
CITY OF KELOWNA
MEMORANDUM

Date: August 26, 2004
File No.: DP04-0064/DVP04-0070

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DP04-0064/
DVP04-0070

OWNER: Mike Reibin
Ladner Ventures Inc.

AT: 345-365 Mills Road

APPLICANT: Mike Reibin

PURPOSE: TO CONSTRUCT A THREE AND A HALF STOREY, 28 UNIT
APARTMENT BUILDING ON THE SUBJECT PROPERTY

TO VARY THE HEIGHT FROM 3 STOREYS PERMITTED TO 3.5
STOREYS PROPOSED

EXISTING ZONE: RM4 – TRANSITIONAL LOW DENSITY HOUSING

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP04-0064 for Lots 1 and 2, District Lot 125, ODYD Plan 9504, located on Mills 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. The applicant be required to consolidate the subject properties;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP04-0070; Lots 1 and 2, District Lot 125, ODYD Plan 9504, located on Mills Road, Kelowna, B.C.;

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

Section 13.10.6: Development Regulations: (a)

Vary the height from 3 storeys permitted to 3.5 storeys 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.

1.0 SUMMARY

The applicant is seeking to construct at 3.5 storey, 28 unit apartment building on the subject properties.

2.0 ADVISORY PLANNING COMMISSION

At the regular meeting of August 03, 2004 it was resolved:

THAT the Advisory Planning Commission ***not*** support Development Permit Application No. DP04-0064, 345 & 365 Mills Road/Lots 1 & 2, Plan 9504, Sec. 27, Twp. 26, ODYD, by T R Thorburn Architect Ltd. (Rick Thorburn), to obtain a Development Permit to allow for the construction of 14 townhouse units.

*Note: Development Variance Permit no considered because the Advisory Planning Commission did not support the Development Permit.

Applicant has since revised the plans and reverted to plans that were originally approved under a development permit in 1995.

3.0 BACKGROUND

In 1995 the subject properties were rezoned from the R-1 Single Family Residential – Low Density zone to the R-3a Medium Density – Multi-family Residential Transition Zone (Zoning Application No. Z95-1009 under Bylaw No.4500). A development permit was also approved for an apartment housing project at this time. When Council adopted Zoning Bylaw No.8000 in 1998 the property changed from the R-3a Medium Density – Multi-family Residential Transition zone to the RM3 – Low Density Multiple Housing zone. The development permit was extended twice (1995-1997), however, has since lapsed. It was recently brought to the attention of staff that there was an error during the transition from Zoning Bylaw 4500 to Zoning Bylaw No. 8000. While the subject property was zoned RM3 - Low Density Multiple Housing, the property should have been zoned RM4 – Transitional Low Density Housing. Staff is in the process of correcting this error on behalf of the applicant.

3.1 The Proposal

The applicant had originally proposed to construct a 14 unit townhouse development of the subject properties in conjunction with this development application; however this concept was abandoned after both staff and the Advisory Planning Commission expressed significant concerns with site design.

Rather than proceed with the townhouse concept the applicant has elected to re-submit as revised plans the original concept approved by Council in 1995. The revised proposal is 28 unit, 3.5 storey apartment type building with underground parking. The “L” shaped building will sit directly in the center of the subject properties. The applicant is proposing a pedestrian access to the development fronting on Mills Road the will be identified by an entry canopy feature. The proposal displays a variety of architectural elements and exterior finishes meant to interrupt the horizontal monotony of large areas of wall and provide visual interest. These include the use of brick and vinyl siding, a step back of the building above the second floor to reduce the overall bulk of the building, and vertical section of vinyl siding with larger window areas that rise to a cross gable at the roofline. The applicant is also proposing to allow balcony space for each unit and can provide clear glass handrails to conform to CEPTED guidelines.

The proposed landscape plan allows for soft landscape buffering along both property lines, a six foot fence adjacent to the single family residential development on the eastern and northern property lines and a four foot fence along the western property line. The parkade projection above grade will also be mitigated with a landscaped berm.

The applicant seeking to vary the maximum height from 3 storeys permitted to 3.5 storeys proposed to accommodate a parkade that will be located partially below grade. Both groundwater levels and site design practicality restrict the depth of the parkade structure.

The application meets the requirements of the RM4 – Transitional Low Density Housing zone as follows:

CRITERIA	PROPOSAL	RM4(Proposed)ZONE REQUIREMENTS
Lot Area (m ²)	3215m ²	900m ²
Lot Width (m)	65.10m	30m
Lot Depth (m)	71.3m	30m
Storeys (#)	3.5❶	3
Building Site Coverage	38.8%	50%
Total Site Coverage	53%	60%
Floor Area Ratio	0.685	0.735
Total Floor Area		
Setbacks		
Front Yard	6.3m	4.5m
Side Yard (e)	5.0m	4.5m
Side Yard (w)	5.0m	4.5m
Rear Yard	18.0m	7.5m
Parking Spaces	40	28
Bicycle Parking Spaces		9 (Class 1 and 2)
Private Open Space	1822m ²	750m ²
Drive Aisle Width	7.0m	7.0m

❶Note: Applicant is seeking to vary maximum height from 3 storeys to 3.5 storeys proposed.

3.2 Site Context

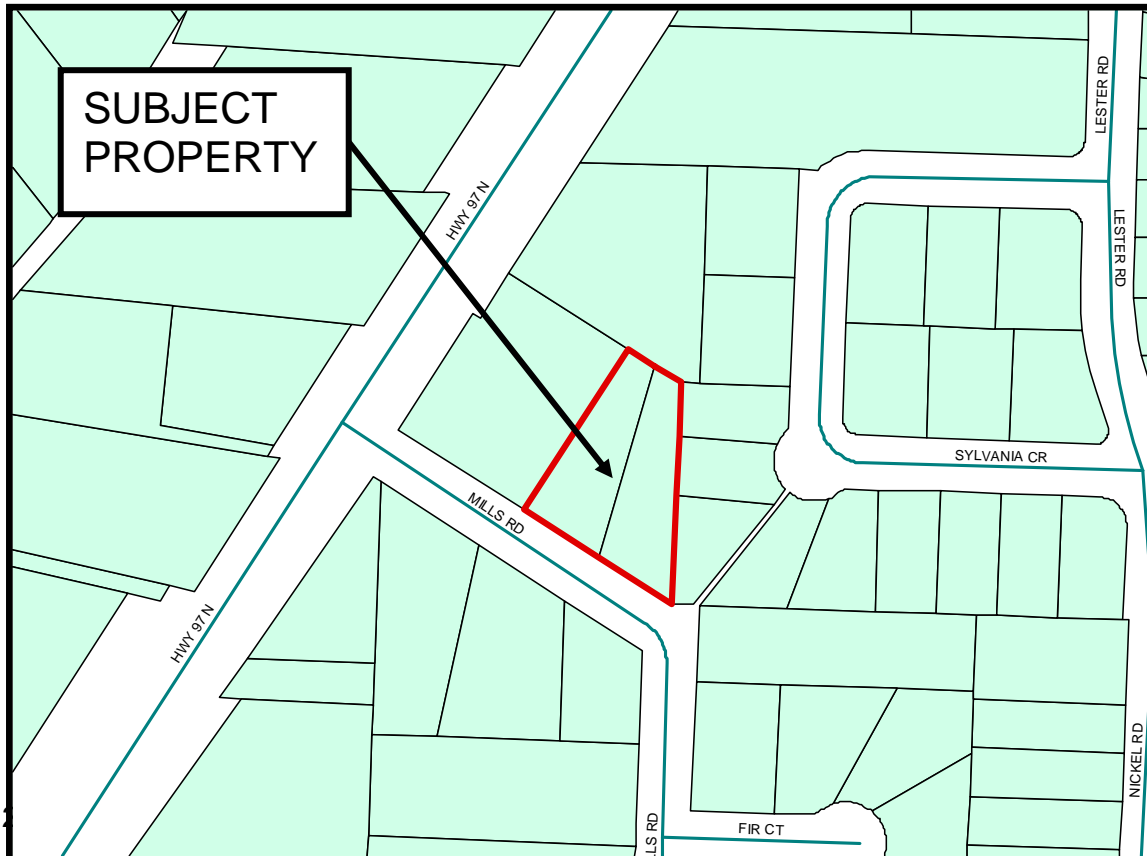
The subject properties are located on the north side of Mills Road east of Hwy.97.

Adjacent zones and uses are:

North - C9 – Tourist Commercial – Wayside Motor Inn
 East - RU1 – Large Lot Housing - Single Family Dwellings
 South - RM3 – Low Density Multiple Housing - Townhouses
 West - C9 – Tourist Commercial – Town and Country Motel

3.3 Site Location Map

Subject Property: 345-365 Mills Road



3.4.1 Kelowna Official Community Plan

The Official Community Plan future land use designation for these properties is Multiple Unit Residential – Low Density. The form and character of the proposed development is generally consistent with Objectives for Development within Urban Centres identified in the Official Community Plan.

3.4.2 Kelowna Strategic Plan (1992)

The proposal is consistent with the Urban Form objectives of the Kelowna Strategic Plan which seeks to “develop a more compact urban form by increasing densities through infill and re-development within existing urban areas...”

3.4.3 Crime Prevention Through Environmental Design

The development appears to be broadly consistent with CPTED Guidelines; however, the following should be considered:

Natural Surveillance

- dumpsters should not create blind spots or hiding areas;
- lighting should be even to avoid casting shadows where people can hide; using numerous low wattage lights accomplishes this better than a few high wattage lights;
- all four facades of a building should have windows;
- the lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- exterior of buildings should be well-lit;
- shrubbery should be no more than three feet (one metre) high for clear visibility;

Territorial Reinforcement

- property boundaries, where possible, should be marked with hedges, low fences or gates;
- private and semi-private areas should be easily distinguishable from public areas;
- all public and semi-private areas should be well-maintained to convey pride and ownership, which discourage negative activity;

Natural Access Control

- signs should direct patrons to parking and entrances;

4.0 TECHNICAL COMMENTS

This application was circulated to various internal department and technical agencies and the following comments were received.

4.1 Aquila

No response.

4.2 Fire Department

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

4.3 Inspection Services Department

Applicant will be required to provide the following clarification at building permit stage:

- Submit Spacial Separation calculation of the North West elevation.
- Handicapped parking required.

- Handicapped access is required from street to the main entrance.
- Parking garage to be designed as a separate building.
- Applicant to provide a detailed code analysis at Building permit stage.

4.4 Rutland Water Works

- Developer should contact district office to arrange servicing/scheduling/finances. CEC's: \$18,000.00.
- Service: 4" service installed to property.

4.5 Parks Manager

No concerns.

4.6 Public Health Inspector

Provided each dwelling connected to approved community water & sewer, no objections at this time.

4.7 RCMP

No response.

4.8 School District No.23

No response.

4.9 Shaw Cable

Owner/developer to supply and install an underground conduit system.

4.10 Telus

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

4.11 Terasen

No comment.

4.12 Works and Utilities

4.12.1 General

Requirements of the rezoning application no. Z95-1009 must be satisfied before approval of this application.

Consolidate the parcels.

Provide easements as required.

Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

Overall site suitability for development.

Presence of ground water and/or springs.

Presence of fill areas.

Presence of swelling clays.

Presence of sulfates.

Provide specific requirements for footings and foundation construction.

4.12.2 Domestic water and fire protection.

This development is within the service area of the Rutland Waterworks District (RWWD). The developer is required to make satisfactory arrangements with the RWWD for these items. All charges for service connection and upgrading costs are to be paid directly to the RWWD.

The water system must be capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw. The applicant must provide water computations for this development to confirm the available water supply.

4.12.2 Sanitary Sewer

The subject property is located within the specified area # 22F and currently serviced by the municipal sanitary sewer collection system. The developer will be responsible to pay the sanitary sewer area charge for each of the proposed units. The charge is currently set at \$8,948.60 (2004) per Equivalent Dwelling Unit created. The total charge is 87,696.28 ($14 \times 0.70 = 9.8$ Units @ \$8,948.60).

4.12.3 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.

4.12.4 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.

4.12.5 Road improvements.

a) Mills Road.

The applicant is responsible to upgrade the Mills Road frontage. The work consists of removing the existing sidewalk and construct curb, gutter, sidewalk, asphalt fillet paving, storm drainage, landscaped boulevard complete with underground irrigation, removal and/or relocation of utilities as may be required. Bonding for this work in place under file Z95-109

4.12.6 Street lights.

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

4.12.7 Engineering.

Design has been completed, 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.

4.12.8 Bonding and Levies Summary.

a)Performance Bonding

Mills Road upgrading (see file Z95-1009)

In place

b)Levies

Specified Area # 22 F charges

\$87,696.28

3.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The 14 unit townhouse style development that was originally proposed through this application triggered a large variety of variances and design issues that staff and the applicant were unable to resolve. After the Advisory Planning Commission and staff chose not to support a DP for this style of development due to the number of issues triggered by the site design, the applicant elected to proceed with the design as originally approved in 1995 for a 28 unit apartment building.

The Planning and Corporate Services Department is supportive of the revised development permit proposal and associated development variance permit for building height. The proposed 28 unit apartment building was originally approved in 1995, however, lapsed in 1997. Staff have reviewed the proposal with Multiple Unit Residential Development Criteria in the OCP and present the following brief analysis to support their recommendation:

Landscaping

The proposed landscape plan generally meets the guidelines provided in the OCP.

Relationship to Street

No ground level access is provided for first storey units. The principle front entryway is easily identifiable from the street. Balconies to face towards the street.

Building Massing

The proposed building steps back above the second floor and setback from the abutting residential development to the east. Balconies and bay windows appear on all elevations.

Walls

Long walls are treated with architectural elements and exterior treatments to reduce the impacts.

Views

No view corridors will be compromised.

Crime Prevention

Parkade is partially open to allow daylight to enter and sightlines in/out. Balcony railings will be transparent.

Ancillary Services/Utilities

Refuse bins are setback from abutting development and are easily accessible.

Amenities

Balconies for each unit, and green space at grade is provided on site.

Access

Vehicle access is via a drive aisle from Mills Road. It is not anticipated that the drive aisle location would trigger conflict with pedestrian movements.

Parking

Parking is located in a secure parking lot below the building. The parkade will be located only partially below grade to allow for infiltration of daylight.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

RM/AB/rs

FACT SHEET

- | | |
|---|--|
| 1. APPLICATION NO.: | DP04-0064/DVP04-0070 |
| 2. APPLICATION TYPE: | Development Permit/Development Variance Permit |
| 3. OWNER: | Mike Reibin/Valerie Madigan |
| • ADDRESS | 744 Austin Avenue |
| • CITY | Coquitlam, BC |
| • POSTAL CODE | V3K 3V1 |
| 4. APPLICANT/CONTACT PERSON: | Mike Reibin |
| • ADDRESS | 744 Austin Avenue |
| • CITY | Coquitlam, BC |
| • POSTAL CODE | V3K 3V1 |
| • TELEPHONE/FAX NO.: | 604-683-7653 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | June 16, 2004 |
| Date Application Complete: | June 16, 2004 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to APC: | June 28, 2004 |
| Staff Report to Council: | N/A |
| 6. LEGAL DESCRIPTION: | Lots 1 and 2, Plan 9504 |

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| 7. SITE LOCATION: | The subject properties are located on the north side of Mills Road east of Hwy.97. |
| 8. CIVIC ADDRESS: | 345 -365 Mills Road |
| 9. AREA OF SUBJECT PROPERTY: | 6430m ² |
| 10. AREA OF PROPOSED REZONING: | 6430m ² |
| 11. EXISTING ZONE CATEGORY: | RM3- Low Density Multiple Housing |
| 12. PROPOSED ZONE: | RM4 – Transitional Low Density Housing |
| 13. PURPOSE OF THE APPLICATION: | TO CONSTRUCT A THREE AND A HALF STOREY, 28 UNIT APARTMENT BUILDING ON THE SUBJECT PROPERTY

TO VARY THE HEIGHT FROM 3 STOREYS PERMITTED TO 3.5 STOREYS PROPOSED |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | Pending... |
| 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
- Colour Sample