CITY OF KELOWNA MEMORANDUM

DATE:

September 29, 2008

TO:

City Manager

FROM:

Planning & Development Services Department

APPLICATION: DP08-0066 / DVP08-0177

APPLICANT: Blenk Development Corp.

AT: 1520-1550 Union Road

OWNERS: Glenwest Properties Ltd.,

Inc. No. A41229

PURPOSE:

TO OBTAIN A DEVELOPMENT PERMIT FOR THE FORM AND

CHARACTER OF THE 191 UNIT APARTMENT BUILDING

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE HEIGHT OF THE SIERRA SCAPE RETAINING WALL FROM 1.2M

PERMITTED TO 12M PROPOSED

OCP DESIGNATION: COMM – Commercial & MRM – Multiple Unit Residential – Med. Density **PROPOSED OCP DESIGNATION:** MRM – Multiple Unit Residential – Medium Density

EXISTING ZONE:

C3 – Community Commercial & RM5 – Medium Density Multiple Housing

PROPOSED ZONE:

RM5 – Medium Density Multiple Housing

REPORT PREPARED BY: Alec Warrender

1.0 RECOMMENDATION

THAT Council <u>NOT</u> authorize the issuance of Development Permit No. DP08-0066 Lot 4, Sec. 9, Twp. 23 ODYD, Plan KAP86750, located at 1520-1550 Union Road, Kelowna, B.C.

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP08-0177 Lot 4, Sec. 9, Twp. 23 ODYD, Plan KAP86750, located at 1520-1550 Union Road, Kelowna, B.C.

2.0 SUMMARY

The Development Permit seeks to address the form and character of the proposed 191 unit development as part of the continuing development at 'Wilden'. A Development Variance Permit is required to vary the regulation for retaining walls from 1.2m permitted to 12m proposed. As the subject property is located in a Hazardous Conditions and Environmental Development Permit area, a Natural Environment Development Permit has also submitted in order to address the clearing and earthworks associated with this project.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on June 12, 2008, the APC passed the following motion

THAT the Advisory Planning Commission support Development Permit Application No. DP08-0066, for 2025 Begbie Road; Lot A, Plan 69724, Twp. 23, Secs. 4, 5, 8, 9, 16 & 17, ODYD by CEI Architecture Planning (T. McLennan), to obtain a development permit for the form and character of the 191 unit apartment building.

THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP08-0177, for 2025 Begbie Road; Lot A, Plan 69724, Twp. 23, Secs. 4, 5, 8, 9, 16 & 17, ODYD by CEI Architecture Planning (T. McLennan), to obtain a development variance permit to vary the height of the Sierra Scape retaining wall from the 1.2 m permitted to the 10 m proposed.

4.0 THE PROPOSAL

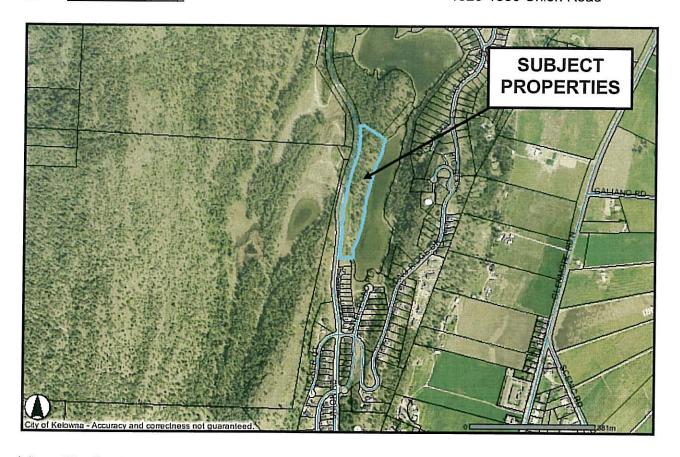
The proposed development will consist of two four storey apartment buildings with a total of 191 units. The project has a good street appeal as a result of having the required parking located beneath the buildings. The colours and materials will fit well with the surrounding development and landscape. The projects exterior will consist of gray cultured stone at the ground floor, red siding with natural coloured wood trim and charcoal asphalt roof shingles. In order to have a level building area, and to provide structural support to the proposed building, the applicant intends to construct a landscaped Sierra Scape retaining wall. The proposed retaining wall varies in height 5.5m to 12m, as such a Development Variance Permit is required. At the centre of the development an amenity area for the residents has been proposed, in order to support the pool / amenity area a 10m high concrete retaining wall is required.

The application conforms to the City's Zoning Bylaw No. 8000 as follows:

CRITERIA	PROPOSAL	RM5 REQUIREMENTS		
Site Area (m²)	23,995 m²	1400 m²		
Site Width (m)	Meets Requirement	35.0 m		
Site Depth (m)	Meets Requirement	30.0 m		
	Development Regulations			
Floor Area Ratio (FAR)	0.79	1.1		
Height (m)	15.3 m – 4 storeys	16.5m / 4 storeys		
Site Coverage (%)	24%	40% - Buildings		
的 有情况的一种。	Setbacks (m)			
- Front (west)	6.0 m	6.0 m		
- Rear (east)	15 m	9.0 m		
- Side (north)	7.5 m	7.5 m		
- Side (south)	7.5 m	7.5 m		
Private open space	Meets Requirements	25m²		
Parking Stalls (#)	273 stalls	273 stalls		
Bicycle Parking	Class I: 96 Class II: 20	Class I: 96 Class II: 20		

4.1 Site Location Map

1520-1550 Union Road



4.2 Site Context

The subject property is located in the Wilden development between Union Road and Still Pond in the Village Centre area. Refer to the subject property map for zoning context.

5.0 <u>CURRENT DEVELOPMENT POLICY</u>

The key policies applicable to the proposed developments:

- 5.1 Application of Alternative Hillside Development Standards (Section 7.1.3) states: "Consider alternative hillside development standards for hillside areas proposed to be on urban services and having no through roads or larger areas planned on a comprehensive neighbourhood basis. Due to the hillside development potential for impacts on adjacent lands Hazardous Condition Development Permits will be considered for an entire title area, notwithstanding that portions of the site may contain areas of lesser slopes."
- 5.2 **Visual Impact** (Section 7.1.4) states: "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."
- 5.3 Development Permit Guidelines for the Protection of the Natural Environment, its Ecosystems and Biological Diversity Guidelines for Development (Section 7.11) includes statements regarding the preservation of natural areas and slopes particularly

relative to emphasizing cluster development. Refer to pages 7-14 and 7-15 of the OCP for further information.

- 5.4 **Multiple Unit Development Permits** (Section 8.1.57) states: "Require multiple unit housing developments within the RM Zones of Zoning Bylaw 8000 to comply with Development Permit conditions (please refer to Section 8.2 for information on Development Permit conditions)."
- 5.5 **Development Permit Guidelines for Form and Character of Multiple Unit Development** (Section 8.2): Objectives for Multiple Unit Residential Development:
 - "All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
 - All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).
 - All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, and community cohesiveness).
 - All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
 - All development should promote safety and security of persons and property within the urban environment (CPTED)"

6.0 <u>TECHNICAL COMMENTS</u>

The application has been circulated to various technical agencies and City departments and the following relevant comments which have been submitted are attached to this report.

7.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The rezoning and OCP amendment applications were supported by the APC at the December 18th 2007 meeting. Staff were also supportive of the rezoning and OCP amendment applications associated with this development, they have been through the Public Hearing and are sitting at 3rd reading. While the form and character of the proposed buildings are generally well suited to the context, Staff do have concerns with a few aspects of the development.

The Glenmore Highlands Area Structure Plan for this site indicates that a 25m wildlife corridor would be provided. However, as a result of the Union road location the size of the site has been reduced from what had been anticipated in the ASP. Therefore, to facilitate this development project as proposed, a retaining wall is now required. The proposed retaining wall runs up to and along the length of the OCP's 15m Riparian Management Setback. The applicant has agreed to provide a covenant (wildlife corridor) for the 15m Riparian Management Setback. The applicant has also indicated that a small corridor would be included underneath Union Road as a means of allowing reptiles and other small animals to safely move across the road. Staff would have preferred to have had the original 25m wildlife corridor secured through a covenant as outlined in the Glenmore Highlands Area Structure Plan.

The Glenmore Highlands ASP indicates that the wildlife corridors in this area are environmentally sensitive lands that should be maintained in their natural state and that they are not developable. In order to help mitigate the overall impact of constructing a wall to facilitate the project they are proposing to construct a Sierra Scape retaining wall. As the Sierra

Page 5 - DP08-0066 / DVP08-0177

Scape retaining wall is landscaped it will help to reduce the visual impact of the retaining system. However, Staff are concerned with the visual impact that results from the 10m high concrete portion of the wall that is used to support the pool / amenity area.

8.0 ALTERNATE RECOMMENDATION

THAT Final Adoption of OCP Amending Bylaw No. 9980 be considered by Council;

THAT Final Adoption of Zone Amending Bylaw No. 9981 be considered by Council;

THAT the Council authorize the issuance of Development Permit No. DP08-0066, Lot 4, Sec. 9, Twp. 23 ODYD, Plan KAP86750, located at 1520-1550 Union Road, Kelowna, B.C. subject to the following:

- 1) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- 2) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- 3) Landscaping to be provided on the land be in general accordance with Schedule "C";
- 4) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper.

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the development permit application in order for the permit to be issued.

THAT Council authorize the issuance of Development Variance Permit No. DVP08-0177 for Lot 4, Sec. 9, Twp. 23 ODYD, Plan KAP86750, located at 1520-1550 Union Road, Kelowna, B.C, subject to:

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 7.5.9 <u>Fencing & Retaining Walls – Height</u>
Vary the height of the proposed retaining wall from 1.2m permitted to 12m proposed.

Shelley & ambacort

Planning and Development Services

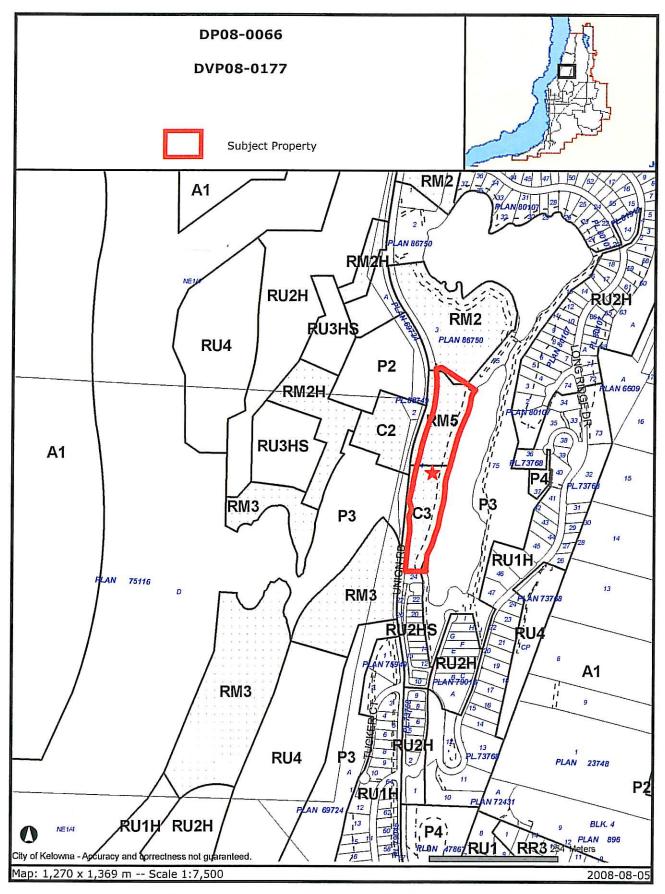
Approved for Inclusion

Jim Paterson
Director of Planning & Development Services

JP/SG/aw

ATTACHMENTS

Subject Property/Zoning Map Subject Property/Official Community Plan Map Site Plan & Elevations Landscape Plan Sierra Scape wall - Examples

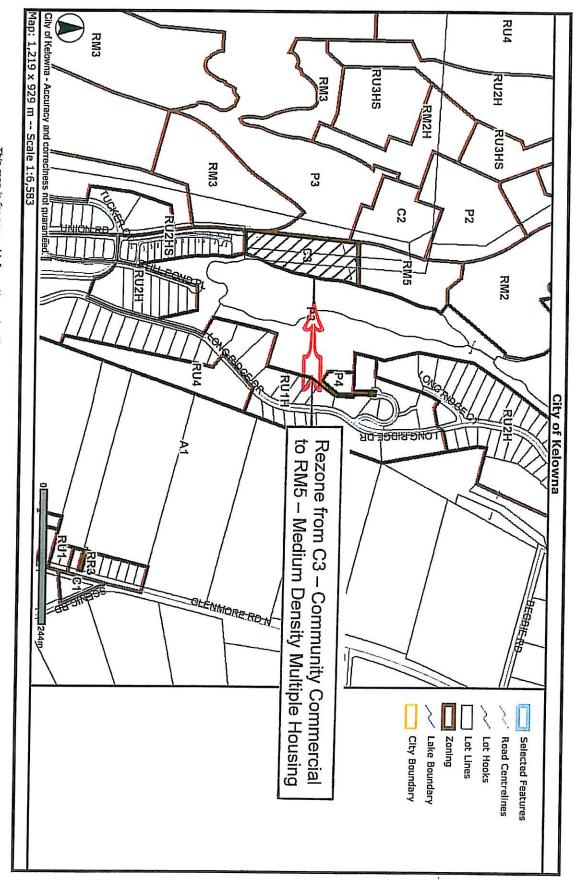


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

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4/7/2008

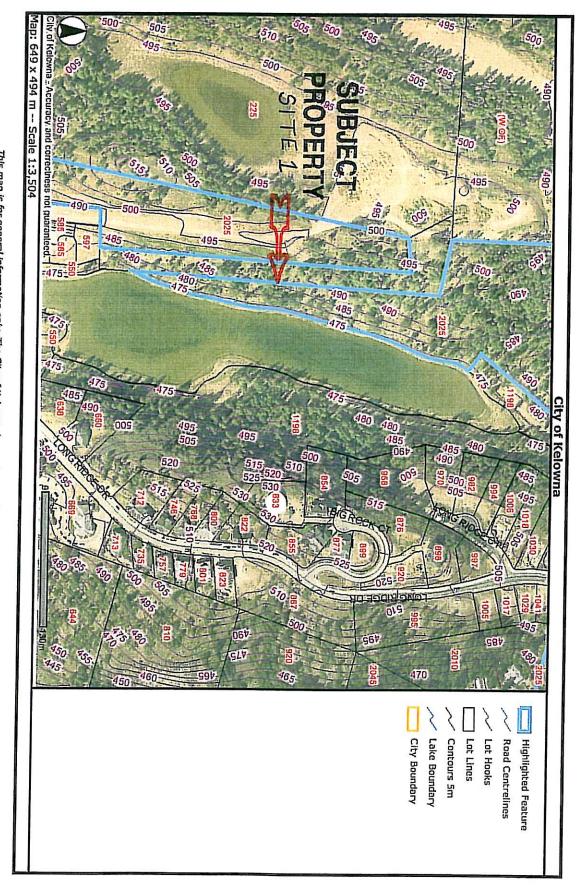
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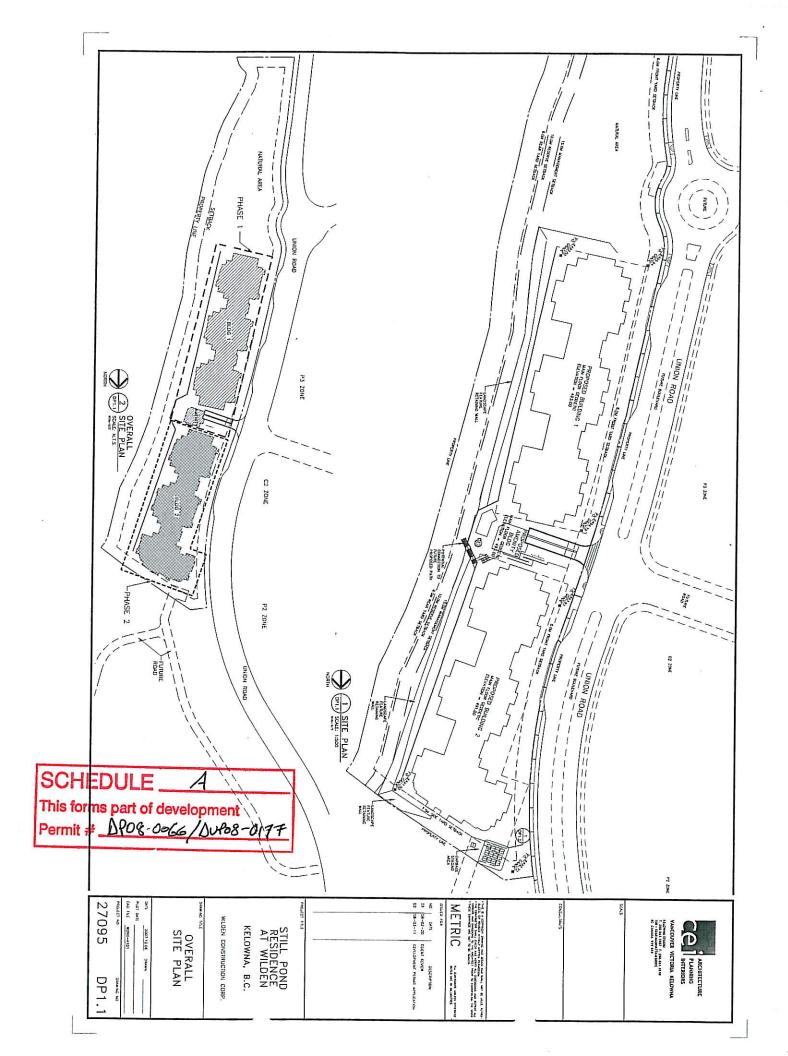
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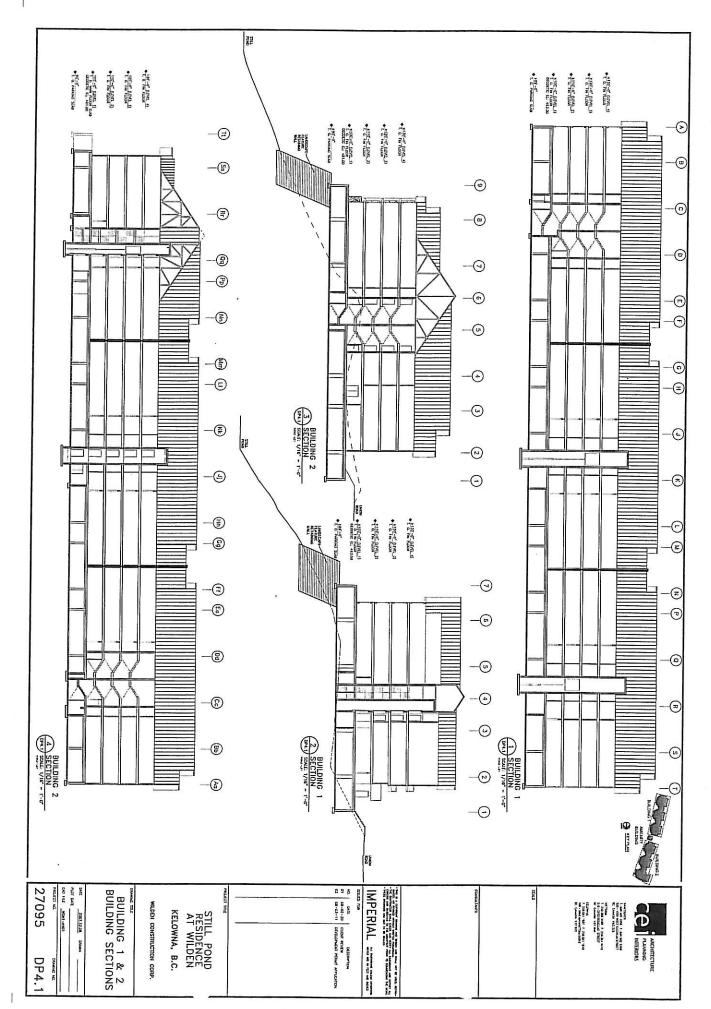
Map Output

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



Map Output



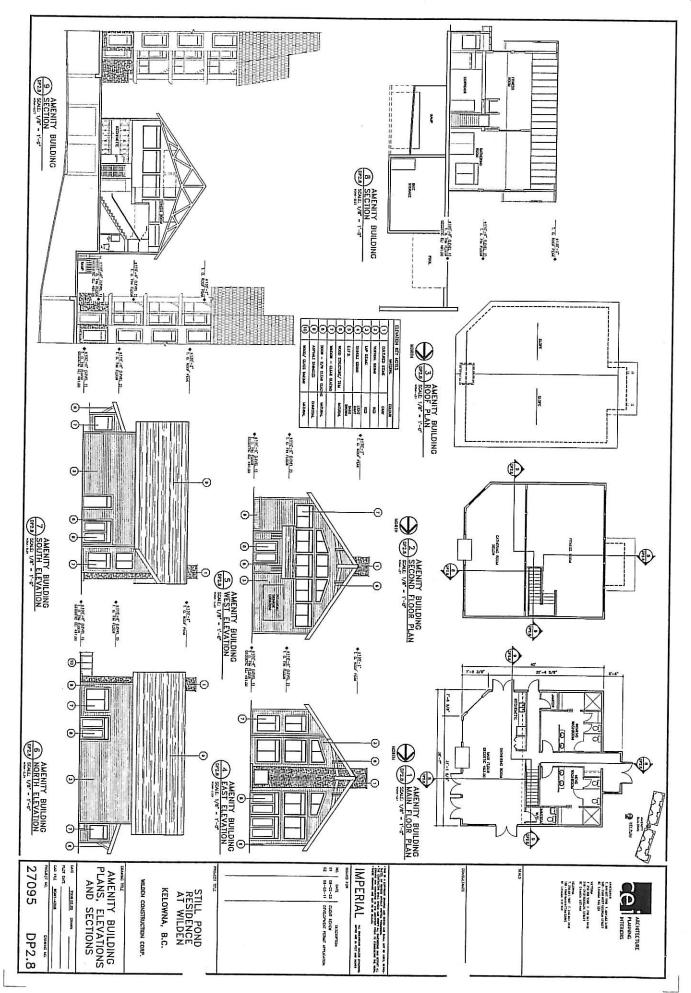


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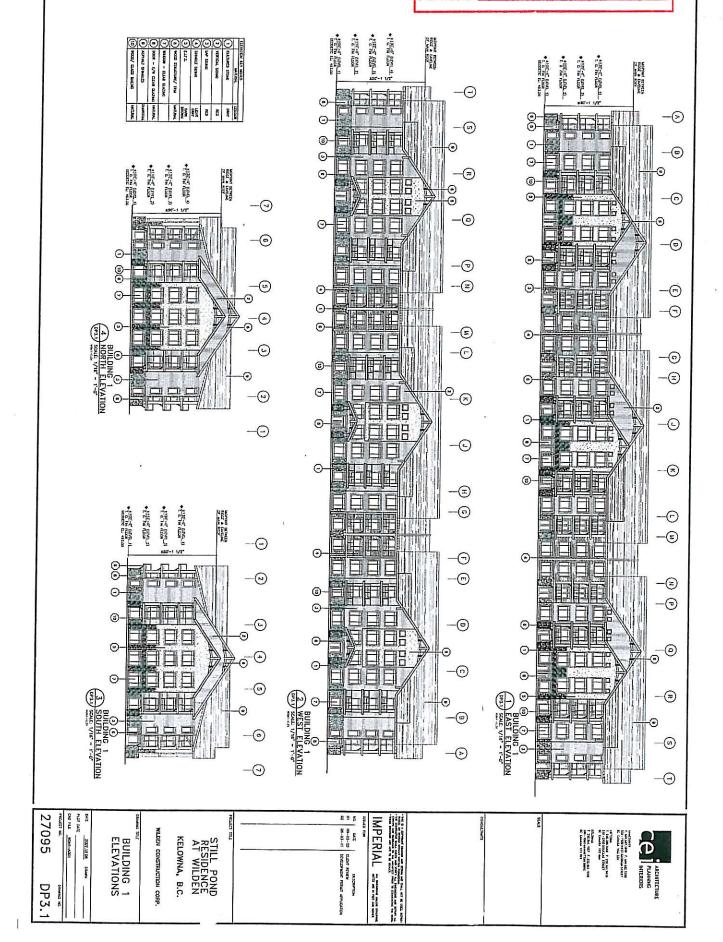
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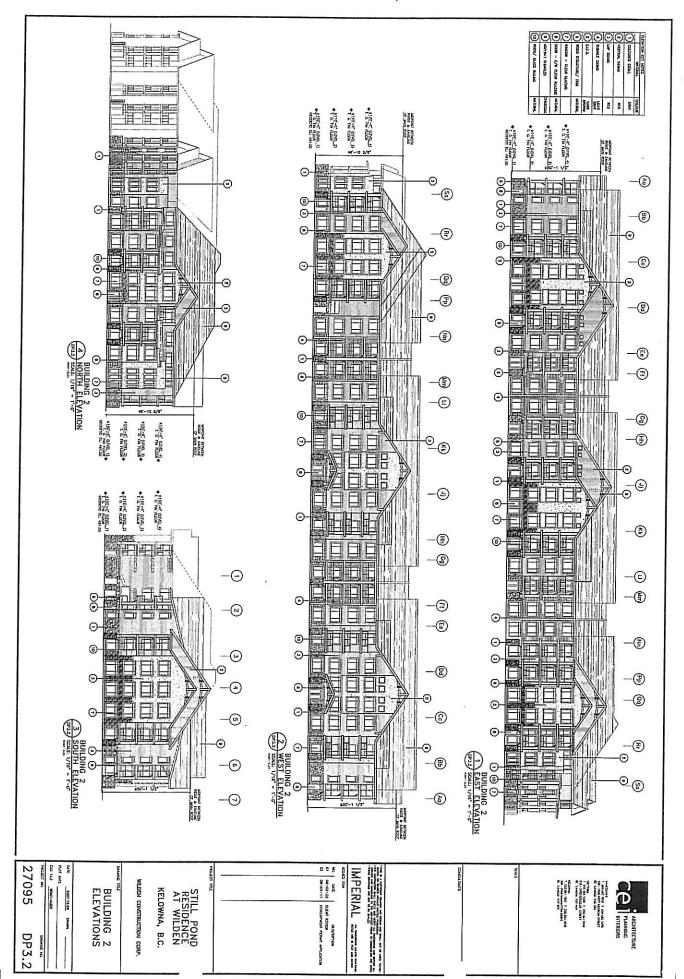
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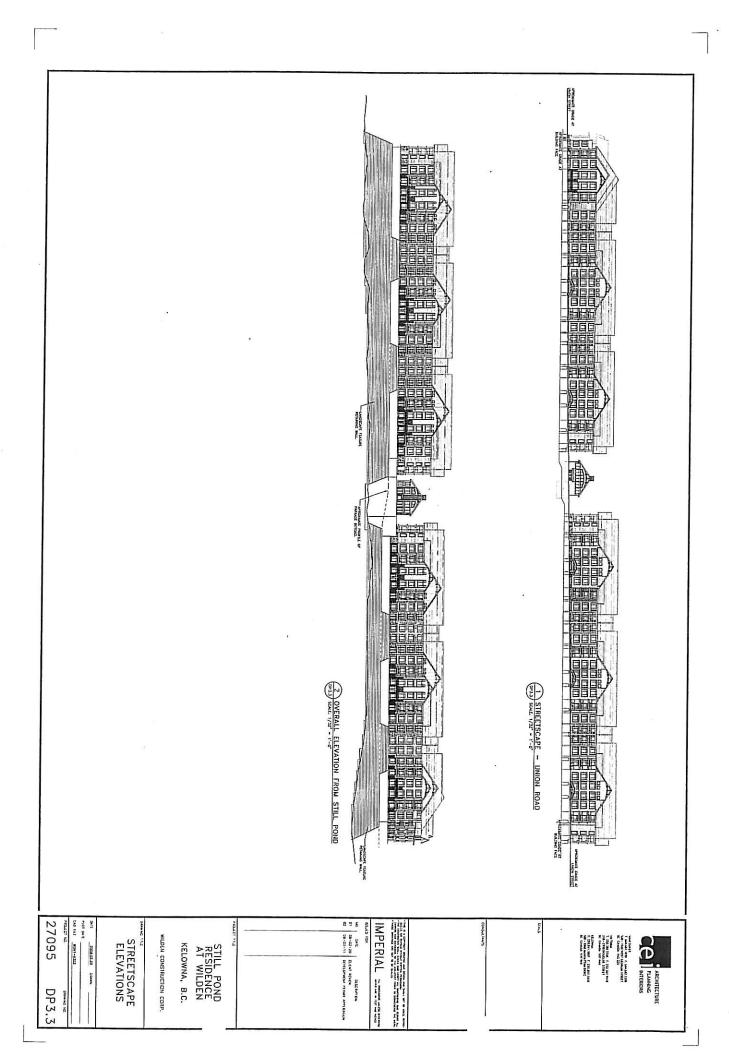


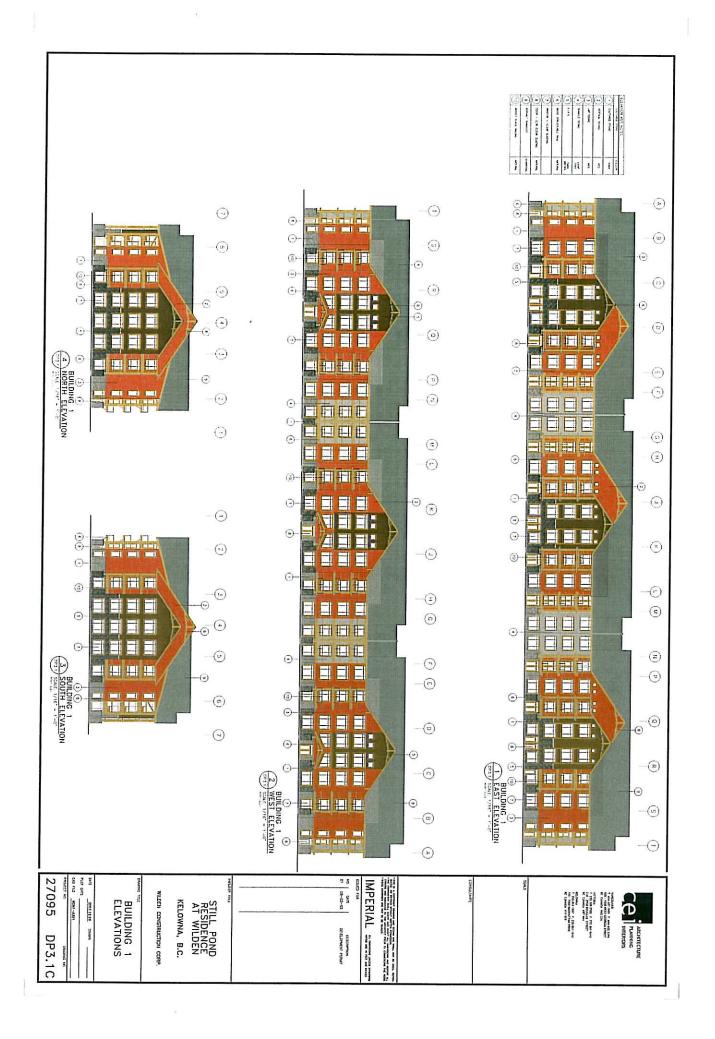
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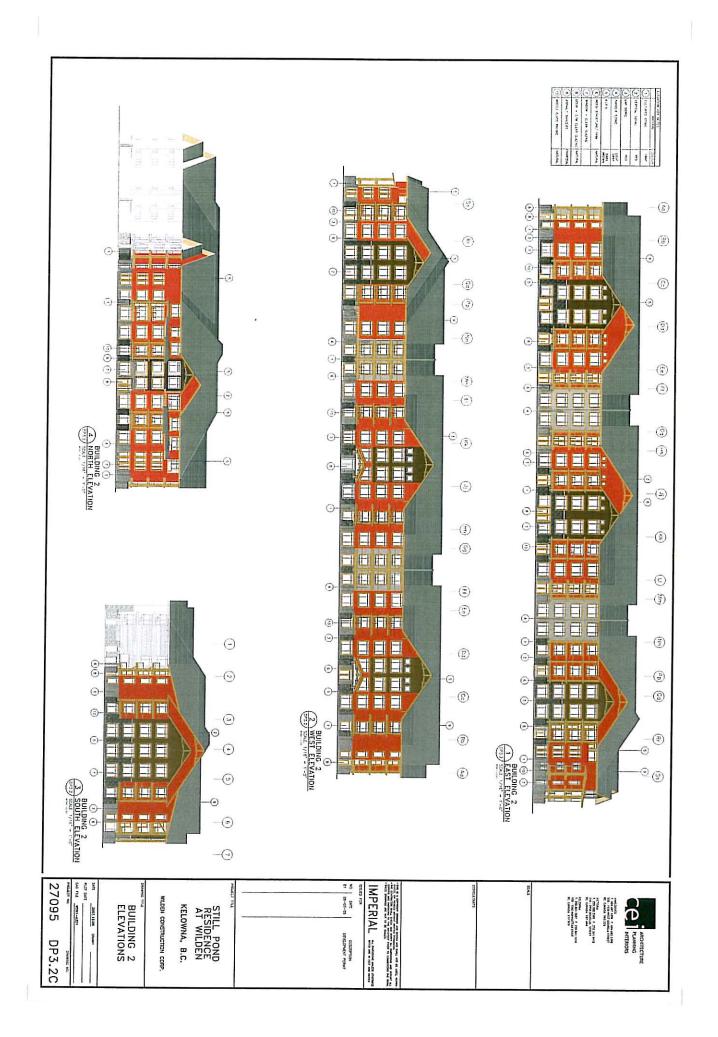
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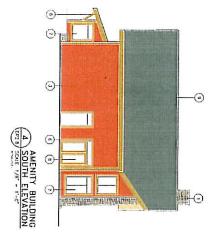


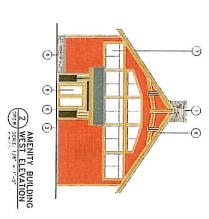


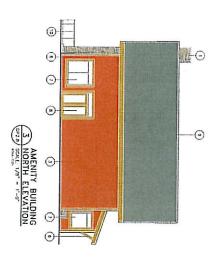




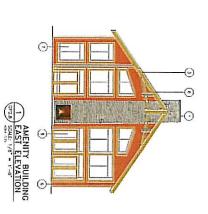








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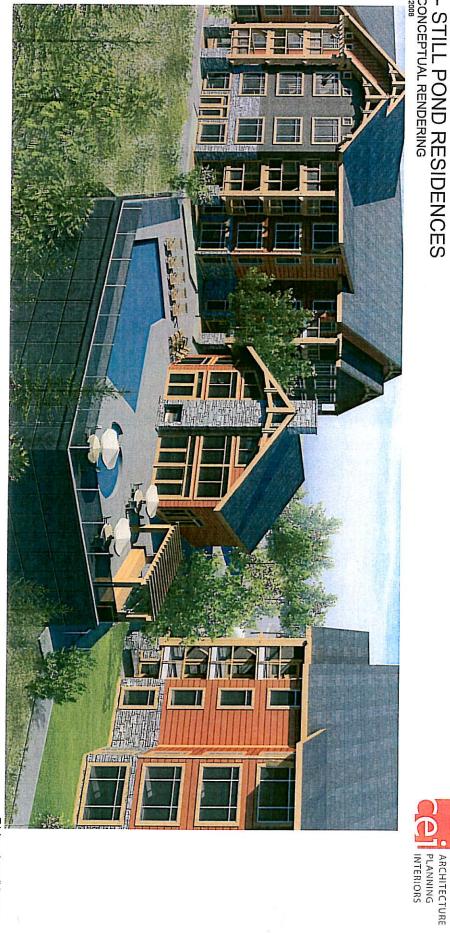
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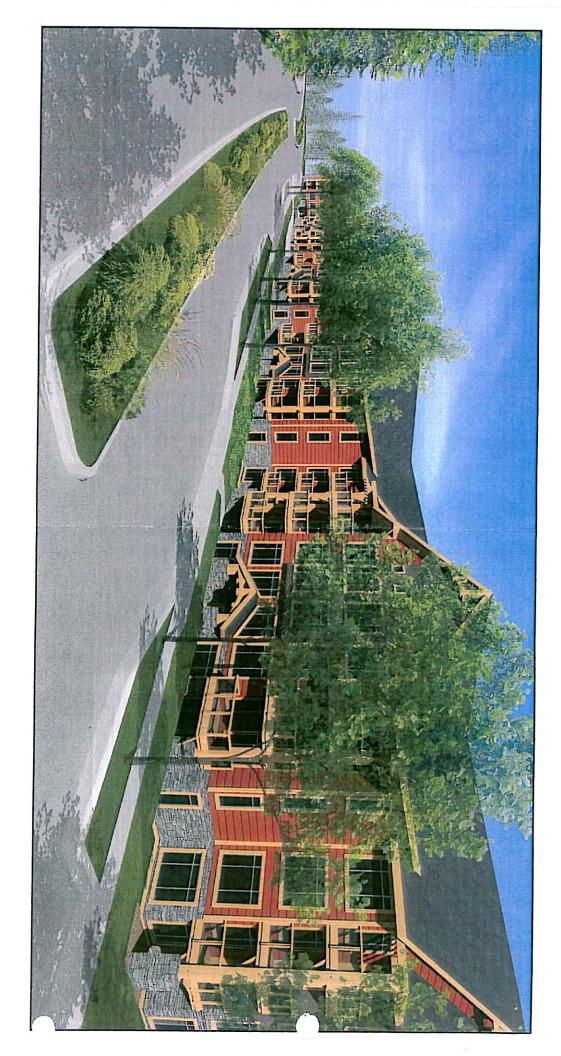
LIMIT

27095 - STILL POND RESIDENCES
AMENITY CONCEPTUAL RENDERING
ISSUED JULY 15, 2008



This image is an artist's concept.

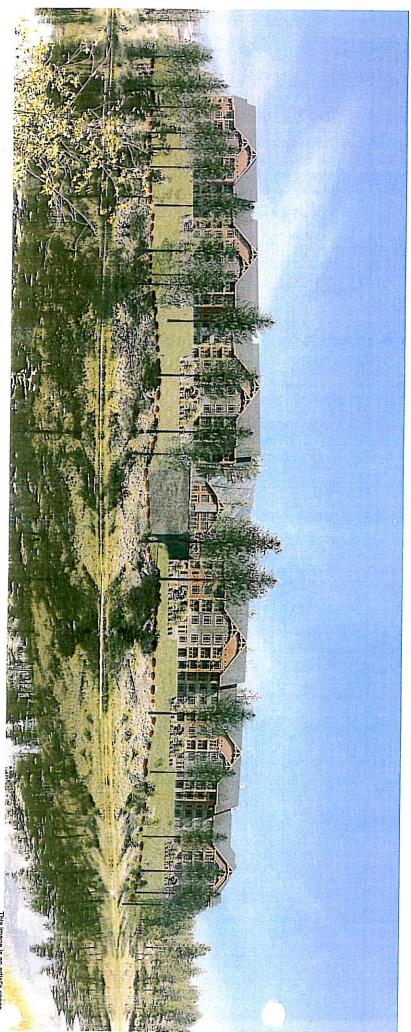




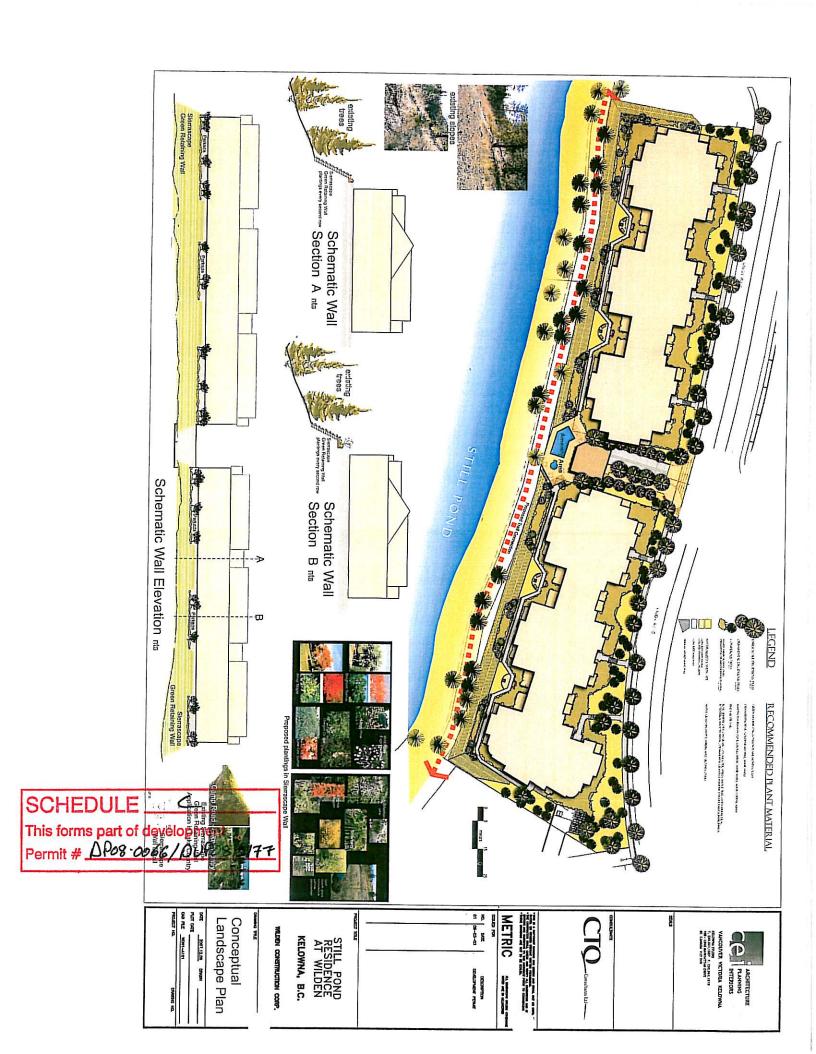
STILL POND RESIDENCES AT WILDEN

27095: 2008-03-11: SCALE: N.T.S.

NOTE: THIS IMAGE IS AN APTISTS CONCEPT AND MAY NOT ACCUMATELY REPLECT THE INFORMATION PROVIDED IN THIS PACKAGE



Bottom of Sieva Scape Wall



File: DVP08-0177

Application

File: DVP08-0177

Type: DEVP VARIANCE PERMIT

File Circulation

Seq

Out

In

Environment Manager

2008-07-17 2008-08-01

Fire Department 2008-07-17 2008-07-31 Ву

Comment

Please refer to comments relating to DP08-0063, and emailed to CG and AW. Development footprint encroaches on 25m wildlife corridor identified in the ASP.

This submission does not appear to address any of our original concerns as submitted (see below). This submission lacks detail to verify if any of the below have been met, **JBROLUNE** therefore, they are re-included.

DP-08-0066 2025 BEGBIE RD

Fire Department access routes can not be further than 15m from the principal entrance. Fire department connection is required as per 3.2.5.16 of the BCBC. Exiting from the parkade is not direct to the exterior and incomplete. Still Pond elevation shows a five story building plans do not show the building is non

combustible must meet BCBC 2006 requirements.

Incomplete drawings:

A detailed code analysis is required to address type of occupancy, fire department access, fire flows, hydrant location, exiting, building height, building construction, fire protection systems, variances if any.

Also See comments from DP07-0212:

On all 6.00m wide roads No Parking signs are required on both sides of the road as per article 2.5.1.5 of the BC Fire Code. Detailed drawings of the Fire Department turn a round are required showing article 3.2.5.6 of the BC Building Code is met.

No comment

Inspections Department 2008-07-17 2008-07-18 Works & Utilities

2008-07-17 2008-08-01

RREADY

see documents tab

File: DP08-0066

Application

File: DP08-0066

Type: DEVELOPMENT PERMIT

File Circulation

Seq

Out

In

By

Comment

Agricultural Advisory Committee

2008-03-26 2008-07-18

No response

B.C. Assessment Authority (info only)

2008-03-26 2008-03-26

Community Development & Real Estate Mgr

2008-03-26 2008-04-07

SALEXAND

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 2008-03-26 2008-05-26 The Environment Division is not supportive of the proposed development due to the following:

- The 25 m wildlife corridor identified in the Glenmore Highlands Area Structure Plan is not maintained.
- Avoidance of the wildlife corridor, originally shown as 25m wide in the ASP, has not been demonstrated.
- Encroachment into the 25 m wildlife corridor appears to be largely in part due to amenities such as a pool and terrace facilities.
- Visual impacts

Should the development permit and/or development variance permit proceed, the Environment Division requests the following (in addition to previous comments):

- Demonstration that an appropriately sized and located wildlife corridor may provide the function required. Note, some discussion was had regarding the limitation of the wildlife corridor due to crossing of Union Road, during our May 29 site visit to discuss the road alignment for DP08-0053;
- 2. If an appropriately functioning wildlife corridor is not possible in the currently proposed location, identify alternate alignment(s) for a corridor;
- 3. A Section 219 Restrictive Covenant be applied to the ultimate wildlife corridor,
- 4. No trails are to be located between the multifamily building and Still Pond;
- A visual impact assessment be undertaken for the proposed multifamily development;
- Site restoration and replanting plans (landscape plans/irrigation plans) be provided for review.

Fire Department

2008-03-26 2008-04-29

MNEID

Not met:

Fire Department access routes can not be further than 15m from the principal entrance.

Fire department connection is required as per 3.2.5.16 of the BCBC. Exiting from the parkade is not direct to the exterior and incomplete.

Still Pond elevation shows a five story building plans do not show the building is non combustible must meet BCBC 2006 requirements.

Incomplete drawings:

No response

A detailed code analysis is required to address type of occupancy, fire department access, fire flows, hydrant location, exiting, building height, building construction, fire protection systems, variances if any.

See comments from DP07-0212.

FortisBC

2008-03-26 2008-05-23

Inspections Department

2008-03-26 2008-04-16

RREADY

Green retaining walls to be reviewed as part of of DP application. Exiting from parkade, none direct to exterior of building except through main floor of building, to be reviewed by co-ordinating professional for code compliance. Indentify handicap parking stalls in parkade. Cross section drawings indicate that buildings 1 & 2 are 5 storeys (Still Pond elevation), is building designed as non-combustible, has to meet requirements of BCBC 2006. Ensure fire fighting access to main entrance of each building is not more than 15

metres. Previous comments on DP application DP07-0212 apply. Developer appears to have addressed Inpection Services issues.

2 Inspections Department

2008-03-26 2008-05-29

RREADY

Irrigation District - GEID

2008-03-26 2008-05-01

Mgr Policy, Research & Strategic Plannin

2008-03-26

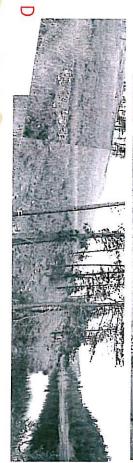
Park/Leisure Services Dir. (info only)

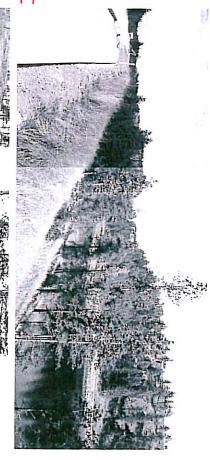
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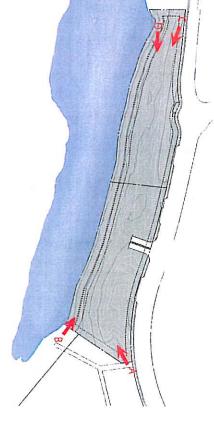
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File: DP08-0066

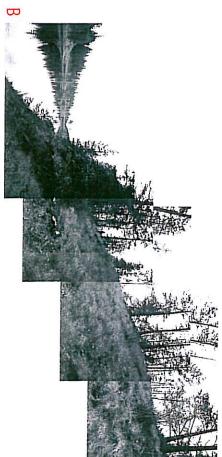
Seq Out In By Comment Parks recommends that the proposed trail corridor together with the riparian area along Parks Manager the lake be transferred/dedicated to the City. City ownership will ensure long term 2008-03-26 2008-04-18 **TBARTON** environmental protection and effective trail maintenance. We recommend that the applicant construct the trail as part of the development to the Parks Division's trail standard for a 1.5m wide gravel trail. Public Health Inspector No comments 2008-03-26 2008-04-23 **RCMP** No comment 2008-03-26 2008-05-08 School District No. 23 No response 2008-03-26 2008-05-23 Shaw Cable Owner/Developer to supply and install an underground conduit system per Shaw Cable 2008-03-26 2008-04-07 drawings and specifications TELUS will provide underground facilities to this development. Developer will be Telus required to supply and install conduit as per TELUS policy. 2008-03-26 2008-04-22 Terasen Utility Services No comment 2008-03-26 2008-04-29 Works & Utilities See document tab 2008-03-26 2008-04-21

















ARCHITECTURE
PLANNING
PLANNING
WILDEN
CONSTRUCTION
WILDEN
CORP.

