
CITY OF KELOWNA

MEMORANDUM

Date: May 23, 2003
File No.: DP03-0029/DVP03-0030
To: City Manager
From: Planning and Development Services Department
Subject:

APPLICATION NO. DP03-0029/
DVP03-0030
OWNER: RSSD Ventures Ltd. Inc.c/o
Porter Ramsay
AT: 1959, 1965 & 1971 Pandosy St
APPLICANT: Tony Lockhorst

PURPOSE: TO CONSTRUCT A 3.5 STOREY, 36 UNIT APARTMENT BUILDING
TO VARY THE FRONT YARD SETBACK, SIDE YARD SETBACKS,
SITE COVERAGE, REAR YARD SETBACK, MILL CREEK SETBACK
AND REQUIRED PARKING

EXISTING ZONE: RM5 – MEDIUM DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

AND THAT Council authorize the issuance of Development Permit No. DP03-0029 for Lot A, DL. 14, ODYD, Plan KAP56528, Lot 2, Block 20, DL.14, ODYD, Plan 830 Except Plan B1750, Lot 3, Block 20, DL. 14, ODYD, Plan 830 except parcel 3A on Plan B1750, located on Pandosy Street, 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 enter into a landscape restoration and enhancement agreement with the City of Kelowna;
5. The applicant be required to enter into a Housing Agreement with the City of Kelowna designating a portion of the units as affordable housing;

6. The applicant be required to dedicate registered plan No.A12965 as part of the planned Pandosy Road widening;
7. The applicant provide a 10m creek dedication and Riparian Management Area Covenant for the subject properties;
8. The applicant be required to complete the required lot consolidation;
9. The applicant enter into covenant tying the off-site parking to the proposed development.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP03-0030; Lot A, DL. 14, ODYD, Plan KAP56528, Lot 2, Block 20, DL.14, ODYD, Plan 830 Except Plan B1750, Lot 3, Block 20, DL. 14, ODYD, Plan 830 except parcel 3A on Plan B1750, located on Pandosy Street, Kelowna, B.C.;

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

Section 13: RM5 – Medium Density Multiple Housing: 13.11.5 (b):

Vary maximum permitted building site coverage from 40% max to 45% proposed.

Section 8: Parking and Loading: Table 8.1 (Apartment Housing)

Vary minimum number of parking stalls required (49.5 required / 41 proposed)

Section 13: RM5 – Medium Density Multiple Housing: 13.11.5 (d):

Vary minimum front yard setback from 6.0m required to 4.5m proposed.

Section 6: General Development Regulations: Subsection 6.14.1 – Stream Protection Leave Strips

Vary Mill Creek setback from 15m required to 10m proposed.

Section 13: RM5 – Medium Density Multiple Housing: 13.11.5 (e):

Vary northern side yard setback from 7.5 m required to 5.0 m proposed.

Section 13: RM5 – Medium Density Multiple Housing: 13.11.5 (e):

Vary southern side yard setback from 7.5 m required to 7.1 m proposed.

AND FURTHER 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.

2.0 SUMMARY

The applicants are proposing to construct a 36 unit, 3.5 story apartment building. The applicants are also proposing variances to the front yard setback, the side yard setbacks, the 15m Riparian Management Zone setback for Mill Creek, the site coverage and the required parking.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of May 6, 2003 the Advisory Planning Commission resolved:

That the Advisory Planning Commission defer consideration of Development Permit Application No. DP03-0029, 1959/1965/1971 Pandosy Street, Lots 2 & 3, Plan 830 and Lot A, Plan 56528, Sec. 24, Twp. 25, ODYD, by Tony Lockhorst to construct a 39 unit apartment building and to repair a retaining wall in an Environmental DP area, until the applicant is able to provide architectural drawings which will address concerns with the form and character of the building with regard to the lack of detail and articulation;

AND THAT the Advisory Planning Commission supports Development Variance Application No. DVP03-0030, 1959/1965/1971 Pandosy Street, Lots 2 & 3, Plan 830 and Lot A, Plan 56528, Sec. 24, Twp. 25, ODYD, Tony Lockhorst to vary the required creek setback (RMA setback) from the 15 m required to the 10 m proposed; to vary the front yard setback from the 6 m required to the 4.5 m proposed; to vary the required north side yard setbacks from the 7.5 m required to the 5 m proposed and to vary the south side yard setbacks from the 7.5 m required to the 7.1 m proposed.

*Note: At the regular meeting of May 6, 2003 the Advisory Planning Commission reviewed revised plans submitted by the applicant. The commission considered the changes favorably and chose to support the revised application. The following revisions were made to the original proposal:

- Number of units reduced from 39 to 36
- Façade of building revised to incorporate a greater amount of architectural detail
- Exterior Colour Scheme revised: Fiberglass Laminate Roof Shingle (Natural Wood-North West)/ Stucco walls and trim (earth tone colors)/Base of building to be finished in cultured stone (see color board)
- Two additional parking stalls added
- Location of garbage area moved away from building
- Bicycle parking incorporated into design

4.0 BACKGROUND

4.1 The Proposal

The applicant is proposing to construct a 3.5 storey medium density type apartment building. The 36-unit building will house 18 one-bedroom units and 18 two-bedroom units and a parkade with 38 parking spaces located partially below grade.

The applicant is also seeking Council support for a Development Variance Permit application. Through this application the applicant is seeking to vary the front yard setback, both side yard setbacks and the required 15m setback from Mill Creek (see table below). In addition the applicant is seeking to vary the maximum site coverage for buildings/structures from 40% permitted to 45% proposed and the required parking from 51 stalls required to 41 proposed. The applicant plans to enter a housing agreement with the City of Kelowna to provide a percentage of the units as affordable housing units in order to help justify the shortfall in parking

spaces on-site. The applicant will also enter into a covenant tying the parking provided on Lot A, Plan 28033 to the subject properties.

The applicant is proposing to finish the façade of the building with stucco walls (light tan colour) accented with false beams and stucco panels, all in darker earth tones. The roof will be finished with a fiberglass laminate roof shingle (Natural Wood-Northwest). Each unit will have a small balcony that is accessed through the living room. The units range in size from 53m² (one bedroom) to 91m² (two bedroom).

At the rear of the building the applicant is planning to create a small gravel pathway following the contour of the creek. This pathway will be separated from the top of the bank with a combination of new and existing vegetation. Between the gravel pathway and the proposed building the applicant plans to create a large area of turf accented with mid-small sized vegetation (Dogwood and Rhododendron). The applicant has worked with City staff in Planning and Environment to ensure sensitivity in the use of the land along the Mill Creek corridor.

In conjunction with this application the applicant is required to complete a landscape and restoration plan in order to address the City of Kelowna's remediation requirements for Mill Creek, which traverses the rear of the property.

The application meets the requirements of the RM5 – Medium Density Multiple Housing zone as follows:

| CRITERIA | PROPOSAL | RM5 ZONE REQUIREMENTS |
|--|-----------------------|----------------------------|
| Lot Area (m ²) | 2430m ² | 1400m ² |
| Lot Width (m) | 60.32m | 30.0m |
| Lot Depth (m) | 37m (approx.) | 35.0m |
| Building Area(m ²) | 1,189.5m ² | 6526.3m ² (max) |
| Building Coverage (%) | 45%❶ | 40% |
| Total Site Coverage (%) | 50.8% | 60% |
| Total Floor Area (m ²) | 3002.8m ² | N/A |
| Net Floor Area (m ²) | 2780m ² | N/A |
| Floor Area Ratio (FAR) | 1.144 | 1.236 |
| Parking Spaces | 41❷ | 51 |
| Bicycle Parking Class ½ (0.5 Per Unit) | 22 | 22 |
| Storeys (#) | 3.5 | 4 |
| Private Open Space | 837m ² | 630m ² |
| Setbacks (m) | | |
| - Front | 4.5m❸ | 6.0m |
| - Rear (Mill Creek) | 10.0m❹ | 15m (Creek Setback) |
| - Side (n) | 5.0m❺ | 7.5m |
| - Side (s) | 7.1m❻ | 7.5m |

❶Note: Applicant seeking to vary maximum permitted building site coverage.

❷Note: Applicant seeking a vary minimum number of parking stalls required.

❸Note: Applicant seeking to vary minimum front yard setback.

❹Note: Applicant seeking to vary 15m Mill Creek setback.

⑤Note: Applicant seeking to vary northern side yard setback.

⑥Note: Applicant seeking to vary southern side yard setback.

4.2 Site Context

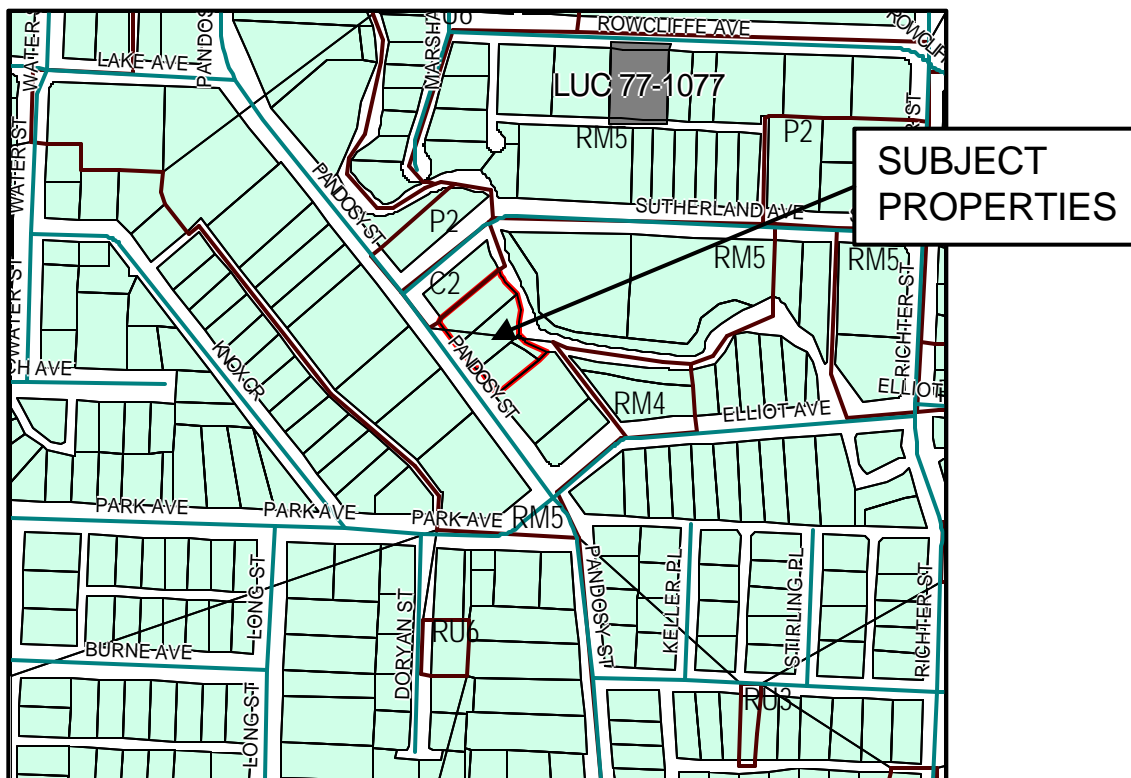
The subject properties are located on the east side of Pandosy Street between Sutherland and Elliot Avenues.

Adjacent zones and uses are:

- North - C2 – Neighbourhood Commercial
- East - RM5 – Medium Density Multiple Housing (Mill Creek) (Apartment Building)
- South - RM5 – Medium Density Multiple Housing (Single Family Dwelling)
- West - RM5 – Medium Density Multiple Housing (Apartment Building)

4.3 Site Location Map

Subject Properties: 1959-1971 Pandosy Street



4.4 Existing Development Potential

The property is zoned RM5 – Medium Density Multiple Housing. The purpose of the RM5 Zone is to provide a zone primarily for medium density apartments. Principal uses in this zone include: apartment housing, congregate housing, group homes-major and stacked row housing.

4.5 Current Development Policy

4.5.1 Kelowna Official Community Plan

Housing Agreements: Support the use of Housing Agreements to assist in creating affordable and special needs housing.

Density Profile: Support a land use approach where residential densities increase as proximity to the core of Urban Centres increases.

Apartments and Townhouses: Encourage development to contribute to the City's goal of, over the 1994-2013 timeframe, having 67% of new residential units be in the form of apartments, townhouses (and cluster housing), or other multiple unit buildings.

Housing Variety: 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 life cycle and lifestyle choices.

4.5.2 South Central Neighbourhood Structure Plan

Pandosy Street between Harvey Avenue and Park Avenue was designated a future multi-family area in this 1993 plan (plan recognized existing apartments along this strip of Pandosy).

5.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following comments were received:

5.1 Aquila Networks Canada

Will provide underground electrical service.

5.2 BC Gas

Customer to contact BC Gas to request gas abandonment.

5.3 Fire Department

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

5.4 Inspection Services

- a) This building code requires a Architect to be involved at this stage of design.
- b) The parkade shall be sprinklered.
- c) The grade at the building shall slope away at 2' in 15'
- d) The main entry door shall swing out in the direction of exit.

e) The double swinging doors in the corridors indicate a firewall. This firewall creates 3 separate buildings. A building must be within 50' of a street. The northern most building exceeds the 50' to a principal entrance.

5.5 Land Agent

Pandosy road widening to be dedicated. Creek dedications required. Plans show landscaping with creek dedication area.

5.6 Shaw Cable

Owner/contractor to supply/install conduit system as per Shaw Cable drawings & specifications.

5.7 Telus

TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.

5.8 Works and Utilities Department

The Works & Utilities Department have the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit or the subdivision approval, but are outlined in this report for information only.

1. Domestic Water and Fire Protection

- (a) The existing 200mm-diameter water main within Pandosy Street fronting on the proposed development is sufficient to support this development.
- (b) The developer's consulting mechanical engineer will determine the domestic and internal fire protection requirements of this proposed development and establish the required size of the new service. The disconnection and removal of the three existing small diameter water services and the tie-in of the new service will be by City forces at the developer's expense.
- (c) A water meter is mandatory for this development and must be installed inside a heated building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or 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.
- (d) The developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

2. Sanitary Sewer

- (a) The existing sanitary sewer system in Pandosy Street. is sufficient to support the proposed development.
- (b) The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size of the new service. The existing 150mm diameter sanitary service to lot A Plan 56528 may be utilised if it is of sufficient size and depth.
- (c) Removal and capping of existing unused sanitary services must be by City crews and will be at the applicant's cost.

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service. A direct pipe discharge to the creek is not permitted

4. Road Improvements

- (a) Pandosy Street has been upgraded to an urban standard by local improvement bylaw; no further upgrades are required.
- (b) Construction of the new concrete driveway access and removal of the existing accesses will require removing existing curb, sidewalk and boulevard treatment sections and it may be necessary to relocate or adjust existing facilities. The cost for bonding purposes is \$15,000.00. Damage to other existing curb and sidewalk sections will also likely occur during the excavation and construction period. Replacement of damaged works will be at the developer's expense. Materials for the replacement of the sidewalk and the boulevard treatment are to match the existing sidewalk and boulevard treatment.

5. Road Dedication and Development Requirements

By registered plan to provide the following:

- (a) Dedicate 3.05-meter road widening on the Pandosy St. frontage (Or as required to agree with registered plan No. A12965) so it is contiguous with the Pandosy Street widening.
- (b) Additional dedication along the creek frontage.

- (c) A 'no-build' creek setback must be registered against the subject property as a Section 219 Restrictive Covenant. The building permit must stipulate the 'no-build' setbacks for any building structure.
- (d) Grant statutory rights-of-way if required for any utility services.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by underground services. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Geotechnical Report

As a requirement of this application, the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site and overland surface drainage courses traversing across or influencing this property.
- (b) Site suitability for development; unstable soils, etc.
- (c) Drill and /or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

8. Engineering

- (a) The City plans on paving a top lift on Pandosy Street in 2003. The developer should do the work that is required in Pandosy Street that is linked to items 1 – Domestic Water and Fire Protection, 2 – Sanitary Sewer and 3 – Storm Drainage prior to the paving work. By proceeding in this manner, the developer will have savings and pavement patchwork will be avoided. The developer should co-ordinate this work through the Development Division.
- (b) Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

9. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

10. Development Variance and Site Related Issues

- (a) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.
- (b) The requested Development Variance application does not compromise Works and Utilities servicing requirements.
- (c) The developer must apply to the Ministry of Water, Land & Air Protection for floodplain setback relaxation and authorisation for creek bank stabilisation.
- (d) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.

11. Bonding

Pandosy St. driveway access improvements
\$15,000.00

Total Bonding (140% escalation)
\$21,000.00

NOTE: The bonding amount shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of subdivision approval or building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to or issuance of a building permit.

12. Administration Charge

An administration charge is applicable to this development in the amount of 3% (+ GST) of the total off-site servicing costs. The administration charge will be assessed and must be paid prior to release of any security deposits.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department is generally supportive of this Development Permit and Development Variance Permit. Recognizing the difficult nature of the lot to develop, the Planning and Development Services Department is generally supportive of the proposed variances. The average front yard setbacks of existing multifamily developments along the Pandosy corridor range from approximately 4m to 7m. The relaxation of the front yard setback (4.5m) proposed by the applicant is within this range and therefore would not create an anomaly in this corridor.

Andrew Bruce
Development Services Manager



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

RWS
Attach.

FACT SHEET

1. **APPLICATION NO.:** DP03-0029/DVP03-0030
2. **APPLICATION TYPE:** Development Permit/
Development Variance Permit
3. **OWNER:** RRSD Ventures Ltd. Inc.
. **ADDRESS** C/o Porter Ramsay 200-1465 Ellis Street
. **CITY** Kelowna, BC
. **POSTAL CODE** V1Y 2A3
4. **APPLICANT/CONTACT PERSON:** Tony Lockhorst
. **ADDRESS** 4858 McCulloch Road
. **CITY** Kelowna, BC
. **POSTAL CODE** V1W 4G1
. **TELEPHONE/FAX NO.:** 470-1356
5. **APPLICATION PROGRESS:**
Date of Application: March 25, 2003
Date Application Complete: March 25, 2003
Servicing Agreement Forwarded to Applicant: N/A
Servicing Agreement Concluded: N/A
Staff Report to APC: April 22, 2003
Staff Report to Council:
6. **LEGAL DESCRIPTION:** Lot A, DL. 14, ODYD, Plan KAP56528
Lot 2, Block 20, DL.14, ODYD, Plan 830
Except Plan B1750
Lot 3, Block 20, DL. 14, ODYD, Plan 830 exc
parcel 3A on Plan B1750
7. **SITE LOCATION:** East side of Pandosy between Sutherland
Ave. and Elliot Ave.
8. **CIVIC ADDRESS:** 1959, 1965, 1971 Pandosy Street
9. **AREA OF SUBJECT PROPERTY:** 5933m²
10. **AREA OF PROPOSED REZONING:** 5933m²
11. **EXISTING ZONE CATEGORY:** RM5- Medium Density Multiple Housing
12. **PROPOSED ZONE:** RM5- Medium Density Multiple Housing
13. **PURPOSE OF THE APPLICATION:** Development Permit
Development Variance Permit
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A
**NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY**
15. **DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS** Multi-Family DP Area
Env. DP Area

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Landscaping plan
- Sample Board