
CITY OF KELOWNA

MEMORANDUM

Date: March 26, 2002

File No.: DP01-10,042 / DVP01-10,043

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. DP01-10,042 / OWNER: PASADENA ESTATES LTD.
DVP01-10,043

AT: 1950 DURNIN ROAD APPLICANT: NEW TOWN PLANNING
SERVICES INC. (KEITH FUNK)

PURPOSE: TO CONSTRUCT A 97 UNIT RESIDENTIAL HIGH RISE WITH TWO
RETAIL UNITS

TO VARY HEIGHT, DAYLIGHTING AND SIDE YARD SETBACK
REQUIREMENTS

EXISTING ZONE: RM6 – HIGH RISE APARTMENT HOUSING

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATIONS

THAT Council authorize the issuance of Development Permit No. 01-10,042; New Town Planning Services (Keith Funk), Lot CP, Section 20 & 29, Township 26, ODYD, Plan K2046, located on Durnin 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;
5. Council approval of the road exchange bylaw to close Haynes Road and create a new road to line up with Underhill Road to the north;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued;

THAT Council authorize the issuance of a Development Variance Permit No. 01-10,043; New Town Planning Services (Keith Funk), Lot CP, Section 20 & 29, Township 26, ODYD, Plan K2046, located on Durnin Road, Kelowna, B.C.;

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

13.12.5 (c) Maximum height: A variance for the maximum height of the building from 55.0m to 57.5m and from 16 storeys to 17 storeys;

13.12.5(e) Side yard: A variance to reduce the side yard setback from 4.5 required to 0.0m proposed at the north property line and from 4.5m required to 0.0m proposed at the south property line.;

6.1.2 (c) Daylighting Standards: A variance for the vertical angle from 65° to 81° on the north side and 81° on the south side.

2.0 SUMMARY

The applicant proposes the development of a 17 storey high residential tower as Phase II of the Park Place development on Durnin Road. The development will include 97 residential and two retail units. In order to accommodate the proposed building on the site, the applicant wishes to vary the maximum height and number of storeys, the side yard setbacks for the underground parking structure, as well as daylighting standards.

3.0 ADVISORY PLANNING COMMISSION

The applications were reviewed by the Advisory Planning Commission at the meeting of July 10, 2001, and the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP01-10,042 by New Town Planning Services Inc. (Keith Funk) to permit a 17 storey multi-family residential tower (Phase 2 of Park Place);

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP01-10,043 by New Town Planning Services Inc. (Keith Funk) to vary the number of storeys and daylighting requirements to facilitate construction of a 17 storey multi-family residential tower.

At the time of the Advisory Planning Commission meeting, the requirement for a side yard setback variance had not been identified and was therefore not considered by the Commission.

4.0 BACKGROUND

4.1 The Proposal

The proposed development constitutes the second phase of the Park Place development. The first phase was the construction of a four-storey, 38 unit apartment building on the eastern portion of the subject site. The first and second phases will be physically connected below ground by means of expansion of the existing parking structure.

The proposed 17-storey building will be located on the western section of the site. The maximum allowable height in the subject zone is 16 storeys, and the applicant has applied for a Development Variance Permit to receive permission to vary the height of the building. In addition, the proposed development does not meet the daylighting standards specified in Zoning Bylaw No.8000, and the applicant therefore requested a variance for daylighting standards. The underground parking structure would be built to the property lines, which triggers a variance for both side yard setbacks.

The development is proposed to have access from a new road. Should Council approve the new road, it would line up with Underhill Road to the north. All parking for the proposed development would be located in an underground parking structure, which would extend from the western section of the lot to the existing apartment building on the eastern section. The parking level has 16 visitor parking stalls and 39 bicycle parking spaces outside of the security gates. The additional 126 parking stalls and 23 bicycle parking spaces for residents are located within the secured section of the parking level. 16 of the required number of parking stall are located in the existing parkade of Park Place I, which will be connected to the new parkade. The majority of parking stalls has a storage locker to be used by the owner of the respective stall. The remainder of the underground level is used for the garbage room, mechanical rooms and a workshop. The top of the underground parking structure would be located 0.9m above ground. Therefore, a variance to reduce the side yard setback from 4.5m required to 0.0m at the north property line and to 0.0m at the south property line is required.

Four residential units and two retail units will be located on the main floor. Seven to eight units each will be located on floors 2 to 11, and five units can be found on the twelfth and thirteenth floors respectively. Floors 14, 15 and 16 have two units each, and one unit is located on the top floor, together with a mechanical room. Of the 97 units in total, 28 will be one-bedroom units of approximately 110m² in size. The remaining units have two or three bedrooms and range in size from 110m² to 313m². The interior common space for residents of the building will consist of a library on the main floor and an entertainment room on the second floor.

The massing of the seventeen storey tower is reduced through the use of bay windows and balconies. The top four floors are stepped back, thereby creating terraces on the 14th floor and visually reducing the impact of the height of the building. The building will have hipped roofs and subroofs, which will be finished with grey/blue concrete tiles. The predominant finishing material of the tower will be brick, interrupted by glass balustrades and metal railings at all balconies. The railings, as well as the metal louvres at the mechanical room on the top floor, will be painted in dark green ("Raintree"). The proposed window glass has a green tint. Trellises will be installed on the balconies on the thirteenth and fourteenth floor, which will encourage the use of vines and contribute to the landscaping on the building itself. The front façade of the building will be enhanced with a porte-cochère, of which the roof will serve as a terrace accessible from the amenity area located on the second floor.

The open space design of the development will include amenities for the passive and active recreation of the residents. Amenities include a pool and a putting green, as well as walkways connecting the development with the open space of the existing Park Place I. The conceptual landscape plan shows large areas of lawn and walkways lined with hedges and shrubs. In addition, several trees will be planted throughout the site and along the north property line, whereas a continuous row of trees will be planted along the south lot line. A field house with stairs to the parkade will be located in the centre of the landscaped open space.

The application meets the requirements of the RM6 – High Rise Apartment Housing zone as follows:

CRITERIA	PROPOSAL	RM6 ZONE REQUIREMENTS
Lot Area (m ²)	9429.5m ²	1700 ²
Lot Width	45.6m	30.0m
Lot Depth	193.0m	35.0m
Site Coverage (%)	23.7%	50%
Total Floor Area for retail spaces (m ²)	2 units at 132.4m ² each	235.0m ² max for individual commercial unit
F.A.R.	1.87	1.97 (with underground parking and open space bonuses)
Height (#of storeys / m)	17 / 57.5m ¹ 3.5m	16 / 55.0m 4.5m for accessory building
Setbacks (m)		
- Front	11m (porte-cochère)	6.0m
- Rear	69m (to phase boundary)	9.0m for principal building 6.0m for accessory building
- North Side	0.0m ²	4.5m
- South Side	0.0m ²	4.5m
Landscape Buffers		
- Front	10m wide landscape island, landscape buffer in front of building	3m min., Level 3: vegetative buffer or opaque barrier
- Rear	69m landscaped open space	3m min., Level 3: vegetative buffer or opaque barrier
- North Side	8.5m of landscaping	3m min., Level 3: vegetative buffer or opaque barrier
- South Side	8.5m of landscaping	3m min., Level 3: vegetative buffer or opaque barrier
Private open space	2076m ²	12.0m ² / 1-bdrm unit 18.0m ² / 2&3bdrm unit Total: 1536m ²
Daylighting angles (degrees)		
- Front	65° min. ³	65°
- North Side	81° ³	65°
- South Side	81° ³	65°
Bicycle Parking	62	Residential: Class I: 0.5 per unit Class II: 0.1 per unit Retail: Class I: 0.2 per 100m ² GFA Class II: 0.6 per 100m ² GFA Total: 48 Class I, 11 Class II
Parking Stalls (#)	142 in this phase (including visitor and retail parking) 16 stalls located in Phase I Total provided: 158	Residential: 1.25 per 1-bdrm unit: 35 1.5 per 2-bdrm unit: 93 2 per 3+bdrm unit: 14 Retail: 2 per 100m ² GFA: 6 Total required: 148

Notes

- ❶ The applicant wishes to vary the height of the building and the maximum number of storeys under DVP01-10,043.
- ❷ A variance for the side yard setback for the below-ground parkade has been requested to reduce the north side yard from 4.5m required to 0.0m proposed and the south side yard from 4.5m required to 0.0 proposed.
- ❸ The applicant wishes to vary daylighting angles for the north and the south side of the building under DVP01-10,043.

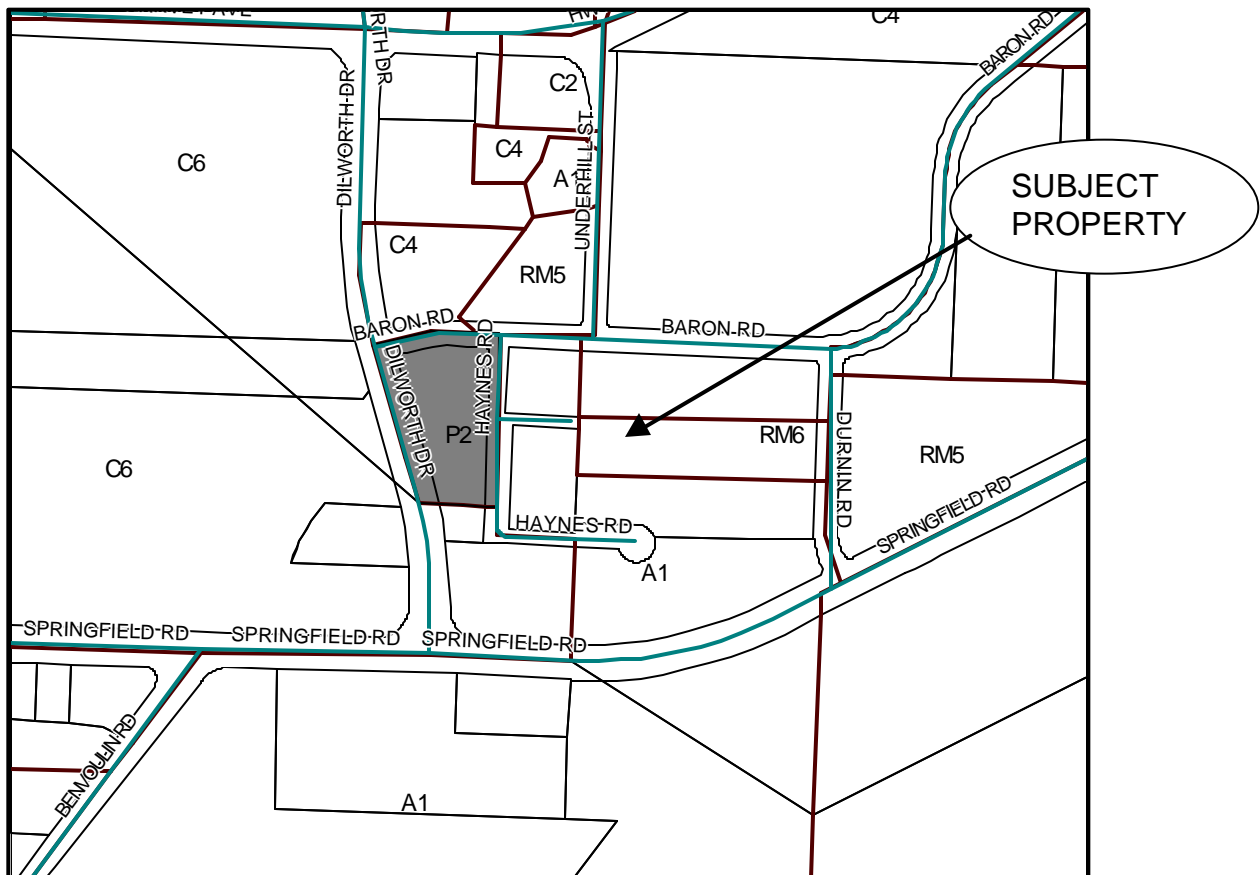
4.2 Site Context

The proposed development is located in the Springfield/Highway 97 Urban Town Centre. Apartment towers were foreseen between the commercial developments along the highway and Mission Creek Park.

Adjacent zoning and existing land uses are to the:

- North - C4 – Town Centre Commercial – landscaping business and vacant
- East - RM5 – Medium Density Multiple Housing – 3.5-storey apartment housing
- South - A1 – Agriculture 1 – Single family dwelling
- West - A1 – Agriculture 1 – vacant and single family dwelling

Site Map



The property is zoned RM6 – High Rise Apartment Housing. The purpose of this zone is to provide for high density high rise apartments. The principal uses in this zone are apartment housing, congregate housing, major group homes, and stacked row housing. Retail stores and personal service establishments are permitted as secondary uses in this zone.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The Official Community Plan includes the objective to provide higher residential densities with closer proximity to the commercial core of the Urban Town Centres. The proposal is within walking distance of Orchard Park Mall, financial institutions and groceries stores, and the proposal is therefore consistent with this objective. In addition, the high density development meets the characteristics of Urban Town Centres, namely to offer a more compact land use form to reduce the home to work or shopping dislocation and to provide access by proximity. This site is included in the Springfield/Highway 97 Town Centre.

4.4.2 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is to develop a more compact urban form by providing higher densities. The proposed 97 unit residential tower meets this objective.

5.0 TECHNICAL COMMENTS

The applications have been circulated to a various departments and agencies, and the following relevant comments have been received:

5.1 Works and Utilities

1. Subdivision.

The developer has initiated the relocation of Haynes Road and Valiant Road to provide an intersection directly opposite to Underhill Road. The dedication and road closure as shown on the road exchange drawings “B” and “C” are acceptable to works and Utilities and must be registered as a condition of this permit.

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyze the soil characteristics and suitability for development of the requested development. As well, the study should address drainage and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays.

3. Domestic water and fire protection.

- a) This development is within the service area of the City of Kelowna The developer is required to make satisfactory arrangements with the City in order to obtain a plumbing permit.

- b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation Bylaws. The developer or the building contractor must purchase the meter from the City at the time of application for a building permit from the inspection Services Department, and prepare the meter setter at his cost.
- c) A watermain extension to be constructed at the developer's expense along the new road right of way will be required to provide adequate fire protection for the proposed building.

4. Sanitary Sewer.

- a) The property is currently serviced by the municipal sanitary sewer system. An existing service is located on Durnin Road. No additional sanitary sewer extension will be required if the proposed building can be connected to the existing service.
- b) The Baron/Springfield Road sanitary sewer trunk is constructed on Baron Road from Underhill Road heading east. The downstream portion from Underhill Road is planned to be constructed in the right of way that now coincides with the new proposed road alignment. The City might want to install that portion of the sanitary trunk in conjunction with the new road construction.

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 pond(s) 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.

7. Road improvements.

Haynes Road

- a) The applicant is responsible to construct the new Haynes Road to a paved urban standard complete with a curb and gutter, sidewalk, storm drainage works, road widening asphalt, landscaped boulevards, street lighting, and the removal and /or relocation of utilities as may be required. The estimated cost for this work, for bonding purpose, will have to be determined prior to the application of a building permit or the registration of the road exchange plan.
- b) An emergency lane/ walkway is required. The applicant is responsible for construction of the lane including, storm drainage works. The estimated cost for this work, for bonding purpose, will have to be determined prior to the application of a building permit or the registration of the road exchange plan.

8. Street lights

Street lights must be installed on the fronting road as determined the Manager of Electrical Utilities.

11. 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.

12. DCC Considerations.

The applicant will be liable for DCC charges at the time of the application for a building permit. None of the required improvements qualify for DCC credit consideration.

13. Latecomer Provisions

a) Under the provisions of the Municipal Act, Latecomer provisions are available for the following items:

- i) Water main installation on Haynes Road
- ii) Storm sewer installation on Haynes Road
- iii) Road Improvements on Haynes Road

The consulting engineer is to prepare and submit the Latecomer information. The City will prepare the actual Latecomer Agreement(s) and forward to the owner(s) for signature. The Latecomer Agreements must be submitted for Council's adoption prior to the notice to proceed with the works and/or subdivision approval.

14. Development Variance.

The variance for the height and daylight of the building does not compromise Works and Utilities requirements.

15. Bonding and Levies Summary.

- | | |
|-----------------------|--|
| a)Performance Bonding | To be determined at the building permit stage. |
| b)Levies | Deferred to building permit stage |

5.2 BC Gas

BC Gas will require an easement to protect existing facilities or relocate gas mains and services at cost to applicant.

5.3 Fire Department

Fire department access and hydrants as per the BCBC and City of Kelowna Subdivision By-law.

Engineered fire flows will determine the number of hydrants required. Contact F.P.O. for preferred locations. Hydrant required within 45m of fire department siamese connection.

5.4 Inspections Department

.1) This building is considered a "high building" by Section 3.2.6 by the BC Building Code. It shall be designed under Article 3.2.2.42, Any Height, Any Area, Sprinklered.

.2) Is the parking structure (existing and proposed) considered a separate building? If not, a fire separation is required between the two garages.

.3) The stair that exits in the Field House does not allow egress from the north side of the storage rooms.

.4) Exit through the lobby exceeds the allowable 15 m.

All items can be addressed at the building permit stage.

5.5 Parks Manager

.1) All entry feature signs for the proposed development to be located on private property and not on city Blvd.

.2) All trees planted in sidewalk and not in grass Blvd will require a vault and grate; and, all trees in grass Blvd to use root shield barriers for acceptance.

.3) Plan does not key all plant material (trees and shrubs) location on the plan to plant list box.

.4) The following applies for all boulevard (BLVD) landscape and park and is standard information required on a landscape plan:

- A. Planting plan to include a proper plant materials list:
 - i) Latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - v) indicate existing trees

B. Plant material specifications are as follows:

- i) Deciduous Tree - caliper @300mm above rootball (min. 60mm)
- ii) Deciduous Shrub - spread (min. 450mm)
- iii) Coniferous Tree - height (min. 2.5m)
- iv) Coniferous Shrub - spread (min. 450mm)
- v) Seed/Sod Mix according to location and proposed activity use.

C. Shrub beds require plastic edge beside all areas abutting a city sidewalk of city land to prevent migration of mulch.

D. Scale of plan and north arrow clearly indicated on plan.

E. All plant materials (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by Parks Division. All materials located in BLVD to meet city standard for size and method of installation.

.5) All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.

.6) BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.

.7) All BLVD tree maintenance is responsibility of Parks Division.

.8) Planting plan to include all u/g utility locations in BLVD.

5.6 Public Health Inspector

The public health inspector has no objection to this development application provided that all of the following types of facilities obtain approval through this office prior to construction:

Food Premises: The Regulations apply to "any place where food (drink) intended for public consumption is sold, offered for sale, supplied, handled, prepared, packaged, displayed, served, processed, stored, transported or dispensed."

Swimming Pools, Hot Tubs, Wading Pools, etc: except those connected with only one single family or duplex unit.

Personal Service: "establishments in which a person provides a service to or on the body of another person."

5.7 Shaw Cable

Owner/contractor to supply & install conduit system as per shaw cable drawings & specifications.

5.8 Telus

Telus will require an easement.

5.9 Utilicorp

Utilicorp will provide underground electrical service.

6.0 PLANNING COMMENTS

The Planning and Development Services Department has no concerns with the proposed development. The high density residential development is located favourably close to major shopping and services developments, as well as to public open space. In addition, the development provides interior and exterior amenities for the residents of the tower, as well as convenience retail space at the ground floor. The parking is entirely located underground, thereby creating large amounts of useable open space on the site, as well as minimizing conflicts between vehicles and pedestrians. The exterior design of the building is consistent with Phase I of the Park Place development. The tower is effectively designed with bay windows and balconies to break up its massing, and the overall building design conveys a good degree of visual interest.

The overall height variance required is minimal and is not likely to have a negative impact on adjacent development. The requested daylighting variances will have some impact on future development on adjacent lots. However, to reach the goal of higher density developments in this area, daylighting variances cannot be avoided, and the Planning and Development Services Department is therefore supportive of the requested variances. The department furthermore has no concerns with the requested side yard variance for the underground parkade. The parkade will only rise 0.9m above ground and its top will be fully landscaped. Therefore, the impact of the side yard variance is expected to be minimal.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

KGB
Attach.

FACT SHEET

- | | | |
|-----|---|---|
| 1. | APPLICATION NO.: | DP01-10,042/DVP01-10,043 |
| 2. | APPLICATION TYPE: | Development Permit and
Development Variance Permit |
| 3. | OWNER: | Pasadena Estates Ltd. |
| | . ADDRESS | 1950 Durnin Road |
| | . CITY | Kelowna, BC |
| | . POSTAL CODE | V1X 7W6 |
| 4. | APPLICANT/CONTACT PERSON: | New Town Planning / Keith Funk |
| | . ADDRESS | 1450 Pandosy Street |
| | . CITY | Kelowna, BC |
| | . POSTAL CODE | V1Y 1P3 |
| | . TELEPHONE/FAX NO.: | (250) 860-8185 / (250) 860-0985 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application: | June 15, 2001 |
| | Date Application Complete: | |
| | Servicing Agreement Forwarded to Applicant: | |
| | Servicing Agreement Concluded: | |
| | Staff Report to APC: | July 4, 2001 |
| | Staff Report to Council: | March 26, 2002 |
| 6. | LEGAL DESCRIPTION: | Lot CP, Block K2046, Plan 61232,
ODYD |
| 7. | SITE LOCATION: | Springfield/Highway 99 Town Centre,
south of Baron Road and west of
Durnin Road |
| 8. | CIVIC ADDRESS: | 1950 Durnin Road |
| 9. | AREA OF SUBJECT PROPERTY: | 9429.5m" (includes Phase 1) |
| 10. | EXISTING ZONE CATEGORY: | RM6 – High Rise Apartment Housing |
| 11. | TYPE OF DEVELOPMENT PERMIT AREA: | Mandatory Multiple Family Residential
DP |
| 13. | PURPOSE OF THE APPLICATION: | To construct a 17 storey high
residential tower and vary height, side
yard setback and daylighting
standards |
| 14. | MIN. OF TRANS./HIGHWAYS FILES NO.: | 02-081-19335 |
| | NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | 02-081-19336 |
| 15. | DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | |
| | General Multiple Family DP | Mandatory DP |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site Plan
- Elevations
- Floor Plans
- Cross section
- Unit layout and sizes
- Landscape plan
- Samples of finishing materials