
**CITY OF KELOWNA
MEMORANDUM**

Date: October 18, 2005
File No.: DP05-0114/DVP05-0187

To: CITY MANAGER

From: PLANNING AND CORPORATE SERVICES DEPARTMENT

Subject:

APPLICATION NO. DP05-0114/DVP05-0187 **OWNER:** Ziprick Place BC Ltd. Inc.
No. 0702706

AT: 135 Ziprick Road

APPLICANT: Garry Tomporowski
Architects

PURPOSE:

EXISTING ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

PROPOSED ZONE: RM4 – TRANSITIONAL LOW DENSITY HOUSING

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Final Adoption of Official Community Plan Amendment Bylaw No. 9490 be considered by Council;

AND THAT Final Adoption of Zoning Bylaw No. 9491 be considered by Council;

AND THAT Final Adoption of Housing Agreement Bylaw No. 9525 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP05-0114 for Lot 1, Section 22, Twp 26, ODYD, Plan KAP50112 except Plan KAP78236 located on Ziprick 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. DVP05-0187; Lot 1, Plan 50112, Sec. 22, Twp. 26, ODYD located on Ziprick Road, Kelowna, B.C.;

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

Section 13.10.6 (c) - RM4- Transitional Low Density Housing

A variance to allow the building to be 4 storeys in height where only 3 storeys is permitted.

Section 13.10.6 (f) - RM4- Transitional Low Density Housing

A variance to allow a rear yard setback of 6.8 where 9.0 m is required.

Section 6.10.1 – Setback from Provincial Highways

A variance to allow a setback from of 9.2 m from Highway 33 where 15.0 m is required.

Section 6.4.2 – Projections Into Yards

A variance to allow decks to project 2.8 m into the required rear yard setback where only 2.5 m is permitted.

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 applicant is proposing to construct 45 units of apartment housing on the subject property.

3.0 ADVISORY PLANNING COMMISSION

The above-noted applications were reviewed by the Advisory Planning Commission at the meeting of August 2, 2005 and the following recommendations were passed:

AND FURTHER THAT the Advisory Planning Commission supports Development Permit Application No. DP05-0114, for 135 Ziprick Road, Lot 1, Plan 50112, Sec. 22, Twp. 26, ODYD, by Garry Tomporowski Architect Ltd. (Garry Tomporowski), to obtain a Development Permit to allow for the construction of 48 units of apartment housing.

4.0 BACKGROUND

4.1 The Proposal

The applicant is proposing to construct a four storey apartment building on the subject property. The proposed L-shaped building will house a total of 45 units of apartment housing with a parking structure located below. A housing agreement will allow for a density bonus of 0.10 with an additional 0.2 bonus resulting from the provision of all of the required parking below the building. The housing agreement bylaw will be adopted concurrently with the review of the development permit. The conditions of the housing agreement will establish a total of 5 units to be made available for sale at an affordable cost.

Access to the site is via a single driveway, off of Ziprick Road. The access connects to both the underground parkade as well as the circular driveway at the front of the building. The circular driveway serves as both a drop-off/pick-up area at the main entrance as well as a focal point of the development with a landscape island, including a water feature, located at its centre. Stamped concrete pathway lead from the streets, around the circular driveway, to the front door of the building. Additional landscaping throughout the site, including several trees, grassed areas, and planting beds, create visually appealing and functional open space throughout the development. A variance is proposed to allow a small portion of the driveway leading to the front of the property to be reduced in width to 6.0 m where 7.0 m is required. As there are no parking spaces accessed off of this portion of the driveway, Staff is supportive of the proposed

variance. The slight reduction of the driving aisle allows for an increased separation from the sidewalk as well as from the building. Between the driveway and sidewalk, three trees are proposed with a line of shrubs to be planted adjacent to the building. The proposed variance thus allows for an increased landscape buffers. Additional variances to allow a side yard setback of 9.3 m from the highway where 15.0 m is required. In addition, variance are required to allow a rear yard setback of 6.8 m where 9.0 m is required with balconies encroaching 2.8 m into the require rear yard setback where only 2.8 m is permitted.

As the maximum permitted height in the RM4 zone is 3 storeys, a variance to allow the middle portion of the building to be 4 storeys. In order to mitigate the impact of the height of the building, the applicant has tiered the building up from the ends with only the middle portion of the building (6 units) being 4 storeys. The proposed addition of the 4th storey was the result of an attempt to mitigate the impact of road dedications required to facilitate road works by the Ministry of Transportation at the front of the property. The additional height also allows the applicant to maintain a significant amount of green space on the property. The applicant has attempted to provide visual interest to the building using a variety of elements including the use of dormers, balconies, types and sizes of windows, as well as different types and colours of materials. The building façade is to be finished in beige horizontal vinyl siding with dark brown siding shakes on the dormers. The proposed trim colour is to be white trim with the proposed balconies finished with glass railings.

The application meets the requirements of the proposed RM4- Transitional Low Density Housing Zone as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Lot Area (m ²)	4428 m ²	900.0 m ²
Lot Width (m)	59.23 m	30.0 m
Lot Depth	64.29 m	30.0 m
Floor Area Ratio (F.A.R.)	0.94	0.65 or 0.75 for housing agreement, plus maximum of 0.2 for parking below habitable space $0.75 + 0.20 = 0.95$
Site Coverage (buildings)	34.0%	50%
Site Coverage (buildings/parking)	53.0%	60%
Height	12.65m/ 4 storeys**	13.0 m / 3 storeys
Setbacks (m)		
- Front	8.6 m	6.0 m
- Rear	6.8 m**	9.0 m except 7.5 m to rear lane
- Side	10.0 m	4.5 m < 2 ½ storeys
- Side	9.6 m**	15.0 m from a Highway 33 outside of an urban town centre

Other requirements

Parking Stalls (#)	70	1.25 per 1 bedroom unit (8 units)= 10 spaces 1.50 per 2 bedroom unit (34 units) = 51 2.0 per 3 bedroom unit (3) = 6 Total = spaces 67 spaces
Driving Aisle	7.0 m 6.0 m**	7.0 m for two way aisle
Bicycle Stalls (#)	24 parkade 5 spaces to be provided adjacent to front door*	Class I: 0.5 per dwelling = 24 Class II: 0.1 per dwelling = 4.8 Total = 24/5
Open Space	965 m ² +	7.5 m ² per bachelor dwelling, 15 m ² per one bedroom dwelling, and 25 m ² per dwelling above one bedroom (855 m ² required)
Projections	2.8 m** (6.2 m setback)	2.5 m projection into required rear yard (6.5 m setback)

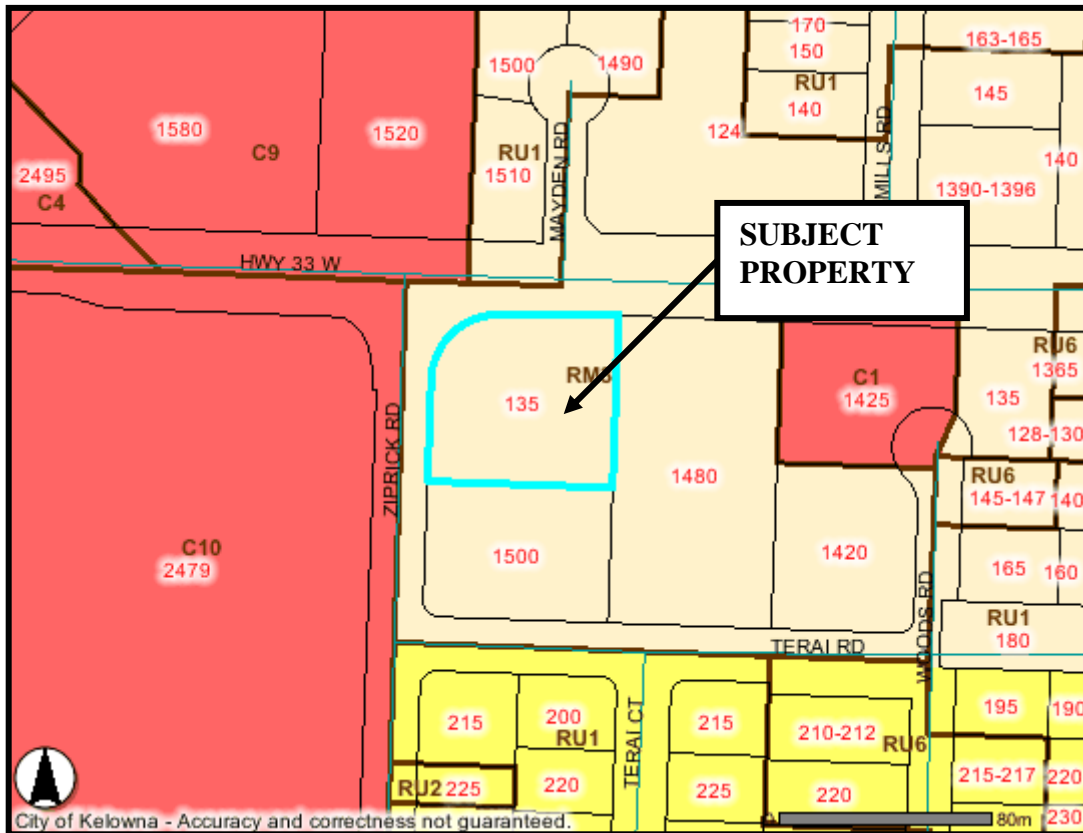
** variance required

3.2 Site Context

The subject property is located on the south east corner of Hwy 33 and Ziprick Road. Adjacent zones and uses are:

- North - RU1 – Large Lot Housing/RM3 – Low Density Multiple Housing
- East - RM3 – Low Density Multiple Housing
- South - RM3 – Low Density Multiple Housing
- West - C10 – Service Commercial

Site Location Map



3.3 Proposed Development Potential

The purpose of the RM5 zone is to provide a zone primarily for medium density apartments. The principal uses in this zone are apartment housing, congregate housing, group homes (major), and stacked row housing. Secondary uses include care centres (major), and home based businesses (minor).

3.4 Current Development Policy

3.4.1 City of Kelowna Strategic Plan (2004)

objectives of the Strategic Plan is includes the construction of housing forms and prices that meet the needs of Kelowna residents; the achievement of accessible, high quality living and working environments; and the sensitive integration of new development with heritage resources and existing urban, agricultural and rural areas.

3.4.2 Official Community Plan (OCP)

The future land use designation of the subject property is Low Density Multiple Housing. The proposed designation of Medium Density Multiple Housing is therefore not consistent with the Official Community Plan. The OCP identifies and outlines that there may be some opportunities for considering support of an OCP amendment and rezoning application for residential densities greater than those provided for in the OCP. The OCP states that such an opportunity may exist where the proposed densities do not exceed the densities provided for by

more than one increment (e.g. medium density multiple units might be entertained where the future land use is identified as low density multiple unit residential). Elements of the proposed building design are, however, consistent with the Multiple Dwelling Housing Guidelines as listed in the OCP. Examples of elements of the building design that are consistent with the design guidelines are as follows:

Relationship to the Street

- First storey units should ideally provide ground-level access and outdoor amenity space
- The principle front entranceway should be clearly identified and in scale with the development.

Building Massing

- Sub-roofs, dormers, balconies, and bay windows should be encouraged.

Walls

- End walls visible from a public street or residential lot should be finished to provide an attractive appearance. Blank or solid walls (without glazing) should not be longer than 5 m. Walls longer than 5 m should incorporate wall detailing that will provide visual interest.

Crime Prevention

- Guidelines for Crime Prevention Through Environmental Design Guidelines (CPTED) should be followed.

Parking

- Underground parking is encouraged.

The OCP also encourages the further development of affordable housing within the City. The OCP establishes affordability benchmarks for both owned and rented affordable dwelling units. Affordable Ownership is based on the income level at which a household would be capable of entering the Kelowna ownership market. This is equivalent to the "starter home" price and is derived based on the purchase ability at the median income level for all two or more person households from the most recent Census, assuming 30 % of gross household income expenditure for shelter. The starter home price will be updated annually between Census years using the B.C. Consumer Price Index (CPI), be published annually by the City and be given for a non-strata-titled home, a strata-titled home and a mobile /manufactured home. Affordable Rental is based on the average rents for Kelowna from the annual Canada Mortgage and Housing Corporation (CMHC) Rental Market Report. Income for an affordable rental will be based on the annual gross income at which 30% will be equal to the affordable rent. Staff has reviewed this application, and it may move forward without affecting either the City's financial plan or waste management plan.

5.0 TECHNICAL COMMENTS

5.1 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements.

5.2 Inspections Services

Fire Dept. access to meet 3.2.5.5 and 3.2.5.6 of the BCBC. Review spatial limits between guest room and third level lobby. Review exit protection at stairway exit doors. Separate sign permits required. For BP application: detailed code analysis, sealed fire flow calculations with water letter from RWD. Geotechnical report and sealed civil drawings. Housing agreement to be in place for DCC's.

5.3 Rutland Water Works

RWW requirements to be met at the time of Building Permit.

5.4 Parks Manager

1. Residents will be responsible to weed, water and mow the boulevards adjacent to their properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

2. All plant material (trees, shrubs, ground covers and sod) used in the boulevard to be reviewed and approved by Parks Staff.

3. Boulevard tree maintenance will be the responsibility of Parks Division. However, the adjacent owner will be responsible for watering and replacement of trees during the establishment period, for at least one growing season after planting.

5.7 Interior Health

No comment.

5.10 Shaw Cable

Owner/developer to install an underground conduit system.

5.11 Telus

Will provide underground facilities to development. Developer will be required to supply and install conduit.

5.13 Works & Utilities

The Works & Utilities Department comments and requirements regarding this application are as follows:

1. Subdivision

a) Requirements of the rezoning application no. Z05-0045 must be satisfied before approval of this Development Permit.

b) Provide easements as may be required.

2. Accesses and on-site circulation.

a) The single access onto Ziprick Road is acceptable.

b) The ramp slop must meet Bylaw maximum.

c) There is no access onto Hwy 33 as per the existing covenant registered on the property to that effect.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

Staff notes that the applicant was required to revisit the proposal due to the requirements of the Ministry of Transportation, as a result several variances are now being proposed. Following the review of the application at the time of rezoning, the applicant made significant effort to address concerns with the proposed development. Staff is subsequently supportive of the proposed development and development variance permit applications.

The proposed development is highly visible from both Ziprick Road and Highway 33. The applicant has revised the site plan and landscape plan in order to create a strong sense of connectivity between the development and the adjacent streetscape. At this corner of the site, the applicant is proposing a front circular driveway with a landscape island (including a water feature in the middle), a stone feature wall, stamped concrete pathways, and a variety of landscaping (including planting beds, grassed areas, and trees). All of the elements serve to create a focal point of the development and with good visual and physical linkages from the adjacent streets to the building.

Staff acknowledges that the proposed variances were in large part required in order to facilitate a significant road dedication along the highway frontage as well as the Ministry of Transportation's requirement that the driveway location be located as far back from the highway as possible. In general, Staff feels that the applicant has mitigated the proposed variances to the setbacks and driveways width through the provision of landscaping of high quantity and quality. In addition, the applicant has attempted to mitigate the proposed height variance by restricting the additional storey to the middle of the building, tapering the building down to three storeys at the end, and blending the rooflines of the building in order to minimize the visual impact of the building height.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

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Attach.

ATTACHMENTS

Location of Subject Property

Site plan

Floor Plans

Elevations

Landscape Plan

Letter from Applicant