
CITY OF KELOWNA

MEMORANDUM

DATE: June 2, 2006

TO: CITY MANAGER

FROM: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

APPLICATION NO. DP06-0002/DVP06-0003

OWNER: 0727568 BC Ltd.

AT: 130, 140, Barber Road
795 Hwy 33

APPLICANT: New Town Architectural
Services Ltd.

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF 34 UNITS OF APARTMENT HOUSING.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW FOR PROJECTIONS OF 1.62 M INTO A REQUIRED SIDE YARD WHERE ONLY 0.6 M IS PERMITTED.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW FOR A SITE COVERAGE OF 63.4% WHERE ONLY 60% IS PERMITTED.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW FOR A HEIGHT OF 4.5 STOREYS WHERE ONLY 4 STOREYS ARE PERMITTED.

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RM5- MEDIUM DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: KEIKO NITTEL

1.0 RECOMMENDATION

THAT Final Adoption of Zoning Amending Bylaw No.9588 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP06-0002 for Lots 1,2 & 3, Section 22, Township 26, ODYD, Plan 25464 located on Barber Road and Highway 33 West, 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. DVP06-0003 for Lots 1,2 & 3, Section 22, Township 26, ODYD, Plan 25464 located on Barber Road and Highway 33 West, Kelowna, B.C.;

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

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

A variance to allow site coverage for buildings, driveways, and parking of 63.4% where a site coverage of 60% is permitted;

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

A variance to allow the building to be 4½ storeys in height where a height of only 4 storeys is permitted;

Section 6.4.2 – General Development Regulations – Projection into Yards

A variance to projections 1.62 m into a required side yard where a projection of only 0.6 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 has fulfilled the conditions of zoning thus allowing for the adoption of the zone amendment bylaw amending the zoning of the subject properties from the RU1- Large Lot Housing to the RM5- Medium Density Multiple Housing zone. A development permit to allow for the construction of 34 units of apartment housing on the subject property. Variances to the site coverage, projections, and height are also required.

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:

THAT the Advisory Planning Commission supports Development Permit Application No. DP06-0002, to obtain a Development Permit to allow 34 units of apartment housing;

AND FURTHER THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP06-0003, to obtain a Development Variance Permit to allow a side yard setback of 6.1 m where 7.5 m is required on a flanking street;

AND FURTHER THAT the Advisory Planning Commission not support Development Variance Permit Application No. DVP06-0003, to allow projection of 2.0 m into a required side yard where only 0.6 m is permitted

AND FURTHER THAT the Advisory Planning Commission not support Development Variance Permit Application No. DVP06-0003, to obtain a development variance permit to allow a site coverage of 63% where only 60% is permitted.

AND FURTHER THAT the Advisory Planning Commission not support Development Variance Permit Application No. DVP06-0003, to vary building height from the 4 storeys permitted to the 4.5 storeys proposed.

Following the Advisory Planning Commission meeting, the applicant revised the drawings to bring the development into greater conformance with the Zoning Bylaw regulations. The required side yard setback (flanking street) setback of 7.5 m was therefore achieved. In addition, the projections were reduced to 1.62 m into the required side yard on the main level of the building. The variance to the projections also now aids in the creation of ground-oriented units along Barber Road through the provision of stairs and pathways to each unit. At the time of APC, the parkade structure was also proposed to be 1.8 m above grade. Subsequently, however, the applicant lowered the building such that the parkade structure is only 1.06m above grade (the parkade structure would be limited to 0.6 m in height above grade in order to not be considered an half storey). In order to mitigate the impact of the site coverage, the applicant has now also committed to finishing a portion of the parking area in grasscrete finish.

4.0 BACKGROUND

4.1 The Proposal

The proposed apartment building consists of four storeys of apartment housing on top of a single storey parkade structure. As the parkade is elevated $\frac{1}{2}$ storey (1.06 m) above grade, the proposed building is 4 $\frac{1}{2}$ storeys in height where only 4 storeys is permitted. In order to bring the building height in conformance with the Zoning Bylaw regulations, the parkade structure must be lowered and no portion of the structure is to exceed 0.6 m above grade. The applicant has attempted to minimize the height of the garage structure above grade, however, due to the slope of the required ramp/driveway to the parking areas, the parking structure cannot be lowered any further. The applicant has attempted to use landscaping adjacent to the building to visually buffer the parkade structure. Along the east building frontage (Barber Road), retaining walls running parallel with the building façade serve to create planting beds. The retaining walls and plantings thus hide the base of the building (parkade structure). The front yard, along Hwy 33, is to be landscaped with grass, trees, and planting beds.

The main entrance of the proposed building is oriented towards Barber Road. A canopy structure and landscaping on either side of the stairs provide identity to the main entrance of the development. In addition, an attempt has been made to create ground oriented units along Barber Road by providing pathways and stairs leading up to the main level decks. While the proposed building meets the required 7.5 m setback to a flanking street, a variance is being requested to allow the decks/stairs to project 1.62m in the required setback where only 0.6 m is permitted. The proposed variance aids to facilitate the inclusion of the ground oriented units.

Driveway access is to be taken from Barber Road on the south end of the property. A two way driveway leads both to the underground parkade as well to a surface parking lot on the west side of the building. Due to the surface parking area, the proposed development is slightly over the maximum permitted site coverage of 60% including buildings, driveways, and parking (64.3%). The applicant has attempted to mitigate the additional site coverage by providing grasscrete surfacing on three of the parking spaces and adjacent driving aisle. Not including the grasscrete parking area, the actual paved area and building areas equals 60% of the property. This grasscrete area also provides a transition to the adjacent to a landscaped area in the side yard at the north end of the property. This area is to be landscape as a useable open space including wood benches surrounded by planting beds and overlooking a small grassed

area. Fencing, trees, and cedars will provide a visual and noise buffer from the abutting highway and parking area. Each unit will also have individual decks as well as access to an amenity room with a large roof terrace facing the back of the property.

The applicant has attempted to break up the building façade and provide visual interest to the building by using several different materials, window types and sizes, roof lines, and projections. The building façade is to be finished with a combination of beige and sage stucco and vinyl siding (a mix of both horizontal and vertical) with darker trim detailing is provided along the rooflines, windows, and decks.

The application meets the requirements of the proposed RM5- Medium Density Multiple-Family Zone as follows:

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Lot Area (m ²)	2718.0m ²	1400 m ² (lot area to be calculated not including any road dedications)
Lot Width (m)	40.7m	30.0 m
Lot Depth	66.9m	35.0 m
Floor Area Ratio (F.A.R.)	1.13	1.1 plus 0.1 for housing agreement, plus maximum of 0.2 for parking below habitable space TOTAL = 1.23
Site Coverage (buildings)	38.6%	40%
Site Coverage (buildings/parking)	63.4%	60%
Height	16.5m 4.5 storeys**	16.5 m 4 storeys
Setbacks (m)		
- Front	6.8m	6.0 m
- Rear	10.1m	9.0 m except 7.5 m to rear lane
- Side (west)	7.5m	4.5 m < 2 ½ storeys 7.5 m > 2 ½ storeys
- Side (east)	7.5m	7.5 m from a flanking street
Projections into Required Yard		
- Front	0.0m	0.6m
- Rear	0.0m	0.6m or 2.5m for decks
- Side (west)	0.6m	0.6m
- Side (east)	1.62m**	0.6m (6.9 m setback)
Other requirements		

Parking Stalls (#)	48 39.5% small car (19 spaces)	1.25 per 1 bedroom unit (units)= 15 1.50 per 2 bedroom unit (units) = 33 Total = 48 Small Car Spaces (max. 40%)
Parking Space Width	2.5m/2.7m	2.5m not limited by structure on both sides 3.0m limited on both sides 3.3m building door opens into its long side 2.7m where limited to one side
Retaining Wall	1.2m max	1.2 m height
Parking Space length	6.0 m reg. 5.0 m small car	6.0 m exclusive of access drives or aisles, ramps, columns 7.0m for parallel parking except that an end space with an open end shall be a minimum of 5.5 m. 5.0 m for parking spaces other than parallel parking spaces (up to 40% of the required parking spaces)
Driving Aisle Width	7.0m for two way	7.0 m for two way aisles & 90° parking 5.5m for one way aisles & 60° parking 3.6 m wide for 45° parking 3.5 m wide for parallel parking.
Bicycle Stalls (#)	17 within parkade 4 in racks	Class I: 0.5 per dwelling = 17 Class II: 0.1 per dwelling = 4 Total = 21 *location of spaces must be shown of site plan or landscape plan
Open Space	391.8 private decks 154.1m ² communal deck 80.6 m ² common amenity 132m ² open area Total = 758.6m ²	7.5 m ² per bachelor dwelling, 15 m ² per one bedroom dwelling, and 25 m ² per dwelling above one bedroom (765 m ² required) TOTAL = 730m ² CALCULATION OF AREAS MAY NOT INCLUDE REQUIRED YARDS SETBACKS

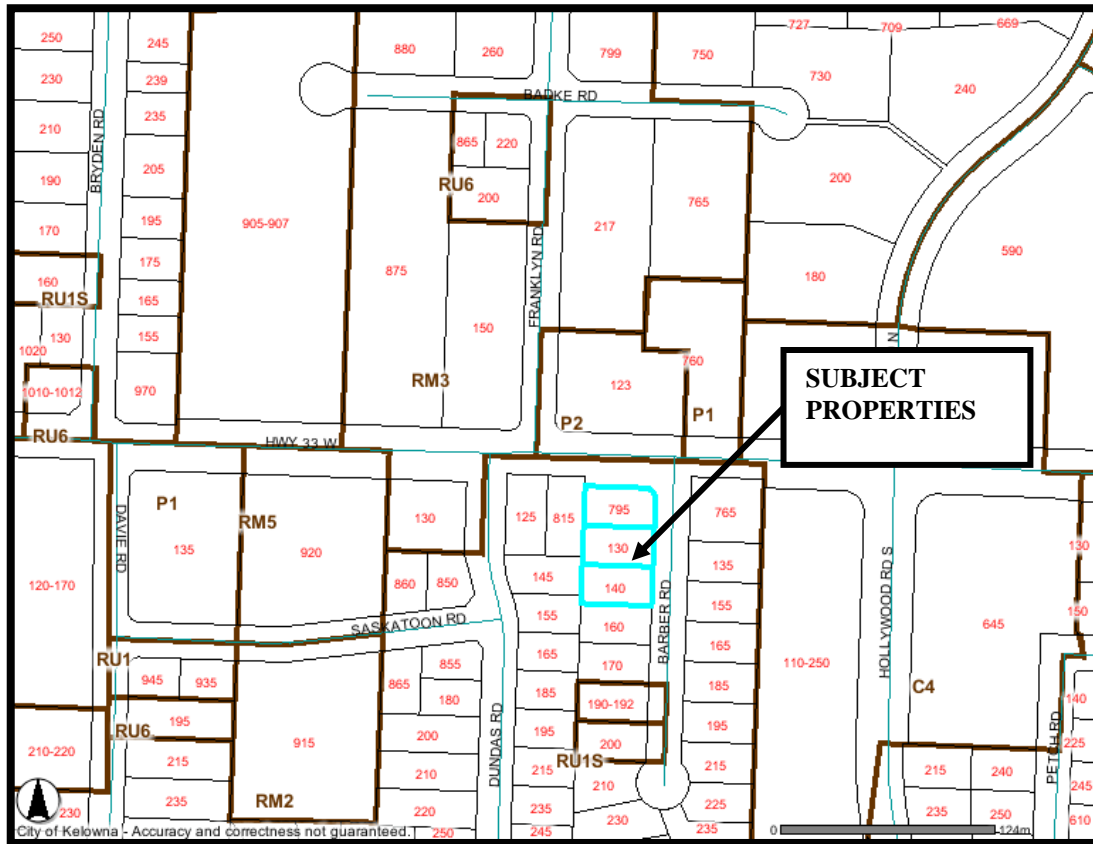
** variances required.

4.2 Site Context

The subject properties are located on the south west corner of Hwy 33 and Barber Road. The adjacent zoning is as follows:

North - P2 – Public and Institutional Uses
 East - RU1 – Large Lot Housing
 South - RU1 – Large Lot Housing
 West - RU1 – Large Lot Housing

Site Location Map



4.3 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).

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (2004)

The objectives of the Strategic Plan includes the following: 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.

4.4.2 Official Community Plan (OCP)

The future land use designation of the subject property is Medium Density Multiple Housing. The proposed designation of RM5 is therefore consistent with the Official Community Plan. Several elements of the proposed building design are 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.

5.0 TECHNICAL COMMENTS

5.1 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.

5.2 FortisBC

Fortis will provide underground electrical service.

5.3 Inspections Department

Verify the compliance of the dead end corridor towards elevator. Submit complete code analysis at building permit stage.

5.4 Interior Health

No comment.

5.5 Ministry of Transportation

No requirements.

5.6 Parks Manager

1. In order to protect the existing trees along HWY 33 from damage, construction barricades will be required to be installed beyond the drip line of each tree.

2. We recommend removing the existing multi-stem elm tree and replanting with a more suitable street tree i.e. Littleleaf Linden.

3. The proposed street trees adjacent to the sidewalks will require the installation of root barriers such as "Deep Root" brand, or City-approved equal, installed per the manufacturer's instructions.

4. The Owner will be responsible to weed, water and mow the boulevards adjacent to the property. The Owner will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

5. The street trees will be the maintenance responsibility of the Parks Division. However, the Applicant will be responsible for watering and replacement of the trees during the establishment period, for at least one growing season after planting.

5.7 RCMP

No comment.

5.8 Rutland Water Works

No response. Applicant must ensure RWW requirements are met prior to issuance of a building permit.

5.9 School District No. 23

No response.

5.10 Shaw Cable

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

5.11 Telus

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

5.12 Terasen

No comment.

5.13 Works & Utilities

The Works & utilities Department comments and requirements regarding this application to rezone from RU-1 to RM-5 are as follows:

These are Works and Utilities initial comments and are subject to the MOT comments and requirements

.1 Subdivision

- a) Consolidate the lots.
- b) Provide easements as may be required.

.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

.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.

.4 Sanitary Sewer.

A new sanitary service, sized and conveniently located to accommodate the proposed development may be required. All the existing 100 mm. dia. services must permanently be disconnected. The cost of disconnecting the old services and installing a new service will be determined when an application for a sanitary sewer service connection is received by the City Inspection Services Department

.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 the building permit. The drainage study should indicate the size and location of the detention facility and provide for a positive outflow to the existing municipal storm drainage system. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

.6 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.

.7 Road improvements.

a) Hwy.33

The hwy 33 frontage is fully urbanized, therefore no further upgrade is expected from the City of Kelowna, the MOT however, may require some frontage alteration

b) Barber Road.

The applicant is responsible to upgrade Barber 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 \$44,500.00, inclusive of a bonding contingency.

.8 Street lights.

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

.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.

.10 DCC Credits.

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

.11 Bonding and Levies Summary.

a) Performance Bonding
Barber Road frontage upgrading **\$ 44,500.00**

b) Levies
Deferred to building permit

6.0 PLANNING & CORPORATE SERVICES DEPARTMENT COMMENTS

The proposed RM5 - Medium Density Multiple Dwelling zone development is consistent with many of the design guidelines of multiple dwelling housing as listing in the Official Community Plan. Through the use of architectural detailing, the designer has created a visually appealing building. Staff is also supportive of the proposed variances. The applicant has made significant efforts to minimize the number of variances and mitigate the impacts of those required. The variance to the building height is required to facilitate the under-building parkade structure and has been reduced, as much as possible, to 1.06 m above grade. As the structure is greater than 0.6m above grade, it is considered half a storey and a variance is required. Through the tiering of landscaping up to the building, however, the building will generally appear to be only 4 storeys in height. Staff also notes that the variance required to allow projections into the required side yard aid in facilitating the creation of ground oriented units along Barber Road. As connectivity with the street is a desirable design element, Staff has no concerns with the proposed variance. In order to mitigate the excess in site coverage, the applicant has committed to using a grasscrete surface in a portion of the parking area at the rear of the property. Not including the grasscrete parking area, the buildings and paved surfaces only cover 60% of the property. The grasscrete area will also serve as a transition to the landscape private open space area in the northwest corner of the site. A 1.8 m black chain link fence is proposed along the west and south property lines. In order to ensure that the privacy of the abutting properties is maintained, a cedar hedge is required along these property lines. At the time of planting, the minimum required height of the cedars is 1.5 m. The applicant is also proposing to plant numerous trees along the property lines to further buffer the development from the adjacent properties.

Andrew Bruce
Development Services Manager

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Attach.

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

Attach.

ATTACHMENTS

Location of Subject Property

Site plan

Floor Plans

Elevations

Landscape Plan

Letter from Applicant