
CITY OF KELOWNA
MEMORANDUM

Date: February 20, 2003
File No.: DP02-0083 /DVP02-0084
To: City Manager
From: Planning and Development Services Department
Subject:

APPLICATION NO. DP02-0083 / OWNER: Salem's Developments Ltd.,
DVP02-0084 Abougoush, T., Abougoush
Holdings Ltd.
AT: 1075/1095 Highway 33 APPLICANT: MKS Resources Inc.
145/165/175 Gerstmar Road

PURPOSE: TO CONSTRUCT A PROPOSED 89 UNIT STRATA
APARTMENT BUILDING

TO VARY THE 3 STOREY MAXIMUM HEIGHT OF AN
APARTMENT BUILDING IN THE RM4 ZONE TO A PROPOSED
4.5 STOREYS

TO VARY THE REQUIRED 2.3M ACCESSORY SETBACK TO
0.0M

EXISTING ZONE: RU1 – Large Lot Housing

PROPOSED ZONE: RM4 – Transitional Low Density Housing

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 8933 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. 02-0084 for Lot A, Sec. 22, Twp. 26, ODYD, Plan 11038 except Plan 39705; Lot 3, Sec. 22, Twp 26, ODYD, Plan 2082 except Plan 39705; Lot 3, Sec. 22, Twp. 26, ODYD, Plan 3401; Lot Sec 22, Twp 26, ODYD, Plan 3401; Lot 5, Sec. 22, ODYD, Plan 3401 located on Highway 33 and Gertsmar 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 THAT Council authorize the issuance of Development Variance Permit No. 02-0084, MKS Resources, Lot 10, Section 19, TWP 26, Plan 427, located on Bernard Ave., Kelowna, B.C.;

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

Section 13: Specific Zone Regulations: Urban Residential Zones:

- To vary the maximum allowable building height from 3 storeys to 4.5 storeys.
- To vary the minimum allowable accessory setback from 2.3m to 0.0m

2.0 SUMMARY

The applicant is seeking a Development Permit for a proposed 89 Unit Strata Apartment Building at the corner of Highway 33 and Gerstmar Road. The applicant is also seeking variances for the maximum allowable building height and minimum allowable accessory setback. The applicant is also seeking an amendment to the official community plan to rezone the subject properties from RU1 – Large Lot Housing to RM4 – Transitional Low Density Housing in rezoning application Z02-1038.

3.0 ADVISORY PLANNING COMMISSION

The Advisory Planning Commission reviewed DP02-0083 and DVP02-0084 at the October 15th, 2002 meeting and the following resolutions were passed:

That the Advisory Planning Commission supports Official Community Plan Amendment No. OCP02-0011 and Rezoning Application No. Z02-1038, 145/165/175 Gerstmar Road, Lots 3,4 & 5, Plan 3401, Sec. 22, Twp. 26, and 1075/1095 Hwy 33 W, Lot A, Plan 11038 and Lot 3, Plan 2082, Secs. 22 & 27, Twp. 26, ODYD, MKS Resources Inc. to change the Future Land Use Designation of the Official Community Plan from Multiple Unit Residential-Low Density to Multiple Unit Residential-Low Density Transitional and to rezone from the RU1-Large Lot Housing zone to the RM4-Transitional Low Density zone to allow for the development of an 89 unit strata apartment building;

AND THAT the Advisory Planning Commission supports Development Permit Application No. DP02-0083, 145/165/175 Gerstmar Road, Lots 3,4 & 5, Plan 3401, Sec. 22, Twp. 26, and 1075/1095 Hwy 33 W, Lot A, Plan 11038 and Lot 3, Plan 2082, Secs. 22 & 27, Twp. 26, ODYD, MKS Resources Inc. to allow for the development of a proposed 89 unit strata apartment building;

AND ALSO THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP02-0084, 145/165/175 Gerstmar Road, Lots 3,4 & 5, Plan 3401, Sec. 22, Twp. 26, and 1075/1095 Hwy 33 W, Lot A, Plan 11038 and Lot 3, Plan 2082, Secs. 22 & 27, Twp. 26, ODYD, MKS Resources Inc. to seek a development variance permit to vary the maximum building height from the 3 storeys permitted to the 4.5 storeys proposed and to vary the accessory building setback requirement to 0.0 m.

**Note:* Please note that the Advisory Planning Commission had concerns with the parking adjacent to Highway 33 relative to the streetscape and encourages the applicant to use landscaping and screening to help lessen the impact. It was also suggested that the areas shown as sloped but flat roofs should be fully peaked and that the massing should be broken up with a greater variety of building materials, rather than reliance on the two colors of siding.

4.0 BACKGROUND

4.1 The Proposal

The applicant is seeking a Development Permit for a proposed 89 Unit Strata Apartment Building. The apartment building will include 3-One Bedroom Units, 77-Two Bedroom Units, and 9-Three Bedroom Units. The proposed development will be in the form of an L-shaped 4.5 storey structure with a sloped roof broken up by several loft spaces that area stepped back from the ends of the building. The proposed façade will be finished with vinyl siding and accented by vertical sections of shingle where the lofts rise above the roofline of the main structure. Small balconies also accent the façade. A portion of the parking for the proposed development will be located under the proposed development and the remainder will be located above ground and adjacent to the building.

The applicant is also looking to vary the maximum height of the building from 3 storeys to 4.5 storeys proposed and the accessory setback from 2.3m required to a proposed 0.0m. The proposed accessory setback variance would be for a proposed 12-car carport that would sit adjacent to the rear of the service station. The service station occupies the corner lot of Highway 33 and Gerstmar and the rear of the building sits on the southern property line. Furthermore the applicant is proposing to rezone the five subject properties on the corner of Gerstmar Road and Highway 33. The existing zoning is RU1 – Large Lot Housing. The applicant is seeking to rezone the subject properties to an RM4 – Transitional Low Density Housing zone.

The application meets the requirements of the RM4 zone as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Lot Area (m ²)	12, 447m ²	900m ²
Lot Width (m)	112.0m	N/A
Lot Depth (m)	145.0m	N/A
Building Site Coverage (%)	37.3%	50%
Total Site Coverage (%)	58.4%	60%
Total Floor Area (m ²)	15012.5m ²	N/A
Total Floor Area Ratio (FAR)	0.69	0.78 (max)
Parking Spaces	145 Spaces	138 Spaces (min)
Bicycle Parking		
- Class 1	45	45
- Class 2	9	9
Storeys (#)	4.5 ^①	3
Height (m)	13.0m	13.0m
Setbacks (m)		
- Front	6.036m	6.0m (min)
- Rear	9.69m	7.5m (min)
- North Side (Service Station- Accessory Setback)	0.0m ^②	2.3m (min)
- North Side (Hwy. 33)	25.744m	4.5m (min)
- South Side	6.552m	2.3m (min)
Landscaping		
Useable Private Open Space	4777.8m ²	1402.5m ² (min)

① Note: Applicant has requested to vary the maximum building height from 3 to 4.5 storeys in Development Variance Permit 02-0084.

② Note: Applicant is proposing to vary the accessory setback from the 2.3m required to 0.0m proposed in Development Variance Permit 02-0084.

4.2 Site Context

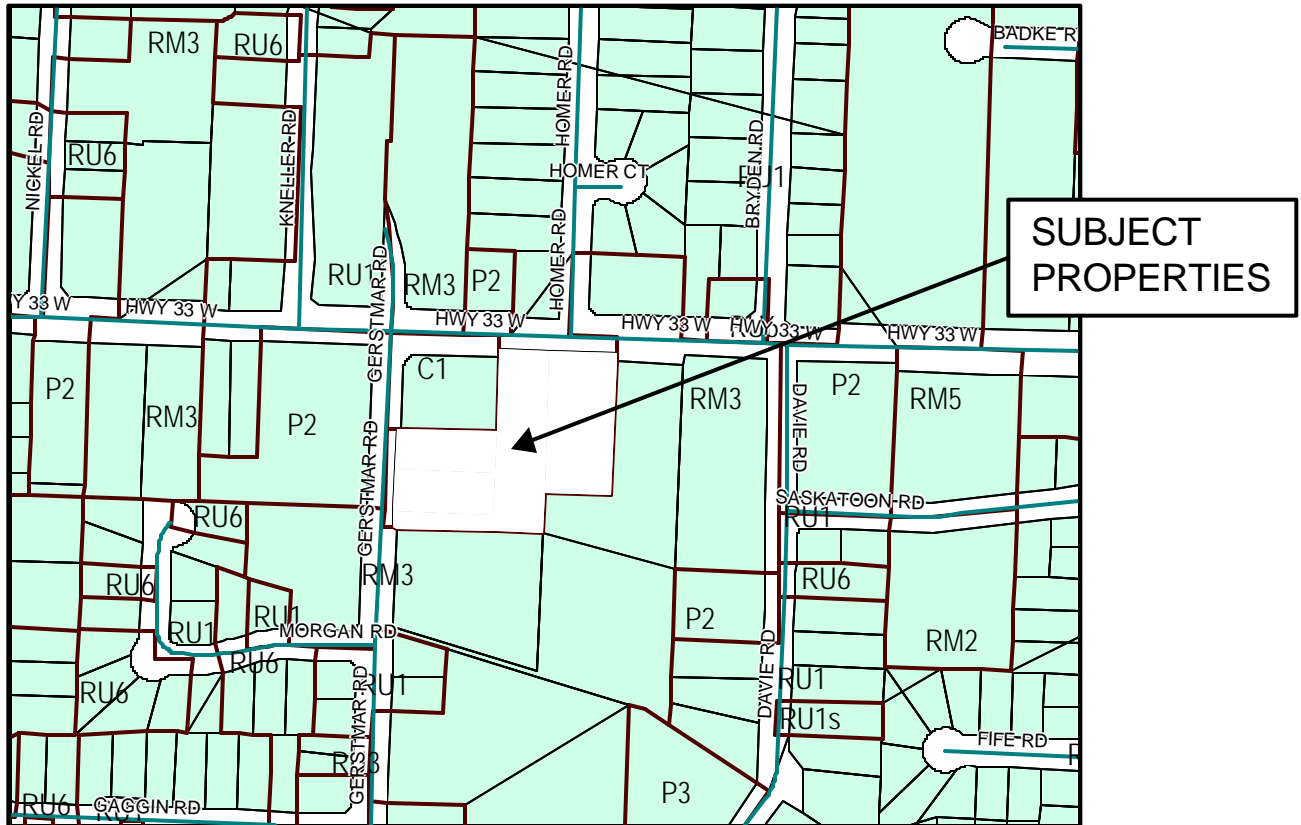
The subject properties are included in the Rutland Sector Plan and surround the service station that occupies the southwest corner of Highway 33 and Gerstmar Road.

Adjacent zones and uses are:

- North - P2- Education and Minor Institutional/RM3- Low Density Multiple Housing
- Northwest -C1- Local Commercial – Service Station
- East - RM3- Low Density Multiple Housing
- South - RM3- Low Density Multiple Housing
- West - P2- Education and Minor Institutional – Church

3.3 Site Location Map

Subject Properties: 145/165/175 Gerstmar Road and 1075/1095 Highway 33.



3.5 Current Development Policy

3.5.1 Kelowna Official Community Plan

The subject properties are designated multi-family low-density in the Kelowna Official Community Plan future land-use designation. The OCP also advocates amendments and rezonings to higher densities greater than those provided for on the general land-use map in cases where:

- Supporting infrastructure is sufficient to accommodate the proposed development.
- Proposed densities do not exceed the densities provided for on map 19.1 by more than one increment.
- Provided the project can be sensitively integrated into the surrounding neighbourhood.

- Contributes to the City's goal of over the 1994-2013 timeframe of having 67% of new residential units to be in the form of apartments, townhouses and multi-unit dwellings.
- Support a land use approach where residential densities increase as proximity to the core of Urban Centres increases, as shown on future land use map 19.1.

The proposal generally meets the above criteria for rezoning in the Kelowna Official Community Plan.

3.5.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and redevelopment within existing urban areas and to provide for increased densities within future urban areas. Also redeveloping transitional area to increase densities for more efficient use of existing land. Also recommended is that the City will emphasize a density of development higher than presently occurring to allow for more efficient use of the land.

3.5.3 Rutland Sector Plan (1997)

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

4.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

4.1 Works and Utilities

4.1.1 General

The requirements of the rezoning application No. Z02-1038 must be satisfied prior to the issuance of this development permit.

4.1.2 Storm Drainage Plan

A comprehensive site drainage management plan in compliance with the City's drainage design and policy manual, is a requirement of this application. Storm runoff must be disposed on-site by means of drywells and perforated pipes.

4.1.3 Transportation

Bicycle Racks must be provided on-site in accordance with current standards.

4.2 Ministry of Transportation

October 9, 2002:

The Ministry has no objection to the proposed rezoning, development permit or development variance permit in principle however, given increasing traffic volumes on Highway #33 we are not prepared to support direct access. Good alternate access to the development exists via Gertsmar Road and therefore we require the site to be redesigned to show all access via Gertsmar Road.

In addition, prior to formal approval of the bylaw, we will require the following items to be addressed:

- Highway 33 to be established 15m from existing mean centerline by legal survey plan.
- Existing drop curbs on Highway 33 within the frontage of the property be removed and replaced with Ministry standard non-mountable curb, to the satisfaction of both the Ministry and the City of Kelowna.

January 9, 2003:

Further to our October 9, 2002 letter be advised that the Ministry is prepared to consider a joint right in/right out only access with the gas station as proposed provided a raised median is constructed on Highway 33. The median must extend from Highway 33/Gertsmar Road to Highway 33/Davie Road and be designed and constructed to Ministry standard complete with electrical island flashers, signage and pavement markings.

Electrical and civil design and pavement marking drawings must be submitted four our review and approval prior to commencement of any works. All works within highway right-of-way are to be based on Ministry design standards with 60km/h design speed. All works are to be supervised and certified as having been constructed in accordance with good engineering practices by a Professional Engineer experienced with Ministry standards and requirements. Copies of all test results are to accompany the engineer's certification letter. As-built drawings are to be submitted to the Ministry upon completion of the road and electrical works.

We will require a cost estimate of the required highway works to be submitted for our review and approval for bonding purposes. Prior to our formal approval of the bylaw we require a copy of the development servicing agreement signed by both the City of Kelowna and the developer and confirmation that all bonding is in place. All required works must be in place to our satisfaction prior to occupancy of any of the buildings.

Should the applicant wish to proceed without median construction we would be prepared to consider a gated emergency access only to Highway 33.

In either case, the existing drop curb located at the easterly end of the site must be removed and replaced with Ministry standard non-mountable curb, to the satisfaction of both the Ministry and the City of Kelowna.

*Note: The applicant has revised the site plan for a gated emergency access only onto Highway 33. All access to the proposed development will be via Gerstmar. The Ministry of Transportation has reviewed and endorsed the revised access plan.

4.3 Fire Department

- Hydrants and fire department access as per the BC Building Code and City of Kelowna Subdivision By-law.
- Engineered fire flows will be required.
- The propane installation at the adjoining service station will require reclassification. Contact F.P.O. for preferred location(s) of new hydrant(s).

4.4 BC Gas

Gas is available to this site from w. side of Gertstmar. All abandonments and alterations to existing gas plant are to be addressed prior to construction.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

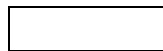
The Planning and Development Services Department had several concerns with the plans initially submitted by the applicant. These included the visual appearance of the buildings façade; the density of the project in relation to its surroundings; the absence of sloping roof elements; the position of the loft area's on the ends of the building-providing little visual transition; no defined pedestrian connection to either of the adjoining streets and no strong identification visible from the street. It was also recommended that the proposed under building parking be placed completely underground to reduce the overall height of the project. The applicant was informed of these concerns and revised the initial plans.

The original flat roof concept was revised and a sloping roof was introduced. The loft areas were moved away from the extremities of the building and some detailing was added to the façade. The applicant has also incorporated some hard landscaping to reduce the overall impact of the buildings' size. This was accomplished by creating a series of stepped retaining walls at the front of the building.

The applicant has included the Rutland Residents Association in the development process through a public information meeting. The residents association has in turn expressed support for the development.

The applicant has also resolved all outstanding issues regarding access with the Ministry of Transportation and has agreed to provide all access from Gerstmar and one emergency access from Highway 33.

Andrew Bruce
Current Planning Manager



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

RWS
Attach.

FACT SHEET

- | | |
|---|---|
| 1. APPLICATION NO.: | DP02-0083/DVP02-0084 |
| 2. APPLICATION TYPE: | Development Permit/
Development Variance Permit |
| 3. OWNER: | Salem's Developments Ltd.
Abougoush, T
Abougoush Holdings Ltd.
1155 Highway 33 W
Kelowna, BC
V1X 1Y9 |
| . ADDRESS | |
| . CITY | |
| . POSTAL CODE | |
| 4. APPLICANT/CONTACT PERSON: | MKS Resources |
| . ADDRESS | 546 Bernard Avenue |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 6P1 |
| . TELEPHONE/FAX NO.: | 861-3413 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | Aug.29, 2002 |
| Date Application Complete: | Sept.3, 2002 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | April 01, 2003 |
| 6. LEGAL DESCRIPTION: | Lot A, Sec. 22, Twp. 26, ODYD,
Plan 11038 except Plan 39705;
Lot 3, Sec. 22, Twp 26, ODYD,
Plan 2082 except Plan 39705;
Lot 3, Sec. 22, Twp. 26, ODYD,
Plan 3401; Lot Sec 22, Twp 26, ODYD,
Plan 3401; Lot 5, Sec. 22, ODYD, Plan 3401
HWY 33 and Gerstmar Rd. |
| 7. SITE LOCATION: | |
| 8. CIVIC ADDRESS: | 1075/1095 Highway 33
145/165/175 Gerstmar Rd. |
| 9. AREA OF SUBJECT PROPERTY: | 12, 447m ² |
| 10. AREA OF PROPOSED REZONING: | 12, 447m ² |
| 11. EXISTING ZONE CATEGORY: | RU1 – LARGE LOT HOUSING/
RM3 – LOW DENSITY MULTIPLE HOUSING |
| 12. PROPOSED ZONE: | RM4 – TRANSITIONAL LOW DENSITY
HOUSING |
| 13. PURPOSE OF THE APPLICATION: | Obtain Development Permit and
Development Variance Permit |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.: | 2-81-20034 |
| NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | |

15. DEVELOPMENT PERMIT MAP 13.2 N/A
IMPLICATIONS

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Colour Board