

Memo



Date: December 3, 2010
To: City Manager
From: Land Use Management, Community Sustainability
Application: Z10-0079 (LT) **Owner:** Emil Anderson Construction Co. Ltd.
Address: 2428 Glacier Ct. **Applicant:** Emil Anderson Construction Co. Ltd.
Subject: Rezoning Application
Existing OCP Designation: Multiple Unit Residential (Medium Density)
Existing Zone: RM4 - Low Density Transitional Housing
Proposed Zone: RM5 - Medium Density Multiple Housing

1.0 Recommendation

THAT Rezoning Application No. Z10-0079 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, Section 28, Township 26 and of District Lot 125, ODYD, Plan KAP88921, located at 2428 Glacier Court, Kelowna, BC from the RM4 - Low Density Transitional Housing zone to the RM5 - Medium Density Multiple Housing zone, be considered by Council.

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

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

2.0 Purpose

This application seeks to rezone the subject property from the RM4 zone to the RM5 zone to better accommodate allowable density on-site.

3.0 Land Use Management

The proposed RM5 zone is consistent with the Official Community Plan's future land use designation of Multiple Unit Residential (Medium Density), and the property is located within an establishment neighbourhood, in close proximity to the Highway 97 Urban Centre. Given that the property borders the future right-of-way for the Central Okanagan Multi-Modal Corridor (COMMC), it could be considered a good candidate for increased density.

A handwritten signature in blue ink, located in the bottom right corner of the page.

The impact of the lands required for Phase 2 of the COMMC has limited some of the potential development areas of the subject property. As such, the RM5 zoning would allow the applicant to recapture some of this shortfall with the additional height and density that the RM5 zone allows. Given the topographical constraints of the property, it is not anticipated that the rezoning would allow for a significant increase in units from a typical RM4 development of a similar parcel size. Rather, the RM5 zone offers more flexibility to achieve sufficient density while not utilizing areas of steep slopes.

In addition, future development would be subject to design scrutiny through the form & character Development Permit process. The Natural Environment Development Permit process would affirm Official Community Plan policies to limit impacts on steep slope areas.

Given the above considerations, the Land Use Management Department is supportive of the proposed rezoning application.

4.0 Proposal

4.1 Background

The subject property was created through a 2008 subdivision (S08-0038), which created the final development phases for Dilworth Mountain Estates as part of Land Use Contract 74-57. To allow for the future construction of the Central Okanagan Multi-Modal Corridor (COMMC), S08-0038 included a road reserve on a portion of the subject property, which included areas identified as developable within Land Use Contract 74-57.

The Land Use Contract has since been discharged, allowing rezoning applications to be processed. The property is located below a recently constructed 30 unit semi-detached townhome project ("Cascade Pointe" - 2421 Glacier Court). The purchaser disclosure statement for each unit of Cascade Pointe included reference to the future intention of Emil Anderson Construction Co. Ltd. to apply to rezone the subject property (2428 Glacier Ct) from the RM4 to the RM5 zone.

4.2 Project Description

The applicant seeks to rezone the subject property from the RM4 - Transitional Low Density Housing zone to the RM5 - Medium Density Multiple Housing zone. The proposed zone complies with the existing Official Community Plan future land use designation of Multiple Unit Residential (Medium Density).

The applicant has provided the following comments in support of the rezoning application:

- The RM5 zone would allow the opportunity to plan a project that would be sufficient in density to make the best use of the available building sites (developable areas are limited by the steep slopes of the property) and provide the number of units that would allow affordability to be a key aspect of their marketing strategy.
- The location is suitable as it is located directly above the proposed COMMC, which would eventually connect the Downtown with UBCO.
- View impacts are limited to property owners of the newly constructed "Cascade Point development, of which owners were aware of the intent to apply to rezone the subject property prior to purchase.

The applicant has not provided any preliminary site plans/designs for the property, as there are no immediate plans to develop. However, a number of four storey buildings are being considered (where the topography permits) as well as semi-detached townhomes or row housing in other “in-fill” areas of the site. Final adoption of the Zone Amending Bylaw would be subject to Council’s consideration of a Development Permit to approve the form & character of this future development.

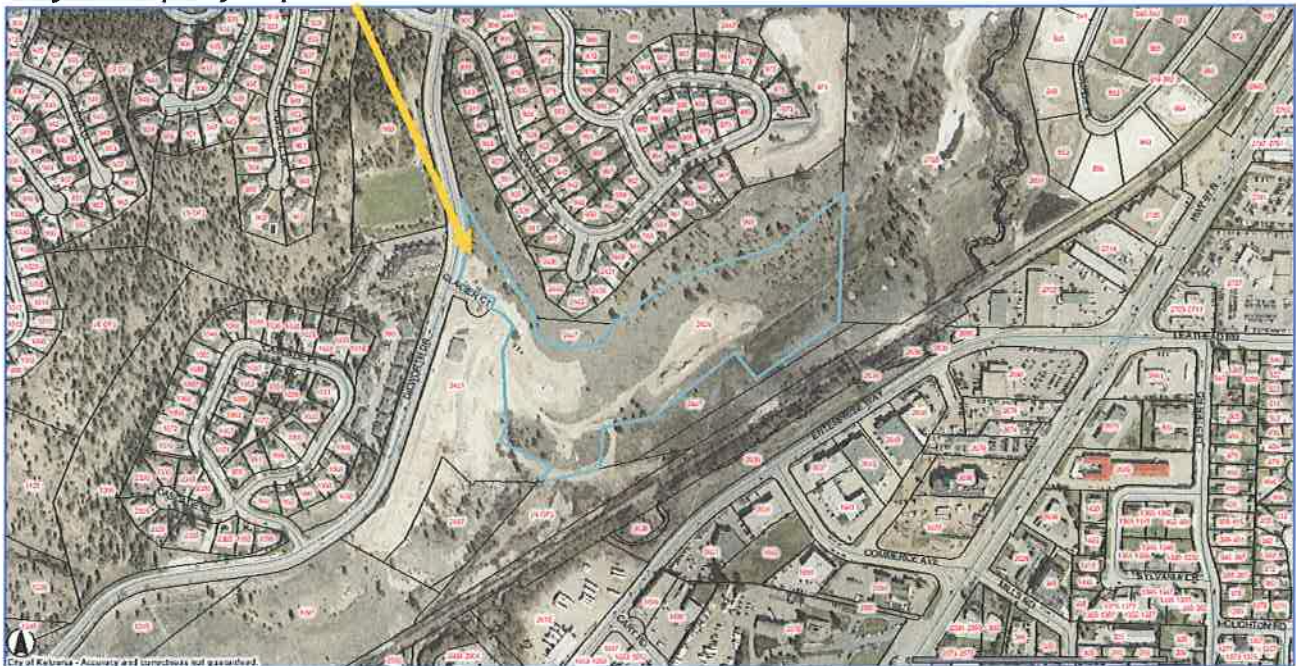
4.3 Site Context

The subject property is located at the southeast corner of Dilworth Mountain Estates, between the Cascade and Monashee neighbourhoods. The parcel is accessed from Glacier Court via Dilworth Drive. Bordering the southern property line is the future right-of-way for Phase 2 of the proposed COMMC, which extends from Spall Road to McCurdy Road.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks & Open Space RU1h - Large Lot Housing (Hillside Area)	City Property (Natural Area) Single Family Housing
East	A1 - Agriculture 1	Vacant
South	P3 - Parks & Open Space A1 - Agriculture 1	CN Rail Corridor/ Future COMMC Right-of-Way
West	RM3 - Low Density Multiple Housing RM4 - Transitional Low Density Housing	“Cascade Pointe” Townhomes “Cascade Falls” Condos

Subject Property Map: 2421 Glacier Court



The following table compares the existing and proposed zoning:

Zoning Analysis Table			
Criteria	RM4 Zone (Existing)	RM5 Zone (Proposed)	Change
Development Regulations			
Site Coverage (%) [buildings only]	50%	40%	-10%
Site Coverage (%) [including buildings, driveways/parking]	60%	60%	None
Floor Area Ratio (FAR)	0.65 base density +max. 0.2 bonus available for under-building parking 0.85 Total Available FAR	1.1 base density +max. 0.2 bonus available for under-building parking 1.3 Total Available FAR	+0.45 FAR
Height (m)	13.0m	16.5m	+3.5m
Storeys (#)	3 storeys	4.0 storeys	+1 storey
Required Setbacks			
Front Yard	6.0m (or 4.5m for portions of a building 2 storeys or less)	6.0m	None/ (+1.5m)
Rear Yard	9.0m (or 7.5m for portions of a building 2 storeys or less)	9.0m	None/ (+1.5m)
Side Yard	2.3m (4.5m for portions of a building above 2.0 storeys) 4.5m from flanking street	4.5m (7.5m for portions of a building above 2.5 storeys) 7.5 from flanking street	+1.8m/ +3.0m/ +3.0m
Private Open Space	7.5m ² /bachelor unit 15.0 m ² /1 bedroom unit 25.0m ² /2+ bedroom unit	7.5m ² /bachelor unit 15.0 m ² /1 bedroom unit 25.0m ² /2+ bedroom unit	None
Other regulations	No continuous building frontage shall exceed 40.0m for a 3 storey building, nor 65.0m for a 2 storey building	No continuous building frontage shall exceed 40.0m for a 3 or 4 storey building	Similar

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Protect Steep Sloped Areas.¹ Discourage development on lands of 30% or greater slope except in cases where it can be demonstrated that development will be sensitively integrated with the natural environment and will present no hazards to persons or property, environmental threats or unreasonable servicing challenges.

Develop a Compact Urban Form.² Develop a more compact urban form that maximizes the use of existing infrastructure, by increasing densities through development, conversion, and re-development within existing areas, particularly in designated Urban Centres, and by providing for higher densities within future urban areas. Encourage development to proceed in a logical, sequential order, concurrently with availability of required urban services.

¹ City of Kelowna Official Community Plan, Policy 5.1.6 (Growth Management Chapter)

² City of Kelowna Official Community Plan, Policy 5.1.10 (Growth Management Chapter)

Infrastructure Availability.³ Give preference to supporting new housing in areas where required services already exist or can be provided most economically and efficiently.

Housing Variety.⁴ Encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna's diverse population and satisfies a range of lifestyle choices.

Integration.⁵ Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities.

6.0 Technical Comments

6.1 Building & Permitting Department

No comment.

6.2 Development Engineering Department

See attached.

6.3 Fire Department

The location and volume of the hydrants supplying the properties must meet the requirements of the City of Kelowna Subdivision Bylaw #7900. The multi family development requires a minimum 150ltr per second flow based on the building design but engineered fire flow calculations are required. This a one way in and a one way out development. The road grade should be considered an arterial roadway with grades no more than 8%. A fire department turn around will be required.

6.4 Terasen Gas

Upon review of your property referral referencing the above noted matter please be advised that Terasen Gas' facilities will not be adversely affected. Terasen Gas, therefore, has no objection to the proposed rezoning for purposes of increasing residential density to the subject area.

7.0 Application Chronology

Date of Application Received:	September 20, 2010
Advisory Planning Commission	November 9, 2010

The above noted application was reviewed by the Advisory Planning Commission at the meeting on November 9, 2010 and the following recommendations were passed:

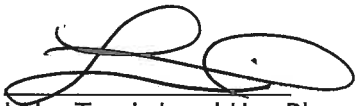
THAT the Advisory Planning Commission support Rezoning Application No. Z10-0079 for 2428 Glacier Court, to rezone the subject property from the RM4 - Transitional Low Density Housing zone to the RM5 - Medium Density Multiple Housing zone.

Report prepared by:

³ City of Kelowna Official Community Plan, Policy 8.1.30 (Housing Chapter)

⁴ City of Kelowna Official Community Plan, Policy 8.1.40 (Housing Chapter)

⁵ City of Kelowna Official Community Plan, Policy 8.1.40 (Housing Chapter)



Luke Turri, Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Manager

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

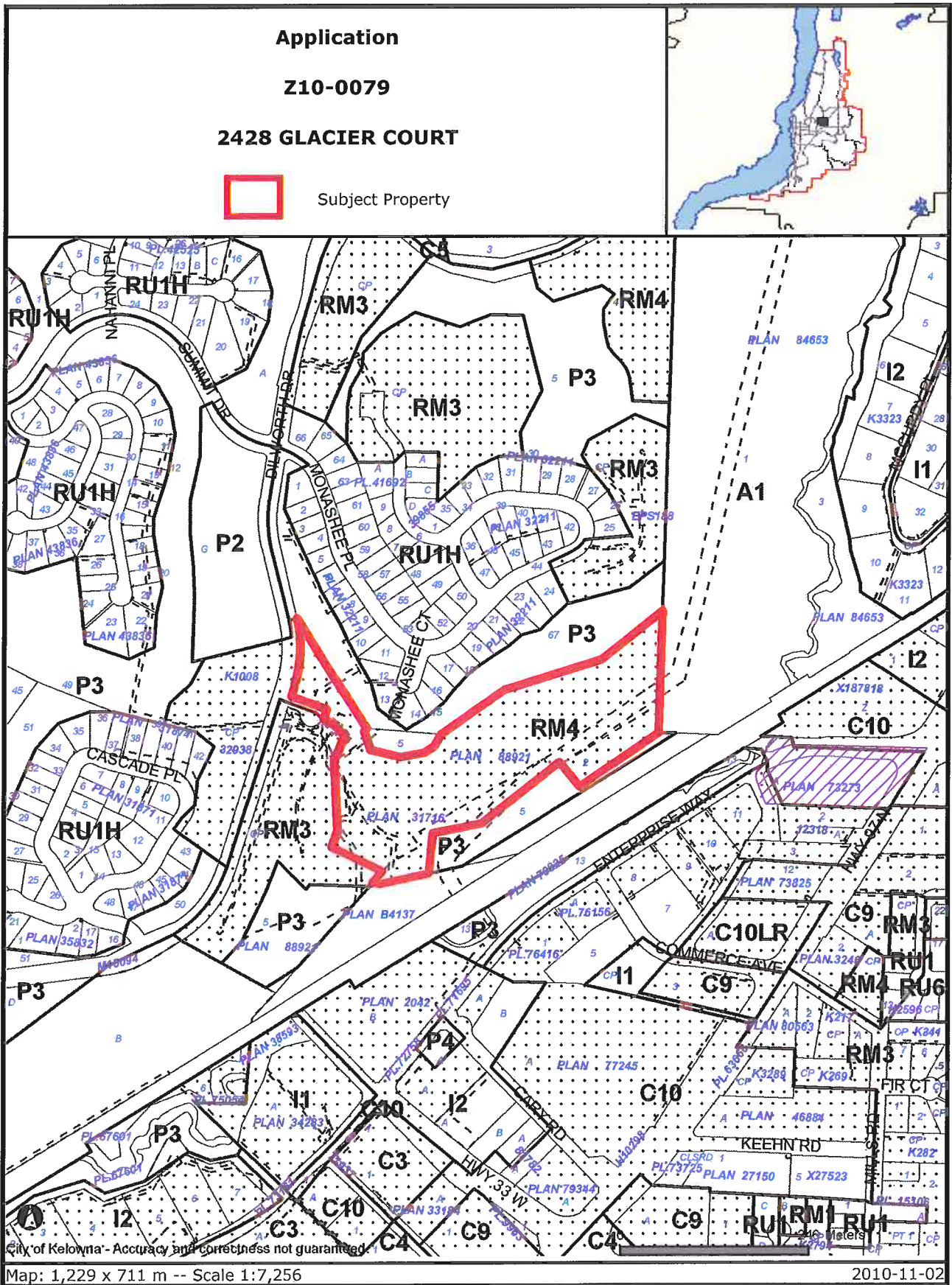
Attachments:

Subject Property Map

Zoning Plan

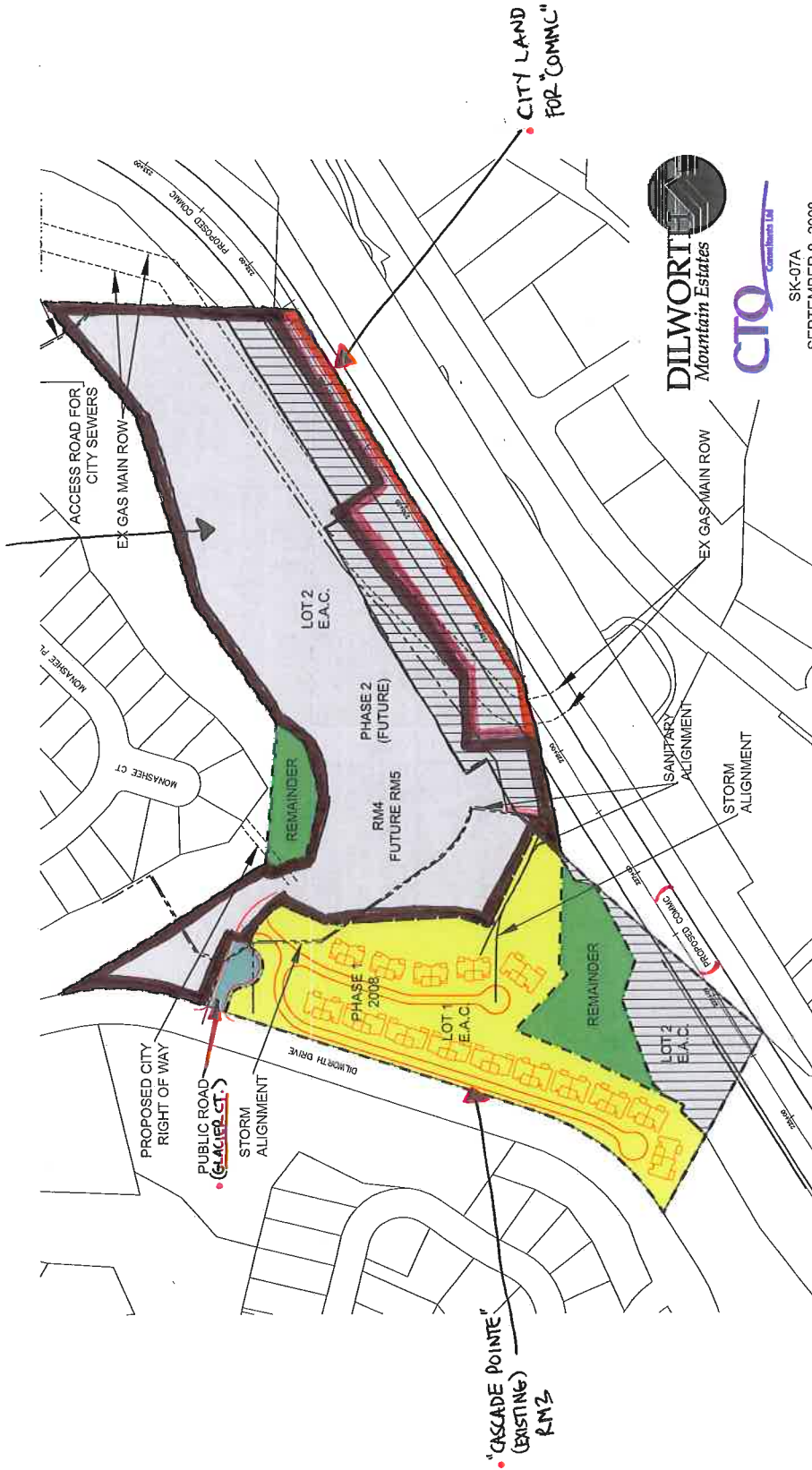
Excerpt from Disclosure Statement for Cascade Point Purchasers

Development Engineering Branch Comments



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.

To BE REZONED
FROM RM4 to RM5



SK-07A
SEPTEMBER 8, 2008

September 1, 2010

The following is found in the Cascade Pointe Disclosure Statement which was received and acknowledged by every purchaser in the Cascade Pointe Project:

- (c) The Central Okanagan Multi-Modal Corridor (COMC) has been in the Transportation Network and Official Community Plan since 1986 (OCP 2001-2020). The COMC will be a limited-access roadway skirting the south eastern base of Dilworth Mountain, directly below the Development, which may approach up to eighty (80) metres in width. There is no defined schedule for construction. Further information may be found on the City of Kelowna website.
- (d) Property adjacent to the Lands, being Lot 2 of a proposed subdivision of Lot B, Plan 31716, is owned by the Developer and is designated RM4 under the current City of Kelowna zoning bylaw. It is the Developer's intention to pursue RM5 zoning for that parcel.

CITY OF KELOWNA
MEMORANDUM

Date: October 25, 2010
File No.: Z10-0079
To: Land Use Management (LT)
From: Development Engineer Manager (SM)
Subject: 2428 Glacier Ct. – LOT 2, PLAN 88921 PID 027-902-676

The Development Engineering Branch comments and requirements regarding this application to rezone from RM4 to RM5 are as follows:

1. Subdivision

- a) 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.

- a) The property is located within the City of Kelowna service area.
- b) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this. Ensure every building site is located at an elevation that ensures water pressure is within the bylaw pressure limits. Note: Private pumps are not acceptable for addressing marginal pressure.
- c) 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.

Provide an adequately sized sanitary sewer service at the applicant cost.

5. Drainage.

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

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. The property is located outside of the Rutland Urban Centre, therefore the overhead wires along the frontage can remain, however, it is suggested that they be converted to underground in order to improve the overall aesthetics of the project.

7. Road improvements.

This rezoning application does not trigger any offsite road improvements.

8. Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer.

9. 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 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 upgradings are not identified in the current DCC schedules.

Steve Muenz, P.Eng.
Development Engineering Manager

DC