-03-12		No response
	Terasen Utility Services			
	2007-07-26	2007-08-03		
2	Terasen Utility Services			Note: gas main extension required to service property
	2008-02-27	2008-03-20		REVISED DRAWINGS
	Works & Utilities			Rezoning comments - see file.
	2007-07-26	2007-09-18		OCP comments - This application for an OCP amendment does not compromise Works and Utilities servicing requirement as long as all the requirements and servicing issues addressed in our report under the rezoning file Z07-0067 are dealt with prior to the adoption of the zone amending Bylaw.
				dp comments - a) Requirement of rezoning application No. Z07-0067 must be satisfied before approval of this development permit.
				dvp comments - 1. With regard to the site coverage, the overall site area may be reduced due to the additional Road Right of Way dedication required to meet the current standard.
				2. The other variances do not compromise Works and Utilities servicing requirements.
				b) The proposed site plan suggests a road dedication of 2.4m., the existing Right of way is 13.716m. (45') and the required road Right of way as per SS-R5 Standard is 20.0. hence the road dedication is approx. 3.14 m.
				2. Layout
				a) There are no provisions for the garbage or recycling pickup vehicle to turn around within the site. The applicant must demonstrate that the waste collection truck can safely ingress and egress the property safely and in a forward motion. Backing up onto or from the public Road Right of Way is not permitted.
				b) The proposed layout is required to be amended to accommodate the Road widening.
2	Works & Utilities			Circulated Summit Enviro Consultant - Phase I Enviro Site Assessment
	2008-01-10	2008-01-31		
3	Works & Utilities			REVISED DRAWINGS see documents tab
	2008-02-27	2008-03-27		



Ministry of Environment
Environmental Protection Division
Environmental Management Branch
Land Remediation

FAX SHEET

Date:	Thursday, January 24, 2008	# of pages (including this sheet)	6
To:	Corine Gain	Fax #	250 862-3320
Office:	City of Kelowna	Phone #	250 469-8626
From:	Kelli Larsen	Phone #	604 582-5246
	Senior Contaminated Sites Officer	Fax #	604-584-9751

Re: 695 Webster Road, Kelowna

The attached site profile was forwarded to the Ministry by the City of Kelowna.

Based on the information provided in the Phase I Environmental Site Assessment report completed by Summit Environmental Consultants Ltd., it appears that no Schedule 2 activities or occurrences are associated with this site. Section 2(1) of the Contaminated Sites Regulation (CSR), states:

"A person is exempt from the duty to provide a site profile under section 40 of the *Environmental Management Act* with respect to industrial or commercial purposes and industrial or commercial activities which are not described in Schedule 2."

As such, we will not be processing the site profile at this time and the City of Kelowna may continue processing any outstanding applications pertaining to the site.

If you believe that there is a Schedule 2 activity occurring on site or that there has been such an activity in the past, you may refer to Sections 6(4) and 6(5) of the Contaminated Sites Regulation for further clarification.

If you have any questions, please contact the undersigned at 604 582-5246

Kelli Larsen
Senior Contaminated Sites Officer

cc: Rob Richardson, Site 360 Consulting, Fax: 250 862-4849
Rob Kupchanko, Summit Environmental, Fax: 250 545-3654

URGENT: No

CONFIDENTIAL: No

ORIG. IN MAIL: No

CITY OF KELOWNA
MEMORANDUM

Date: March 19, 2008
File No.: Z07-0067 (revised plans to 23 units)
To: Planning & Development Services Department (CG)
From: Development Engineer Manager (SM)
Subject: 695 Webster Road – Lot 35, Plan 264, Section 25, Township 26, ODYD

The Works & utilities Department comments and requirements regarding this application to rezone from A-1 to RM-3 (Townhouses) are as follows:

1. Subdivision

- a) The Webster Road Right of Way is to be established to the current 20.0m. wide ROW by dedication of half of difference with the existing ROW (approx. 3.2m. to be confirmed by a BCLS) plus any fill slope to accommodate the Webster Road frontage upgrades.
- b) Provide easements as may be required.

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

3. Domestic water and fire protection.

This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID. 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.

4. Sanitary Sewer.

- a) The property is located within Sanitary Sewer Specified Area #21A. The applicant is required to cash commute the specified area # 21A charges in the amount of **\$108,546.04** (\$6,741.99 valid until March 31, 08 x 23 Units x 0.7).

5. Drainage.

- a) 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.
- b) The storm sewer main must be extended from the existing manhole located at the intersection of Girard and Webster Road. The cost of the extension is included in the Webster Road upgrade estimate.

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.

7. Road improvements.

Webster Road.

The applicant is responsible to upgrade Lynrick Road from Girard Road and along the frontage of the subject property to a paved urban collector standard (SS-R5). The construction consists of curb, gutter, sidewalk, fillet paving, street lights, 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 **\$263,000.00**, inclusive of a bonding contingency (Utility poles relocation and retaining walls not included).

8. Street lights.

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

9. Design and Construction.

- a) 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. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

10. Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings or reports and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

11. DCC Credits.

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

12. Bonding and Levies Summary.

a) Performance Bonding

Webster Road upgrades	\$ 263,000.00
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b) Levies

Specified Area # 21A charges	\$108,546.04
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Steve Muenz, P.Eng.
Development Engineering Manager

Webster Road Townhouse Project

The Property

The property is located at 695 Webster Road in Rutland, less than a block from Rutland Elementary School and two blocks from the Rutland Sports Fields, BMX track, YM/YWCA Pool, skating rink and other community amenities. The property is triangular and on a slope, making housing solutions challenging. It is bordered on one side by Webster Road, on the south by a residential and a fallow agricultural property and along the west side (down-slope) by homes on Girard Road.



The development team has reasoned the site would be best utilized as a multi-family townhouse project, given its proximity to schools and recreation. It is also less than 300 metres from a bus stop and 400 metres from the City bicycle path network. Finally, the team feels a multi-family project is unlikely to change the existing character of the neighbourhood since, of the 17 homes bordering or across Girard Road from the property, more than half (10) are duplex dwellings.

The project will consist of 23 homes, of which five will be designated as Affordable Housing under the City's policies. In order to encourage sustainability, the northern section of the property will be developed as a 'community garden' for the residents to grow vegetables and flowers and encourage the use of on-site composting.

Of the 23 homes, 11 are two-storey, three-bedroom homes of 1500 square feet, all with single garages and 2½ baths while five are three-storey, two-bedroom homes with 2½ baths and tandem garages. There are two additional three-storey one-bedroom homes, both with garages and 1½ baths, and one has a den. These are 1,136 and 829 square feet each.

The five homes designated as Affordable Housing are all situated at the northern end of the west building, closest to the gardens:

- two two-storey homes of 1,022 square feet, with the living area and half-bath on the main floor and two bedrooms and two baths on the upper;
- one two-storey home of 840 square feet, with the living area on the main and single bedroom, den and full bath on the lower level;
- two studio residences of 548 square feet, with their main entrance on the parking level and walk-out patio on the ground level.

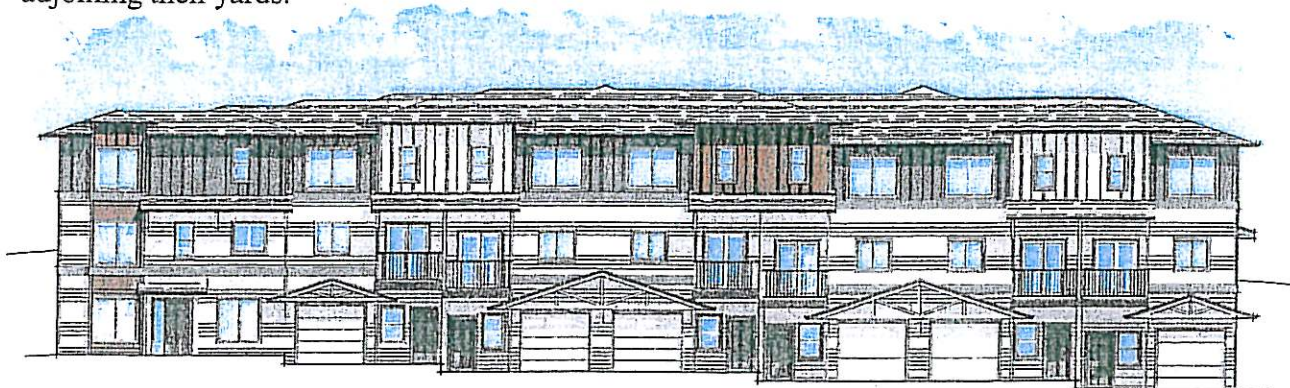
In total, the designated Affordable Housing comprises 21.7 percent of the total number of homes and 13.4 percent of the total floor area.

Community Concerns

Extensive efforts were made to ensure all of the neighbours are aware of the development plans and the developer's intent to keep them informed. A total of 28 households were visited and 38 follow-up visits were made to 22 homes. Six letters of support have been received and four neighbours have signed a petition supporting the project.

The project was reviewed by the Advisory Planning Commission on December 4, 2007, and five neighbours spoke against the rezoning. Their most common concerns were the potential environmental damage left by a previous owner using it as an auto-wrecking yard, water runoff, increased traffic on Webster Road, which is very narrow, and the loss of privacy that three of the neighbours will experience.

The Chair questioned Staff about the environmental, geotechnical, water runoff and road concerns and was assured that all of these would be addressed in the course of the Development Permit process. In order to minimize the impact on neighbours' privacy, cedar fences, architectural retaining walls and plantings will be used to benefit the neighbours' properties as well as increase their privacy. All the neighbours have been asked for their suggestions and preferences for the landscaping adjoining their yards.



East Building Elevation

Since the APC meeting, Staff requested a Schedule 1 Site Profile and Summit Environmental Consultants Ltd. was contracted for and has conducted a favourable assessment of the site.

Staff Concerns

Concerns were expressed by Staff about the number of variances being requested for this project. Since the APC meeting, the developer has amended the proposed project with the result that, instead of the six variances identified by Staff, just one is required, and that is to vary the maximum height a half-metre to 10 metres from 9.5 in order to suit the buildings to the slope and allow for ground level garages. Viewed from Webster Road, the buildings will appear as two storeys, and the neighbouring properties on Girard will not see the three storey building on the upper end of the property since it will be screened by landscaping and the western building.

Staff expressed concern about the property's proximity to agricultural land. In fact, while the property shares a boundary with land in the Agricultural Land Reserve, that constitutes approximately 51 metres – or just 11 percent – of the property's boundaries. In addition, the land is just 300 metres down-slope of the residential developments along El Paso, El Camino and El Carlo Roads, separated only by two lots which are zoned as agricultural and fall within the ALR.

Finally, Staff are concerned that the site is elevated over existing homes, but of the nine lots adjoining the property, only three will have residential units backing onto their properties. Also, the development will employ significant landscaping in order to minimize any potential intrusion.

Summary

This proposed townhouse development will provide 23 homes to people in the entry-level market, of which five will be sold under the City's Affordable Housing covenant. This represents almost 22 percent of the residences, compared to the following projects recently approved by the City and reported in the media:

Project Name	Published	Total Units (Project)	Affordable Units	Percent of Total
The Mode (Mission Group)	Nov. 3, 2007	87	5	5.7%
Orchard Springs (Witmar Developments)	Nov. 7, 2007	224	12	5.3%
Ambrosi Road (unnamed developer)	Nov. 8, 2002	72	3	4.2%

Webster Road, currently a narrow, shoulderless and unlighted strip of pavement, will be upgraded to include a sidewalk, parking and traffic lanes, making it safe for not only the families and residents of the project, but also the many residents who use the road for exercise and enjoyment.

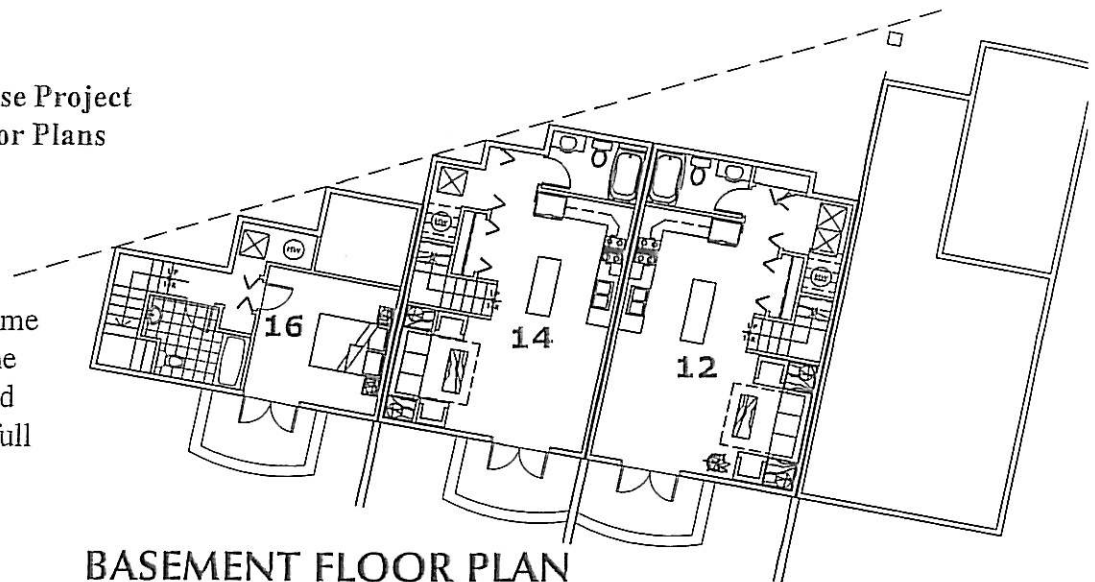
As a strata development, the project will result in a fully landscaped, fully maintained asset to the neighbourhood. The developer will be investing heavily in professionally planned landscaping in order to make the site attractive to both residents and neighbours, especially those bordering the development.

Webster Road Townhouse Project
Affordable Housing Floor Plans

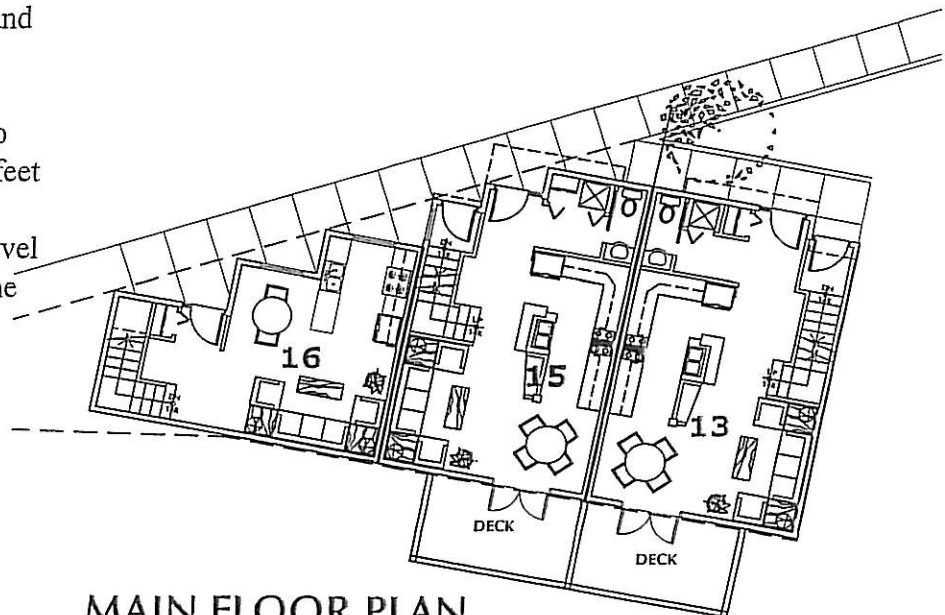
Unit 16 is a two-storey home of 840 square feet, with the living area on the main and single bedroom, den and full bath on the lower level.

Units 13 and 15 are two-storey homes of 1,022 square feet, with the living area area and half-bath on the main floor and two bedrooms and two baths on the upper.

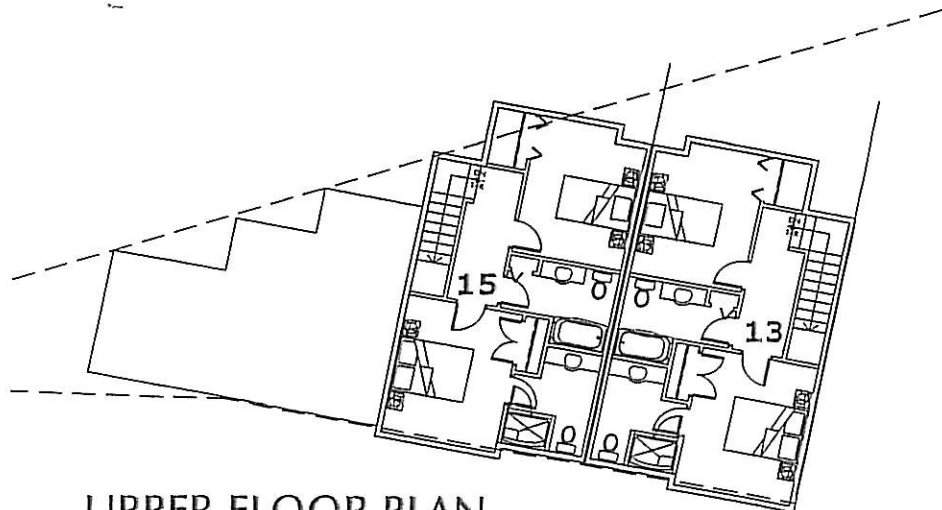
Units 12 and 14 are studio residences of 548 square feet each, with their main entrance on the parking level and a walk-out patio on the ground level.



BASEMENT FLOOR PLAN



MAIN FLOOR PLAN



UPPER FLOOR PLAN