
CITY OF KELOWNA
MEMORANDUM

DATE: OCTOBER 30, 2006
TO: CITY MANAGER
FROM: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
APPLICATION NO. DP06-0148 **OWNER:** Mills Villa Ventures Ltd.
AT: 345 Mills Road **APPLICANT:** Mills Villa Ventures Ltd.
PURPOSE: TO CONSTRUCT A THREE AND A HALF STOREY, 29 UNIT
APARTMENT BUILDING ON THE SUBJECT PROPERTY
EXISTING ZONE: RM4 – TRANSITIONAL LOW DENSITY HOUSING
REPORT PREPARED BY: RYAN SMITH

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP06-0148 for Lot A, District Lot 125, ODYD Plan KAP78922, 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.

2.0 SUMMARY

The applicant is seeking Council approval of a Development Permit to amend a Development Permit that was originally approved by Council in the fall of 2004. The amendment is required because the applicant has proposed to increase the floor area of the building in order to add 1 dwelling unit. The form and character of the building will also change slightly as staff has collaborated with the applicant to achieve some improvements to the building's elevations and the site landscaping.

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, eventually 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 corrected this error and subsequently brought forward a revived Development Permit application for re-consideration by Council. Council approved the new Development Permit which was essentially identical to that which was originally approved in the mid-1990's.

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

CRITERIA	PROPOSAL	RM4 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	0.849	0.85
Total Floor Area	2729m ²	2732m ² (max.)
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	46	44
Bicycle Parking Spaces	9	9 (Class 1 and 2)
Private Open Space	865m ²	750m ²
Drive Aisle Width	7.0m	7.0m

❶Note: Council approved a Development Variance Permit to allow 3.5 storeys of building height with the previous Development Permit application.

3.2 Site Context

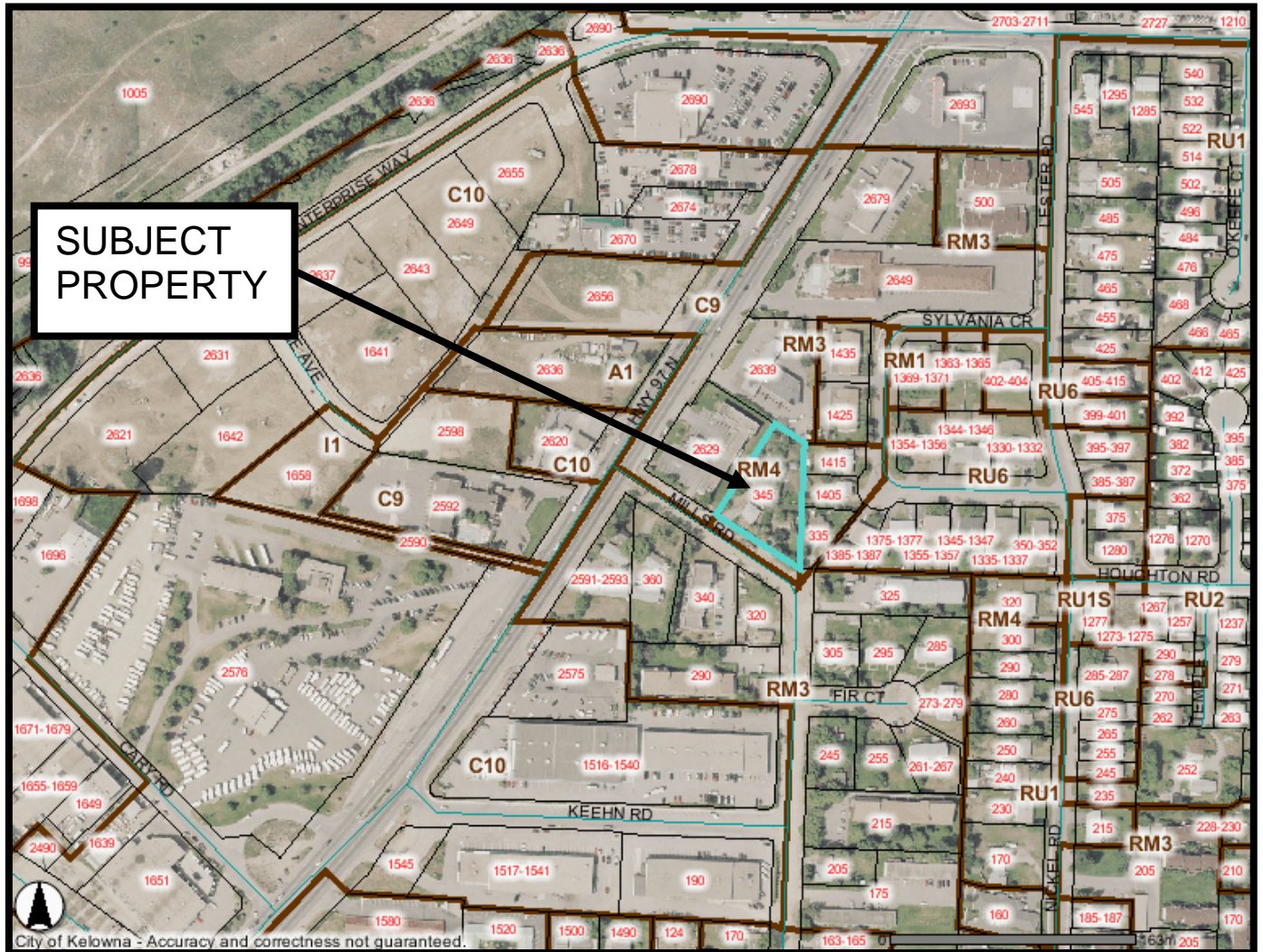
The subject properties are located on the north side of Mills Road east of Hwy.97.

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

3.2 Site Location Map

Subject Property: 345 Mills Road



4.0 TECHNICAL COMMENTS

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

4.1 FortisBC

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 Spatial Separation calculation for 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 underground 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

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 Rutland Water Works District for these items. All charges for service connection and upgrading costs are to be paid directly to the Rutland Water Works District.

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 x 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
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b) Levies

Specified Area # 22 F charges	\$87,696.28
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3.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department supports the revised Development Permit proposal. Although in mass the proposed building is nearly identical to that which was approved in 1995 and again in 2004, the applicant has made attempts to improve the appearance of the exterior elevations at the request of the Planning and Development Services Department. Although the proposed changes are not substantial, staff recognizes that they display a significant improvement upon the building as originally proposed and therefore staff has no further concerns at this time.

Shelley Gambacort
Acting Manager of Development Services

Approved for inclusion ☐

Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

MP/SG/rs

ATTACHMENTS

(not attached to the electronic version of the report)

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