
CITY OF KELOWNA

MEMORANDUM

Date: May 4, 2004
File No.: DP04-0035/DVP04-0036
To: City Manager
From: Planning and Corporate Services Department
Subject:

APPLICATION NO. DP04-0035/
DVP04-0036
AT: 1895-1905 Pandosy Street
OWNER: 371868 BC Ltd.
APPLICANT: Steve Shoranick
MKS Resources Inc.

PURPOSE: TO CONSTRUCT A 4.5 STOREY, 27 UNIT APARTMENT BUILDING
TO VARY THE SIDE YARD SETBACKS FOR ALL PORTIONS OF THE
BUILDING OVER 2.5 STOREYS FROM 7.5M REQUIRED TO 4.5M
PROPOSED
TO VARY THE BUILDING SITE COVERAGE FROM 40% (MAX) TO
48.7% PROPOSED
TO VARY THE NUMBER OF PARKING STALLS FROM 43 REQUIRED
TO 39 PROPOSED
TO VARY THE MAXIMUM PERMITTED HEIGHT FROM 4 STOREYS
PERMITTED TO 4.5 STOREYS PROPOSED
THE APPLICANT IS SEEKING TO VARY THE REAR YARD SETBACK
FROM 9.0M REQUIRED TO 5.0M PROPOSED

EXISTING ZONE: RM5 – MEDIUM DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP04-0035 for Lot A, DL 14, ODYD Plan KAP55835, 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;
5. The applicant be required to register a Section 219 covenant stipulating 'no build setbacks from the creek for any future structure';
6. The applicant be required to register a Section 219 covenant saving harmless this City of Kelowna from possible flood related damage on the subject property;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP04-0036; Lot A, DL 14, ODYD Plan KAP55835, located on Pandosy Street, Kelowna, B.C.;

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

Section 13.11: RM5 – Medium Density Multiple Housing: 13.11.6(b):

Vary the maximum site coverage for buildings from 40% permitted to 48.9% proposed.

Section 13.11: RM5 – Medium Density Multiple Housing: 13.11.6(c):

Vary the maximum permitted height from 4 storeys permitted to 4.5 storeys proposed.

Section 13.11: RM5 – Medium Density Multiple Housing: 13.11.6(e):

Vary the required setback for portions of a building exceeding 2.5 storeys in height from 7.5m required to 4.5m proposed.

Section 13.11: RM5 – Medium Density Multiple Housing: 13.11.6(f):

Vary the rear yard setback from 9.0m required to 5.0m proposed.

AND THAT variances to the following sections of Zoning Bylaw No. 8000 not be granted:

Section 8: Table 8.1: Parking Schedule:

Vary the required parking from 43 stalls required to 39 stalls 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 27 unit, 4.5 story apartment building on the subject property. The applicants are also seeking variances to the side yard setbacks, the rear yard (RMA) setback, the height, the site coverage, and the required parking.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of March 30, 2004 it was resolved:

THAT the Advisory Planning Commission supports Development Application No. DP04-0035, 1895-1905 Pandosy Street/Lot A, Plan 555835, Sec. 24, Twp. 25, ODYD, by MKS Resources (Steve Shoranick), to obtain a Development Permit in order to allow for the construction of a 27 unit apartment condo building;

AND THAT the Advisory Planning Commission supports Development Variance Application No. DVP04-0036, 1895-1905 Pandosy Street/Lot A, Plan 555835, Sec. 24, Twp. 25, ODYD, by MKS Resources (Steve Shoranick), to obtain a Development Variance Permit in order to: vary the required site coverage from 40% (max.) to the 49% proposed; to vary the parking from the 43 stalls required to the 39 stalls proposed; to vary the height from 4 storeys (max) to the 4.5 storeys proposed.

4.0 BACKGROUND

This project was originally approved in a similar form in DP95-10,020. This development permit subsequently lapsed. There were no variances associated with the development permit originally approved; however, as the zoning bylaw has changed since this time, several variances are triggered by the new development permit.

4.1 The Proposal

The applicant is proposing to construct a 27 unit, 4.5 storey apartment building on the subject property. As mentioned above the project is essentially the same in form and character as that approved in the previous development permit.

This proposed infill development with a triangular shape will sit near the middle of the subject property. It will be accessed via a U-shaped entry from Pandosy Street. All of the 39 proposed parking stalls will be located below the building and a drop-off/pick-up/loading area will be at the apex of the entry area. Twenty two of the proposed 27 units will be two-unit suites with varying floor plans and sizes ranging from 102m² to 124m². The applicant is also proposing 5-3 bedrooms units with lofted areas which average 140m² in size. Each of the developments units will have a patio/deck area. The proposed floor plans for the first three floors are similar (9 units per floor); however, the fourth floor only contains the 5 lofted areas for suites located on the third floor. The limited size of the fourth storey building area allows for an interesting roofline with both turret, cross gable and sub-roof features.

The exterior elevations of the proposed building display a relatively high degree of detail. The vertical elements of the building are broken by decks/patios and the vinyl

siding is run horizontally. The horizontal rhythm of the building is also articulated with bay window and chimney features which rise vertically from grade. Vertically oriented vinyl siding of a different shade is also used to provide further visual interest. The proposed roofing material is a fiberglass laminate shingle.

The proposed landscape scheme appears to provide for adequate buffering from both neighboring properties and Mill Creek. Under a previous application the applicant dedicated a 8.43m strip bordering Mill Creek for future use by the City's Parks Department.

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

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Lot Area (m ²)	2775.1m ²	1400m ²
Lot Width (m)	60.65m	30.0m
Lot Depth (m)	83.65m	35.0m
Building Area(m ²)	1481.1m ²	6526.3m ² (max)
Building Coverage (%)	48.9% ^❶	40%
Total Site Coverage (%)	54%	60%
Total Floor Area (m ²)	4143.5m ²	N/A
Net Floor Area (m ²)	3496.9m ²	N/A
Floor Area Ratio (FAR)	1.26	1.29
Parking Spaces	39 ^❷	43 (1.5 Stalls per 2 bedroom dwelling unit X 22 units) (2.0 Stalls per 3 bedroom dwelling unit X 5 units)
Bicycle Parking Class 1 (0.5 Per Unit)	16	16
Bicycle Parking Class 2 (0.1 Per Unit)	3	3
Storeys (#)	4.5 ^❸	4
Private Open Space	1025.2m ²	675.0m ²
Setbacks (m)		
- Front	6.0m	6.0m
- Rear (Mill Creek) - Parkade to new rear property line	15.4m 5m ^❹	15m (Mill Creek Setback) 9.0m
- Side (n)	4.5m ^❹	→4.5m (for portions of the building less than 2.5 storeys in height) →7.5m (for portions of the building exceeding 2.5 storeys in height)
- Side (s)	4.5m ^❹	→4.5m (for portions of the building less than 2.5 storeys in height) →7.5m (for portions of the building exceeding 2.5 storeys in height)

❶Note: Applicant is seeking to vary the maximum site coverage for buildings from 40% permitted to 48.9% proposed.

❷Note: Applicant is seeking to vary the required parking from 43 stalls required to 39 stalls proposed

❸Note: Applicant is seeking to vary the maximum permitted height from 4 storeys permitted to 4.5 storeys proposed.

❹Note: Applicant seeking to vary the required setback for portions of a building exceeding 2.5 storeys in height from 7.5m required to 4.5m proposed.

❺Note: The applicant is seeking to vary the rear yard setback from 9.0m required to 5.0m proposed.

4.2 Site Context

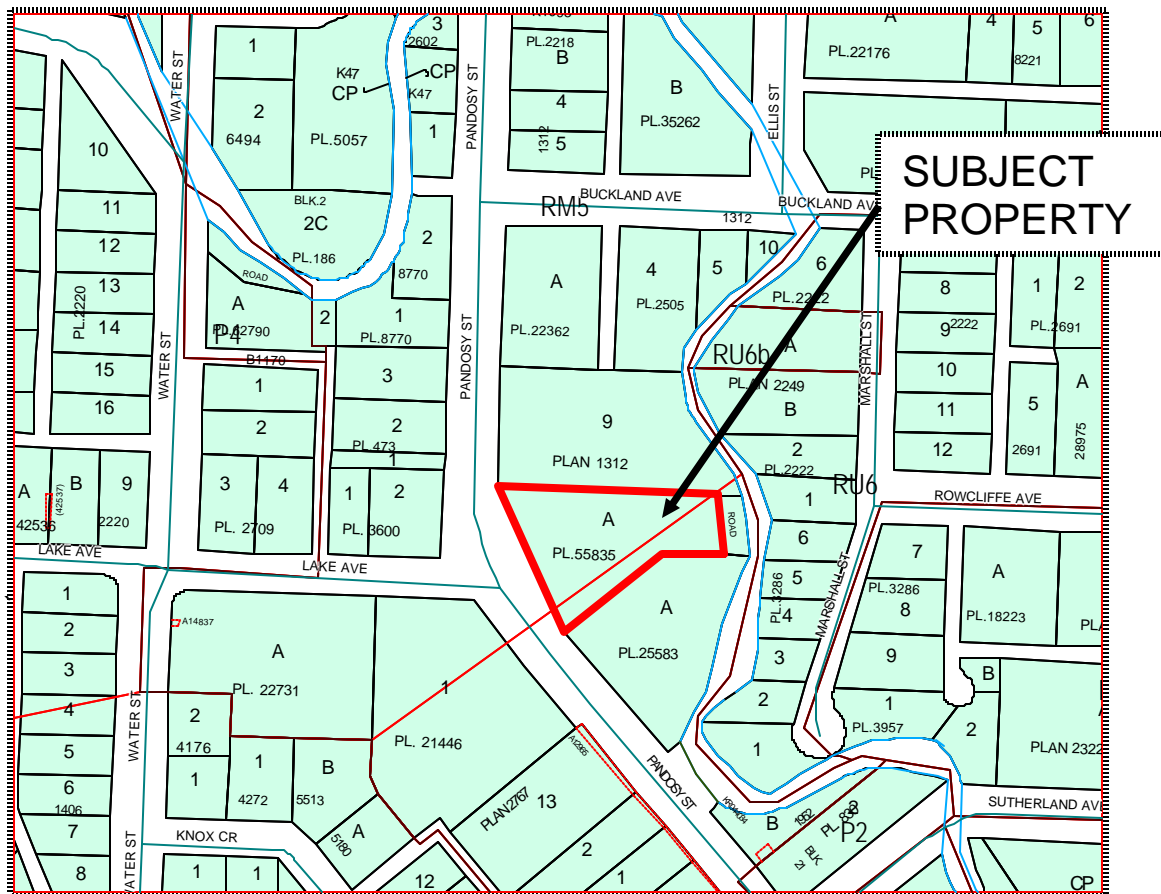
The subject property is located on the east side of Pandosy Street at its intersection with Lake Avenue.

Adjacent zones and uses are:

- North - RM5 – Medium Density Multiple Housing (Mill Creek) (Apartment Building)
- East - RU6 – Two Dwelling Housing – Single Family Dwelling (Mill Creek)
- 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 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 was circulated to various internal departments and technical agencies and the following comments were received.

5.1 Inspection Services Department

a) Parking slab elevation to be a minimum of 600mm above ground high water table. Also 1.5m above creek.

b) Consultant to provide a code analysis. Area and number of storeys, the front elevation indicates a 4 storey building. This would require sprinkler throughout the building. Is the parkade a separate building?

c) The size of the lofts to be indicated in relation to the suite.

d) The loft plan shows windows in attic area adjacent to loft floor area in units 28-31.

5.2 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.

5.2.1 Domestic Water and Fire Protection

The existing 200mm-diameter water main within Pandosy Street fronting on the proposed development is sufficient to support this development.

The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish the required size of the new service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all three existing small diameter services and the installation of one new larger metered water service. The estimated cost of this construction for bonding purposes is \$13,000.00.

Tie-ins and disconnections at the existing watermain must be by City forces and at the applicant's cost.

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.

The developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

5.2.2 Sanitary Sewer

The existing sanitary sewer system in Pandosy Street is sufficient to support the proposed development.

The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size of the new service. The applicant, at his cost, will arrange for the capping of the two existing 100mm services. The estimated cost for bonding purposes is \$11,000.00.

Tie-ins to the mains and the capping of existing services must be by City forces and at the applicant's cost.

5.2.3 Storm Drainage

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. The estimated cost for bonding purposes is \$6,000.00. A direct pipe discharge to the creek is not permitted

Provide a site grading plan.

5.2.4 Road Improvements

Pandosy Street has been upgraded to an urban standard by local improvement bylaw; no further upgrades are required.

Construction of the proposed concrete driveway accesses and removal of the existing access, as well as the proposed service upgrades, will require removal of existing curb, sidewalk and decorative asphalt boulevard infill sections. It may also be necessary to relocate or adjust existing facilities. The cost for bonding purposes is \$28,000.00. 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.

Sidewalk and boulevard treatment replacement materials as well as the restoration work will match the existing sidewalk and decorative asphalt boulevard infill.

5.2.5 Road Dedication and Development Requirements

By registered plan to provide the following (if required):

Additional dedication along the creek frontage.

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.

Grant statutory rights-of-way if required for any utility services.

5.2.6 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.

5.2.7 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:

Area ground water characteristics, including water sources on the site and overland surface drainage courses traversing across or influencing this property.

Site suitability for development; unstable soils, etc.

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.

List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

Additional geotechnical survey may be necessary for building foundations, etc.

5.2.8 Engineering

The existing road surface on Pandosy Street is in excellent condition. The developer shall do the work that is required in Pandosy Street with great care to avoid asphalt scarring. The asphalt restoration work shall be as per MMCD G5 and the new pavement shall match and blend in with the existing road surface.

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.

5.2.9 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.

5.2.10 Development Variance and Site Related Issues

The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.

The requested Development Variance applications do not compromise Works and Utilities servicing requirements.

The environmental ramifications of setbacks of new buildings from Mill Creek must be considered, but Development Engineering will defer comment on those issues to the City Environment Manager and the Provincial Government.

A site grading plan, a site servicing plan and a storm drainage plan are a requirement of this application. Site servicing issues and road access will be further reviewed and comments related to site development will be addressed when a detailed site development design or building permit application is received.

A garbage disposal bin enclosure location must be shown on the layout drawing.

Site access and egress changes must be submitted for approval by the City Works & Utilities Department. This is required to guarantee that the requirements and the limitations of access and egress required by the City have been addressed to the City's satisfaction.

5.2.11 Bonding

Pandosy St. driveway access modifications	\$28,000.00
Service upgrades	\$30,000.00
Total Bonding	\$58,000.00

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.

5.2.12 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.

5.3 Fire Department

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

Engineered fire flows will be required.

Hydrant required within 45m of fire department connection.

5.4 Parks Manager

The landscape plan and planting list is acceptable to the Parks Division.

5.5 Shaw Cable

Owner/developer to supply and install an underground conduit system as per Shaw Cable drawings & specifications.

5.6 Telus

Will provide u/g facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

5.7 Aquila

Will provide u/g electrical service.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department is generally supportive of the form and character of the proposed development although several areas of concern must be noted. Staff would like to highlight that at the time which this development was originally proposed with no variances to the zoning bylaw. Since this time (1995) Zoning Bylaw No.8000 was adopted by Council. Under Zoning Bylaw No.4500 the subject property was zoned R-5 – High Density - Multi-Family Residential. The R-5 zone allowed for greater building height and lesser side yard setbacks

The RM5 – Medium Density Multiple Housing zoning is more restrictive than its predecessor and therefore variances to height, building setbacks, and site coverage are triggered. The Planning and Corporate Services Department is willing to support these variances but has significant concerns with the proposed parking variance. The required parking is 43 stalls whereas the applicant is only proposing to provide 39 stalls. With few other options for parking in this area this may exasperate and existing parking issues.

Parking issues aside staff feel that, in form, this RM5 development would complement the existing development in the area. The proposal appears to provide a variety of different architectural elements and finishing materials that will help mitigate the height of the building and the long wall on the northern side of the development.

In conjunction with the previous application a 9.43m dedication was provided along Mill Creek.

7.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP04-0035 for Lot A, DL 14, ODYD Plan KAP55835, 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;
5. The applicant be required to register a Section 219 covenant stipulating 'no build setbacks from the creek for any future structure';
6. The applicant be required to register a Section 219 covenant saving harmless this City of Kelowna from possible flood related damage on the subject property;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP04-0036; Lot A, DL 14, ODYD Plan KAP55835, located on Pandosy Street, Kelowna, B.C.;

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Vary the required setback for portions of a building exceeding 2.5 storeys in height from 7.5m required to 4.5m proposed.

Section 13.11: RM5 – Medium Density Multiple Housing: 13.11.6(f):

Vary the rear yard setback from 9.0m required to 5.0m proposed.

Section 8: Table 8.1: Parking Schedule:

Vary the required parking from 43 stalls required to 39 stalls 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.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

RM/AB/rs
Attach.

FACT SHEET

- | | | |
|-----|--|--|
| 1. | APPLICATION NO.: | DP04-0035/DVP04-0036 |
| 2. | APPLICATION TYPE: | Development Permit/
Development Variance Permit |
| 3. | OWNER: | 371868 BC Ltd. (Trak Construction) |
| | . ADDRESS | 546 Bernard Avenue |
| | . CITY | Kelowna, BC |
| | . POSTAL CODE | V1Y 6P1 |
| 4. | APPLICANT/CONTACT PERSON: | MKS Resources (Steve Shoranick) |
| | . ADDRESS | 546 Bernard Avenue |
| | . CITY | Kelowna, BC |
| | . POSTAL CODE | V1Y 6P1 |
| | . TELEPHONE/FAX NO.: | 861-3413 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application: | March 11, 2004 |
| | Date Application Complete: | March 11, 2004 |
| | Servicing Agreement Forwarded to Applicant: | N/A |
| | Servicing Agreement Concluded: | N/A |
| | Staff Report to APC: | March 25, 2004 |
| | Staff Report to Council: | N/A |
| 6. | LEGAL DESCRIPTION: | Lot A, DL 14, ODYD Plan KAP55835 |
| 7. | SITE LOCATION: | The subject property is located on the east side of Pandosy Street at its intersection with Lake Avenue. |
| 8. | CIVIC ADDRESS: | 1895-1905 Pandosy Street |
| 9. | AREA OF SUBJECT PROPERTY: | 2775.1m ² |
| 10. | AREA OF PROPOSED REZONING: | N/A |
| 11. | EXISTING ZONE CATEGORY: | RM5 – Medium Density Multiple Housing |
| 12. | PROPOSED ZONE: | N/A |

- | | |
|--|--|
| 13. PURPOSE OF THE APPLICATION: | <p>TO CONSTRUCT A 4.5 STOREY, 27 UNIT APARTMENT BUILDING</p> <p>TO VARY THE SIDE YARD SETBACKS FOR ALL PORTIONS OF THE BUILDING OVER 2.5 STOREYS FROM 7.5M REQUIRED TO 4.5M PROPOSED</p> <p>TO VARY THE BUILDING SITE COVERAGE FROM 40% (MAX) TO 48.7% PROPOSED</p> <p>TO VARY THE NUMBER OF PARKING STALLS FROM 43 REQUIRED TO 39 PROPOSED</p> <p>TO VARY THE MAXIMUM PERMITTED HEIGHT FROM 4 STOREYS PERMITTED TO 4.5 STOREYS PROPOSED</p> <p>THE APPLICANT IS SEEKING TO VARY THE REAR YARD SETBACK FROM 9.0M REQUIRED TO 5.0M PROPOSED</p> |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | N/A |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

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