
CITY OF KELOWNA

MEMORANDUM

Date: March 15, 2006

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DP05-0210/
DVP05-0211

OWNER: 425434 BC Ltd.
Giovanni and Sandra Gasparetto

AT: 140 and 160 Mallach Road

APPLICANT: J.Herman Group Inc.

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW THE
CONSTRUCTION OF A 3 STOREY, 19 UNIT MULTIPLE
DWELLING HOUSING TOWNHOUSE STYLE DEVELOPMENT

VARY THE MAXIMUM HEIGHT FROM 2.5 STOREYS
PERMITTED TO 3 STOREYS PROPOSED

TO VARY THE SITE COVERAGE FOR BUILDINGS, PARKING
AND PAVED AREAS FROM 50% PERMITTED TO 58.8%
PROPOSED

TO VARY THE PRIVATE OPEN SPACE FROM 475M²
REQUIRED TO 412M² PROPOSED

EXISTING ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council not authorize the issuance of Development Permit No. DP05-0210 for Lot A, Section 23, Township 26, ODYD Plan 6431 and Lot B, Section 23, Township 26, ODYD Plan 6431, located on Mallach Road, Kelowna, B.C.;

AND THAT Council not authorize the issuance of Development Variance Permit No. DVP05-0211; for Lot A, Section 23, Township 26, ODYD Plan 6431 and Lot B, Section 23, Township 26, ODYD Plan 6431, located on Mallach Road, Kelowna, B.C.;

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

13.9.6 – Development Regulations: (c):

The applicant is seeking to vary the maximum height from 2.5 storeys permitted to 3 storeys proposed.

13.9.6 - Development Regulations: (b):

The applicant is seeking to vary the maximum site coverage for buildings, parking and paved areas from 50% permitted to 58.8% proposed.

13.9.7 – Other Regulations: (c):

The applicant is seeking to vary the private open space from 475 m² required to 412 m² proposed.

2.0 SUMMARY

The applicant has applied for a development permit to allow for the construction of three storey, 19-unit townhouse development. The proposal triggers a development variance permit for the height of the development which exceeds the zone standard by 0.5 storeys, the site coverage for buildings and parking and the required private open space.

3.0 ADVISORY PLANNING COMMISSION

This application was considered at the regular meeting of December 20, 2005 and the following resolution was passed:

THAT the Advisory Planning Commission supports Application #DP05-0210, obtain a Development Permit to allow a 19 unit townhouse development on the subject property,

AND THAT the Advisory Planning Commission supports Application #DVP05-0211, to obtain a Development Variance Permit to vary the height from the 2.5 storeys permitted to the 3 storeys proposed.

4.0 PROPOSAL

The proposed townhouse development will allow for 19 - two bedroom units in four buildings on the subject property. The buildings will be oriented east-west with a drive-aisle bisecting the centre of the property which also extends northwards to provide a connection to the existing lane.

The form and character of the proposed development is contemporary in style. The applicant has proposed a cross-gabled style roof which will be finished with dark colored asphalt shingles. The applicant is proposing a mix of siding materials which will include mocha and light tan stucco, cultured stone and dark brown metal fascia trim. All of the proposed units will have their primary vehicle access and pedestrian access from the interior of the property. Each unit will have a garage with adjacent pedestrian door. At the second storey the units will each have a kitchen and family room with bedrooms located above on the third storey.

The applicant has provided a landscape plan for the development proposal which allows for fencing around the perimeter of the site. The plans also allows for an attractive landscape buffer fronting Mallach Road which incorporates pedestrian access to the developments internal driveway. Each unit is also provided with a small landscaped patio.

The application meets the requirements of the RM3 – Low Density Multiple Housing zone as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Lot Area (m ²)	3688m ²	900m ²
Lot Depth (m)	78.3m	30m
Lot Width (m)	46.5m	30m
Area of Buildings at Grade	1472m ²	N/A
Area of Pavement, Accessory Buildings, etc...	452m ²	N/A
Site Coverage (%) (Buildings)	37%	40%
Site Coverage (%) (Buildings and parking)	58.8%❶	50%
Net Floor Area (m ²)	1836m ²	N/A
Floor Area Ratio (FAR)	0.49	0.5 +0.1 bonus for parking ur building Total: 0.6
Parking Spaces	27 Regular Size Stalls 10 Small Car Stalls Total: 37 Stalls	19 Units x 1.5 Stalls Per 2 Bedroom Required Parking: 29 stalls
Bicycle Parking	Class 1: 10 Stalls Class 2: 2 Stalls	Class 1: 10 Stalls Class 2: 2 Stalls
Storeys (#)	3❷	2.5
Setbacks(m)		
- Front	4.5m	4.5m
- Rear	7.5m	7.5m
- North Side	4.5m	4.5m
- South Side	4.5m	4.5m
Private Open Space	412m ² ❸	25m ² per 2 bedroom x 19 units Total: 475m²
Drive Aisle Width	7.0m	7.0m for 2 way drive-aisles
Refuse Bins (Setback from abutting residential areas)	3.0m	3.0m from abutting Residential Zones.

❶Note: The applicant is seeking to vary the maximum site coverage for buildings, parking and paved areas from 50% permitted to 58.8% proposed.

❷Note: The applicant is seeking to vary the maximum height from 2.5 storeys permitted to 3 storeys proposed.

❸Note: The applicant is seeking to vary the private open space from 475m² required to 412m² proposed.

4.1 Site Context

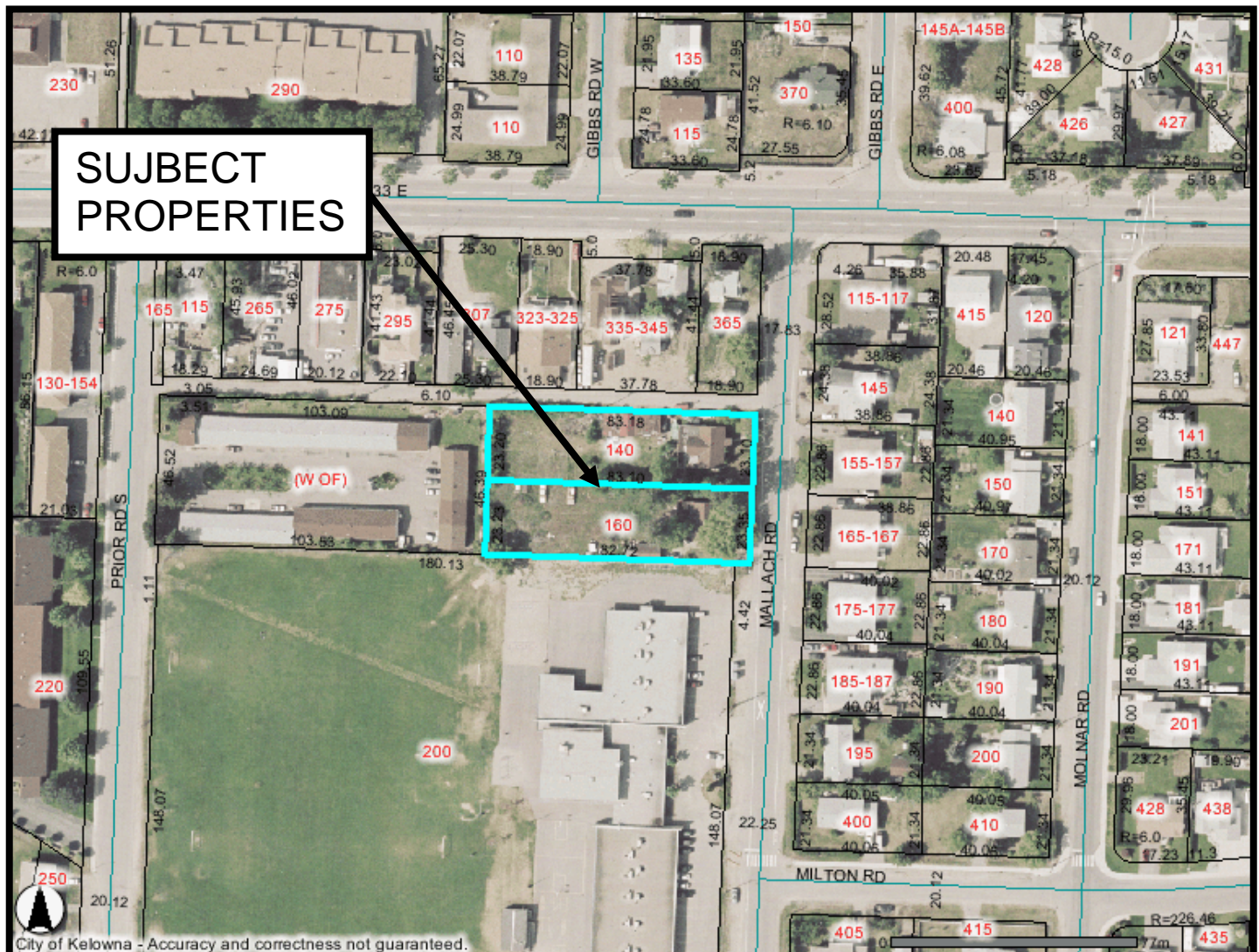
The subject properties are located on the west side of Mallach Road between Hwy.33 East and Holbrook Road East.

Adjacent zones and uses are:

- North - RM3 – Low Density Multiple Housing - Multiple Unit Dwellings/SFD's
- East - RU6 – Two Dwelling Housing - Single Family Dwellings
- South - P2 – Education and Minor Institutional - School
- West - RM3 – Low Density Multiple Housing - Multiple Unit Dwellings/SFD's

4.2 Site Location Map

Subject Properties: 140-160 Mallach Road



4.3 Existing Development Potential

The subject property is zoned RM3 – Low Density Multiple Housing. The purpose of the RM3 zone is to provide for low density multiple housing on urban services.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

Map 19.1 of Kelowna's Official Community Plan designates the subject property as Multiple Unit Residential – low density.

The Official Community Plan contains the following objectives for context and design for new multiple family developments:

Objectives for Multiple Unit Residential Development

- Development is an appropriate response to its physical context.
- Development contributes to the creation of pedestrian-oriented streets and public spaces.
- Development contributes to a sense of community identity and sense of place
- Development facilitates access by, and minimizes conflicts among pedestrian, bicycle, and vehicular modes of transportation
- All development should promote safety and security of persons and property within the urban environment (CPTED).

Guidelines for Multiple Unit Development

The application addresses the guidelines for Multiple Unit Development as follows:

Landscaping

- enhances public views
- provides noise buffering
- complement building's architectural features
- enhance the edges of buildings
- screens parking areas from view (with vegetation, berms, low walls, fences etc.)
- creates shade
- creates design interest
- contribute to a sense of personal safety and security
- facilitate access, enjoyment and social activities for all authorized users

Relationship to the Street

- First storey units do not provide ground-level primary access but some outdoor amenity space is provided.

- The principle front entranceway is accessed via a side lane, however, pedestrian access to the development is provided from Mallach Road.
- Porches are provided.

Building Massing

- Development is generally compatible with the massing and rhythm of the developing streetscape:
- Variation between architectural bays within each façade are provided.

Walls

- End walls visible from a public street or residential lots are finished to provide an attractive appearance.

Ancillary Services/Utilities

- Refuse bins are not shown on the site plan. Applicant must address their location prior to Council consideration.
- Utility service connections will be screened from view or be located so as to minimize visual intrusion.

Amenities

- Limited useable amenity space is available for the use of residents.

Access

- Vehicle access and on-site circulation minimize interference with pedestrian movement.

Parking

- Some under building parking is provided.

4.4.2 Kelowna Strategic Plan (2005)

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 areas 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.

The subject properties are located in the Rutland Urban Centre and the proposal is therefore consistent with the objectives above.

4.4.3 Crime Prevention Through Environmental Design

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;
- loading areas should not create hiding places;
- 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;
- wherever it is appropriate, a mix of uses should be encouraged to increase natural surveillance at different times of the day; placement of residential uses above commercial is a good example of this;
- elevators and stairwells should be clearly visible from windows and doors;
- shrubbery should be no more than three feet (one metre) high for clear visibility;
- stairwells should be well-lit and open to view; not behind solid walls.

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

- Public paths should be clearly marked;
- signs should direct patrons to parking and entrances;
- there should be no easy access to the roof;
- entrances to dwellings within a commercial building should be separate from the commercial entrance to enable distinction of residential visitors from those frequenting businesses;
- rear access to shops should be provided from rear parking lots.

5.0 TECHNICAL COMMENTS

5.1 Works and Utilities Department

The Works & Utilities Department have the following requirements associated with this development application. Limitations of access and egress required by the City have been addressed to the City's satisfaction.

5.1.1 Subdivision

Consolidate the lots.

Dedicate approximately 2.5m. to establish the Mallach Road right of way at 10 m. from existing mean centreline by survey plan registered in the Land Title Office.

Provide easements as may be required.

5.1.2 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.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

5.1.3 Domestic water and fire protection.

This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.

A watermeter is mandatory as well as a sewer credit meter to measure all the irrigation water. Watermeters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

The redundant domestic water services must be disconnected at the main at the developer's cost.

5.1.4 Sanitary Sewer.

The property is serviced by the municipal wastewater collection system. The existing 100 mm sanitary service located should be adequate for the proposed development. Should a new sanitary service be required, the applicant will be responsible for the cost to install the new service as well as the removal of the existing redundant service.

Abandon and backfill existing septic tank in accordance with Building Department requirements. Identify, on the Lot Grading Plan, the location of the existing tanks and fields.

5.1.5 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. The drainage study should indicate the size and location of the detention facility. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

5.1.6 Power and Telecommunication Services.

The property is located within the Rutland Urban Town Centre, therefore, 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.

5.1.7 Road improvements.

a) Mallach Road

The applicant is responsible to upgrade Mallach Road to a paved urban collector standard (SS-R5) The construction consists of curb, gutter and sidewalk, fillet paving, storm drainage works, removal and/or relocation of utilities as may be required, etc. The estimated cost for this work, for bonding purpose, would be \$32,000.00, inclusive of a bonding contingency (Utility poles relocation is not included).

b) Lane

The applicant is responsible to upgrade the lane by widening the south side between the existing pavement edge and the property line. The estimated cost for the paved fillet, for bonding purpose would be \$5,200.00, inclusive of a bonding contingency (Utility poles relocation is not included)

5.1.8 Street lights.

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

5.1.9 Engineering.

Design, 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.

5.1.10 DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgradings are not identified in the current DCC schedules.

5.1.11 Bonding and Levies Summary.

a) Performance Bonding

Mallach Road frontage upgrading	\$32,000.00
Lane upgrading	\$ 5,200.00
Total bonding	\$37,200.00

b) Levies N/A

5.2 Fire Department

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

b) Engineered fire flows are required.

c) Hydrant required within 45m of fire department connection.

d) Contact FPO for preferred location(s) of new hydrant(s) and/or Fire Dept. connection.

5.3 Fortis BC/Public Health Inspector/RCMP/School District #23/Shaw Cable/Terasen

No concerns.

5.4 Inspection Services Division

Must comply with BC Building Code. Code analysis at to be completed at building permit stage. Spatial separation calculation to be provided for the site elevation of two blocks located on the south of the parcel. There are no windows shown for the dens located in the parking level behind the garage therefore these rooms cannot be used as bedrooms.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

Staff is generally supportive of the design of this proposed townhouse style development and related variance to increase the maximum height from 2.5 storeys permitted to 3 storeys proposed. The applicant has presented a design which is generally consistent with applicable design guidelines in the Official Community Plan; however, as noted in the zoning requirements chart, several deficiencies exist with the proposal as currently presented. Staff is particularly concerned about the variances to site coverage (buildings and parking), private open space.

While the form and character of the design is commendable, staff feel that the variances are an indication that site is being overbuilt. Very little of the open space that is being provided on-site would actually be useable for the residents. At the recommendation of staff, the applicant has designated a small area for a children's play area which is positive; however, did not serve to address the required variance.

At the recommendation of staff, the applicant has attempted to strengthen the relationship between this development and the Mallach Road streetscape. The applicant has responded with the addition of windows and French doors on this elevation. While these elements help to lend additional visual interest to this elevation, staff does not feel that they increase the pedestrian orientation in the manner which a real pedestrian entrance would.

Having noted the above, staff would be prepared to support the development so long as the only variance sought was a height variance. The applicant has shown a willingness to take the concerns of staff into consideration throughout the process; however, positive changes to the development plan have occurred in a very incremental fashion.

At this time the Planning and Corporate Services Department is unable to support this Development Permit and related Development Variance Permit application. Should Council choose to support these applications, an alternate recommendation is provided below.

7.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP05-0210 for Lot A, Section 23, Township 26, ODYD Plan 6431 and Lot B, Section 23, Township 26, ODYD Plan 6431, located on Mallach 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. DVP05-0211; for Lot A, Section 23, Township 26, ODYD Plan 6431 and Lot B, Section 23, Township 26, ODYD Plan 6431, located on Mallach Road, Kelowna, B.C.;

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

13.9.6 – Development Regulations: (c):

The applicant is seeking to vary the maximum height from 2.5 storeys permitted to 3 storeys proposed.

13.9.6 - Development Regulations: (b):

The applicant is seeking to vary the maximum site coverage for buildings, parking and paved areas from 50% permitted to 58.8% proposed.

13.9.7 – Other Regulations: (c):

The applicant is seeking to vary the private open space from 475m² required to 412m² proposed.

AND THAT the applicant be required to provide low level lighting on all walkways on-site;

AND THAT the applicant be required to place an address/identification sign on the Mallach Road frontage;

AND THAT the applicant be required to consolidate the subject properties and perform the required road dedication by Technical Subdivision prior to issuance of this development permit;

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



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

RM/AB/rs
Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Landscaping plan
- Colour Rendering