CITY OF KELOWNA

MEMORANDUM

DATE:

September 4, 2007

FILE NO .:

(3060-20/3090-20) DP07-0063/DVP07-0064

TO:

City Manager

FROM:

Planning & Development Services Department

SUBJECT:

DEVELOPMENT PERMIT APPLICATION OWNER:

T 186 ENTERPRISES LTD.

NO. DP07-0063 DEVELOPMENT VARIANCE PERMIT

APPLICATION

NO. DVP07-0064

AT:

1550 -1560 - 1570 -1580 -1596

APPLICANT: THE MISSION GROUP

DICKSON AVENUE

PURPOSE:

TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE CONSTRUCTUION OF A 41/2 STOREY, 87 UNIT APARTMENT BUILDING:

TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY;

- 1. MAXIMUM SITE COVERAGE FROM 40% PERMITTED TO 61.6 % PROPOSED AND SITE COVERAGE FOR BUILDINGS AND PAVED AREAS FROM 60% PERMITTED TO 71.6 % PROPOSED:
- 2. MAXIMUM BUILDING **HEIGHT** FROM **STOREYS** PERMITTED TO 41/2 STOREYS PROPOSED:
- 3. MINIMUM FRONT YARD SETBACK FROM 6.0 M REQUIRED TO 4.9 M PROPOSED:
- 4. MINIMUM SIDE YARD SETBACKS FROM 4.5 M REQUIRED TO 1.5 M PROPOSED TO THE PARKING STRUCTURE, AND FROM 7.5 M REQUIRED TO 7.3 M PROPOSED FOR PORTIONS OF BUILDING OVER 21/2 STOREYS HIGH;
- 5. MINIMUM REAR YARD TO ACCESSORY BUILDING FROM 6.0 M REQUIRED TO 1.24M PROPOSED:
- 6. MAXIMUM CONTINUOUS BUILDING FRONTAGE FROM 40.0 M PERMITTED TO 102 M PROPOSED

EXISTING ZONE:

RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RM5 - MEDIUM DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

1.0 <u>RECOMMENDATION</u>

THAT Final Adoption of Bylaw No. 9850 authorizing a Housing Agreement between the City of Kelowna and T186 Enterprises Ltd. be considered by Council;

THAT Final Adoption of Official Community Plan Amending Bylaw No. 9832 be considered by Council;

THAT Final Adoption of Zone Amending Bylaw No. 9833 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP07-0063 for Lots 12, 13, 14, 15, & 16, D.L. 141, O.D.Y.D, Plan 3736, and part of Lot A, DL 141, Plan 20443 located on Dickson Avenue, 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. DVP07-0064; Lots 12, 13, 14, 15, & 16, D.L. 141, O.D.Y.D, Plan 3736, and part of Lot A, DL 141, Plan 20443 located on Dickson Avenue, Kelowna, B.C.;

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

- a) <u>Section 13.11.6(b) Urban Residential Zones: RM5 Medium Density Multiple Housing: Development Regulations,</u>
 To vary maximum site coverage from 40% permitted to 61.6% proposed, and to vary maximum site coverage for buildings, driveways, and parking areas from 60% permitted to 71.6% proposed,
- b) <u>Section 13.11.6(c) Urban Residential Zones: RM5 Medium Density Multiple Housing: **Development Regulations**,

 To vary maximum building height from 4 storeys permitted to 4½ storeys proposed,</u>
- Section 13.11.6(d) <u>Urban Residential Zones: RM5 Medium Density Multiple Housing: Development Regulations.</u>
 To vary minimum site front yard along Dickson Avenue from 6.0 m required to 4.9 m proposed,

- d) Section 13.11.6(e) <u>Urban Residential Zones: RM5 Medium Density Multiple Housing: Development Regulations,</u>
 To vary minimum southwest site side yard from 4.5 m required for portion of buildings less than 2 ½ storeys high to 1.5 m proposed to parking structure, and from 7.5 m required for portions of buildings over 2 ½ storeys high to 7.3 m proposed,
- e) Section 13.11.6(f) <u>Urban Residential Zones: RM5 Medium Density Multiple Housing: Development Regulations</u>,
 To vary minimum rear yard to accessory building from 6.0 m required to 1.24 m proposed,
- f) Section 13.11.7(b) <u>Urban Residential Zones: RM5 Medium Density Multiple Housing: Other Regulations,</u>
 To vary maximum continuous building frontage from 40.0 m permitted for a 3 or 4 storey building to 102 m 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.

2.0 SUMMARY

This Development Permit application has been made to authorize construction of a 4½ storey, 84 unit apartment building. There has also been a Development Variance Permit application made to vary the maximum site coverage, the maximum building height, the front yard setback, the side yard setback, and the rear yard setback to an accessory structure, as well as to vary the maximum continuous building frontage from 40.0 m permitted to 102 m proposed for the building frontage facing Dickson Avenue.

2.1 Advisory Planning Commission

The above noted applications (DP07-0063/DVP07-0064) were reviewed by the Advisory Planning Commission at the meeting of April 11, 2007 and the following recommendations were passed:

THAT the Advisory Planning Commission support Development Permit Application No. DP07-0063, for 1550, 1560, 1570, 1580 and 1596 Dickson Avenue, Lots 12, 13, 14, 15 and 16, Plan 3736, Sec. 20, Twp. 26, ODYD., by The Mission Group (J. Adamson), to allow a 4.5 storey high 84 unit apartment building;

THAT the Advisory Planning Commission support Development Variance Permit Application No.DVP07-0064, for 1550, 1560, 1570, 1580 and 1596 Dickson Avenue, Lots 12, 13, 14, 15 and 16, Plan 3736, Sec. 20, Twp. 26, ODYD., by The Mission Group (J. Adamson), to vary site coverage from 40% to 63% for building, building height from 4 storeys to 4.5 storeys;

THAT the Advisory Planning Commission support Development Variance Permit Application No.DVP07-0064, for 1550, 1560, 1570, 1580 and 1596 Dickson

Avenue, Lots 12, 13, 14, 15 and 16, Plan 3736, Sec. 20, Twp. 26, ODYD., by The Mission Group (J. Adamson), to vary site coverage from 60% to 69.6% for building/parking/driveways;

THAT the Advisory Planning Commission support Development Variance Permit Application No.DVP07-0064, for 1550, 1560, 1570, 1580 and 1596 Dickson Avenue, Lots 12, 13, 14, 15 and 16, Plan 3736, Sec. 20, Twp. 26, ODYD., by The Mission Group (J. Adamson), for front yard setback from 6.0 m to 5.0 m;

THAT the Advisory Planning Commission support Development Variance Permit Application No.DVP07-0064, for 1550, 1560, 1570, 1580 and 1596 Dickson Avenue, Lots 12, 13, 14, 15 and 16, Plan 3736, Sec. 20, Twp. 26, ODYD., by The Mission Group (J. Adamson), for side yard setback from 4.5 m for a 2.5 storey portion, and 1.5 m proposed to parking structure.

<u>Please note</u> that since APC review, the proposal has been amended to realign the lane to improve the geometry of the lane intersection with Dickson Avenue. As a result of this change to the development property, the unit yield has increased to 87 units.

3.0 The Proposal

The proposed subject development site is comprised of five properties, located on the north west side of Dickson Avenue. The site plan in support of the proposed development shows an under building parking structure for 67 vehicles, set approximately 0.76m into the ground. There is provision for an additional 44 parking stalls accessed from the adjacent lane located along the north west side of the parking structure. The south east side of the parking structure along the Dickson Avenue frontage is buffered from view by twelve townhouse style residential units with direct access to grade. Each of the town house units has a private yard adjacent to Dickson Avenue, and a kitchen and dining area with a 4.3 m high ceiling height, located at the same elevation as the yard. The remainder of the living area contained within the townhouse units is accessed by an internal stairway, located on top of the parking structure. There is also a row of twelve apartment units at this same level on top of the parking structure facing the lane.

The second, third and fourth floor levels each have 21 apartment units, accessible from a common internal hallway. Each of the units has a private deck area. Several of the units on the fourth floor are designed to have vaulted ceilings in order to provide a variety of styles of dwelling units within the proposed building.

The parking structure has the vehicle access from the northeast end of the structure, accessed from the relocated lane. The off-street parking is designed to provide a total of 67 secured parking stalls within the parking structure. There is an additional 44 parking stalls located around the perimeter of the parking structure accessed directly from the adjacent lane. Of those 44 stalls, 36 stalls are located along the northwest under cover of the landscaped outdoor amenity area, while the remaining 8 stalls are open and directly accessible from the lane located along the northeast face of the building. There is an entrance lobby located in the centre of the Dickson Avenue façade, which provides a well identified pedestrian entry feature.

DP07-0063 / DVP07-0064 - Page 5.

The landscape plan provided with the application indicates a reasonable amount of plantings located around the perimeter of the development site, as well as substantial plantings and decorative fencing and gate features for each of the townhouse units along the Dickson Avenue frontage. The landscape plan also shows well landscaped patio areas on top of the parking structure located at each end of the apartment building, as well as on top of the covered parking area accessed from the lane along the northwest face of the building.

The exterior of the proposed building is designed with a blend of exposed grey coloured cast-in-place concrete, buff coloured brick, and dark orange painted accent areas on the building façade. The vaulted ceiling areas located on the fourth floor are further accented by substantial wood bracket support structures for the broad projecting roof elements. The entry canopy also incorporates similar wood bracket and framing details.

As part of this application, the applicant has submitted a Housing Agreement which identifies 5 units as affordable housing. The applicant has provided this affordable housing in order to qualify for the 0.1 FAR bonus identified in the RM5 zone.

DP07-0063 / DVP07-0064 - Page 6.

The proposed application meets the requirements of the RM5 - Medium Density Multiple Housing zone, as follows:

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
	Subdivision Regulations	
Lot Area	4,173.3 m ²	1,400 m ²
Lot Width	109.6 m	30.0 m
Lot Depth	38 m ²	35.0 m
	Development Regulations	
Site Coverage (buildings)	0 61.6%	40%
Site Coverage (buildings, parking and driveways)	● 71.6%	60%
F.A.R	1.385 permitted	Housing agreement Base 1.2
		Max bonus 0.2 for under building parking.
		Max 1.4
Height		4storeys / 16.5 m
Front Yard (Dickson Ave.)	9 4.9 m	6.0 m
Side Yard (southwest)	4 1.5 m to parking structure	4.5 m for 21/2 storey
	7.3 m to res. Unit 2 nd storey	7.5 m for over 21/2 storey
Side Yard (northeast)	6.0 m to parking structure	4.5 m for 21/2 storey
	9.44 m to res. Unit 2 nd storey	7.5 m for over 2½ storey
Rear Yard (lane)	7.5 m (principal bldg)	7.5 m when there is a lane
	⑤ 1.24 m (accessory bldg)	6.0 m to accessory bldg
Private Open Space	1,912 m² provided	7.5 m ² per studio unit 15 m ² per 1 br unit 25 m ² per 2 br unit total req'd = 1,419 m ²
	Other Regulations	A CANADA BANKAN MEMPANJA AND AND AND AND AND AND AND AND AND AN
Minimum Parking Requirements	111 stalls provided	1.0 stall per Studio 1.25 stall per 1 BR 1.5 stall per 2 BR 111 stalls required

DP07-0063 / DVP07-0064 - Page 7.

Variances requested

- Vary maximum site coverage from 40% permitted to 61.6% proposed, and maximum site coverage for buildings, driveways and parking areas from 60% permitted to 71.6% proposed
- Vary maximum building height from 4 storeys or 16.5 m permitted to 4 ½ storeys or 16.5 m proposed
- Vary minimum Front yard from 6.0 m required to 4.9 m proposed
- Vary minimum southwest side yard from 4.5 m required for portion of buildings less than 2 ½ storeys high to 1.5 m to parking structure, and from 7.5 m required for portions of building over 2 ½ storeys high to 7.3 m proposed
- Vary rear yard to accessory building (covered parking) from 6.0 m required to 1.24 m proposed
- Vary maximum building frontage from 40 m permitted to 102 m proposed

FAR Density Calculation; Base 1.1 + Housing Agreement 0.1 + under building parking (0.2 x 103/111) 0.185 = **1.385 Maximum permitted FAR with bonuses**

Please note that the five proposed "Affordable Units" that have been identified in the housing agreement only provide 50% of the 0.1 FAR density bonus of the RM5 zone, and does not include for 50% of the jump from the original Multiple Unit Residential - Low Density designated use (RM3) to the proposed Medium Density use (RM5).

If 50% of the total density increase from the permitted RM3 (FAR = 0.735) to the proposed RM5 (FAR = 1.385) was taken into consideration, the 50% of the increase in floor area would be $1,356.3 \text{m}^2$. The applicant is proposing 41.24m^2 units as "Affordable Units". At 41.24m^2 per unit, this would represent a total of 33 units. The proposal to provide 5 "Affordable Units" actually represents only the provision of 7.7% of the density increase.

Parking Calculation;

22 - Studio units @ 1	=	22 stalls
37 - 1 BR units @ 1.25	=	46.25 stalls
28 - 2 BR units @ 1.5	=	42.0 stalls
Total required		111 stalls required

3.2 Site Context

The subject property is located on the north west side of Dickson Avenue, east of Burtch Road. The existing neighbourhood has been developed with a blend of single and two unit dwellings. The Official Community Plan designates the area as a future Multiple Unit Residential – Low Density future land use.

DP07-0063 / DVP07-0064 - Page 8.

The adjacent land uses are as follows:

North- C3 – Community Commercial

East CD14 - Comprehensive High Tech Business Campus

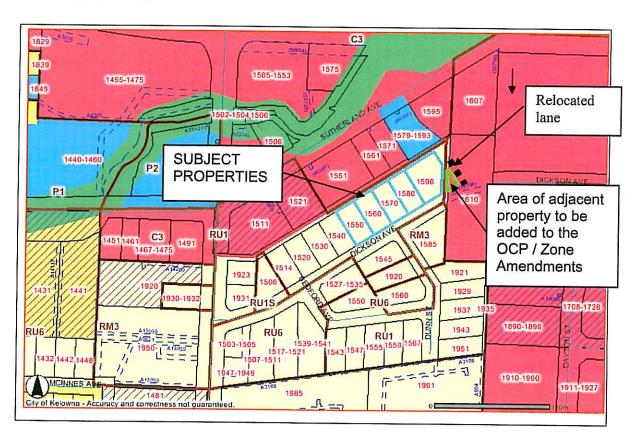
South RU1 - Large Lot Housing

RM3 - Low Density Multiple Housing

West RU1 – Large Lot Housing

RU6 - Two Dwelling Housing

Site Location Map



3.3 <u>Current Development Policy</u>

3.3.1 Kelowna Official Community Plan

Future Land Use Designation - The property is designated Multiple Unit Residential - Low Density , pursuant to Map 19.1 of the OCP. As the proposed development is a Multiple Unit Residential - Medium Density proposal, there has been application made for an Official Community Plan amendment.

3.3.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

Embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decision made by the City.

The City of Kelowna Strategic Plan 2004 also states as Goal 3: To foster the social and physical well-being of residents and visitors."

The City of Kelowna Strategic Plan 2004 also states as Objectives for Goal 3;

1. Promote health and wellness initiative.

a. Develop or support programs that address the needs and engage the energies of seniors.

2. Ensure the availability of fiscal and human resources to

provide quality services.

3. Realize construction of housing forms and prices that meet the needs of Kelowna residents.

a. Work in partnership with housing organizations and finance institutions to monitor the range of housing options required in the City.

b. Identify ways to establish partnerships wit builders, developers and other levels of government in an effort and legislative tools to influence the supply and diversity of housing and to increase the supply of affordable housing.

3.3.3 Crime Prevention Through Environmental Design

The applicant has provided a Crime Prevention Through Environmental Design report on the proposed development to the satisfaction of staff.

4.0 TECHNICAL COMMENTS

The technical comments have been addressed as part of the associated rezoning application (Z07-0027).

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The applicant has completed a City of Kelowna Sustainability checklist in support of the proposed development. The proposed development will provide an opportunity for the workers located in the nearby Landmark Centre High Tech Business Campus developments to live in close proximity to their place of work, and potentially reduce the impact on the environment by reducing the reliance on the automobile for commuting to

DP07-0063 / DVP07-0064 - Page 10.

and from work. As well, the developer is proposing to utilize alternate means of heating and cooling the building in order to improve the sustainability of the development. As well, the applicant has committed to entering into a Housing Agreement to identify 5 residential units as affordable housing units, pursuant to section to the provision of section 6.9 of the City of Kelowna zoning bylaw.

While the amount of affordable housing proposed under the associated Housing Agreement does not meet the Planning Department goals of achieving 50% of the density increase from Low Density designation to the proposed Medium Density designation for affordable housing, the applicant has provided a Housing Agreement which does address 50% of the 0.1 FAR bonus noted in the RM5 zone. This issue has been discussed with the applicant, and since there is not written policy or guidelines in place to address the issue of 'Affordable Housing", the 5 affordable units is what the applicant proposed.

The applicant and their architect have been able to come to a satisfactory arrangement with the adjacent landowner of the Landmark High Tech Centre to realign the lane at the north east end of the development site to intersect Dickson Avenue at a right angle, As well, they have reviewed the parking provided off of the lane at the rear of the proposed building, and have been able to design an accessory building located at the rear of the principle building which provides both cover of the parking area, as well as an amenity deck area on top of the accessory building.

Staff has no concerns with the form and character of the proposed development. The proposed development incorporates a high level of architectural design and materials. As well, the building designers have committed to making provisions for the possible future installation of a building mounted solar panels to provide a portion of the building energy requirements.

There are a substantial number of variances requested as part of this development proposal. However, the resulting development is of a high quality of architectural design, and incorporates high quality materials and finishes. As well, the applicants are proposing to incorporate a comprehensive energy management program to reuse excess energy from the neighbouring Landmark High Technology centre by tying the geothermal system of the proposed building into the geothermal system of the neighbouring buildings.

The close proximity of the proposed residential development to the neighbouring Landmark High Technology centre will provide an opportunity for those people who work there to purchase a dwelling near their workplace, and eliminating the need of an automobile for the commute to work.

DP07-0063 / DVP07-0064 - Page 11.

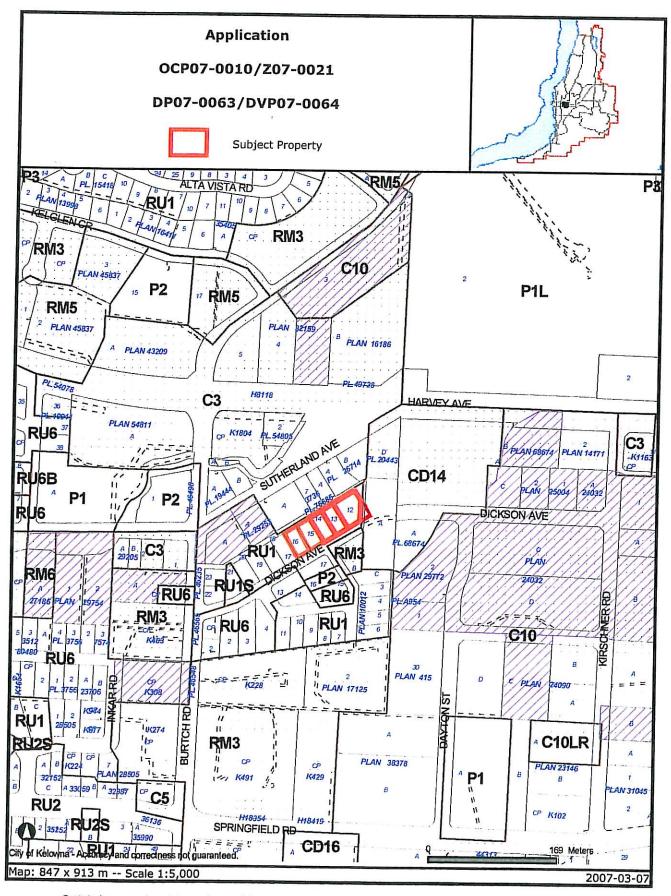
In light of the above, staff support this application, and recommend for positive consideration by Council.

Shelley Gambacort Current Planning Supervisor

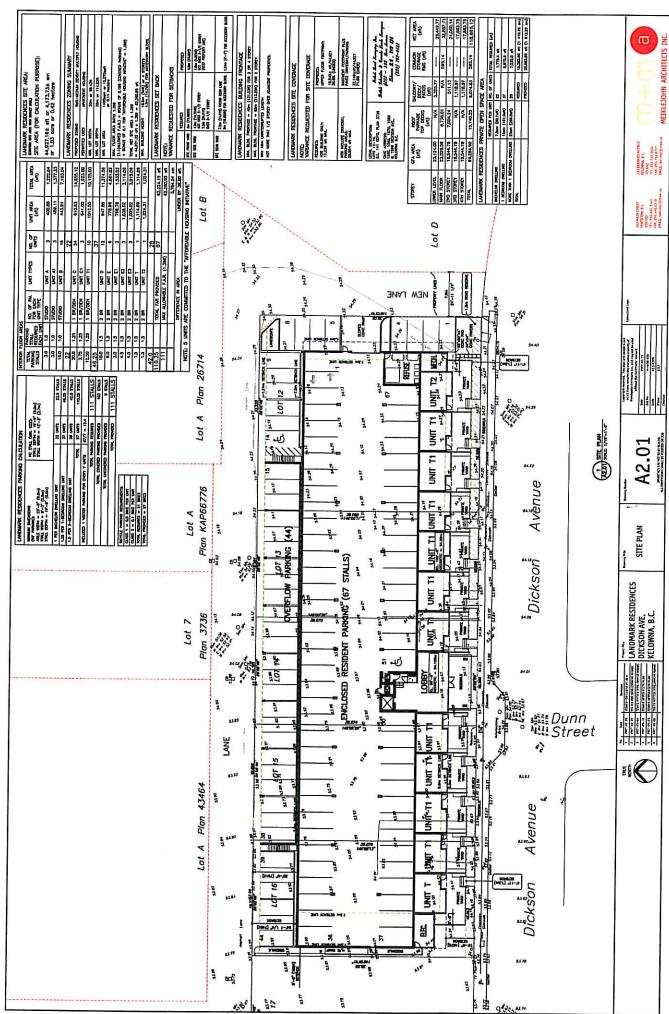
Approved for inclusion

David Shipclark Acting Director of Planning & Development Services

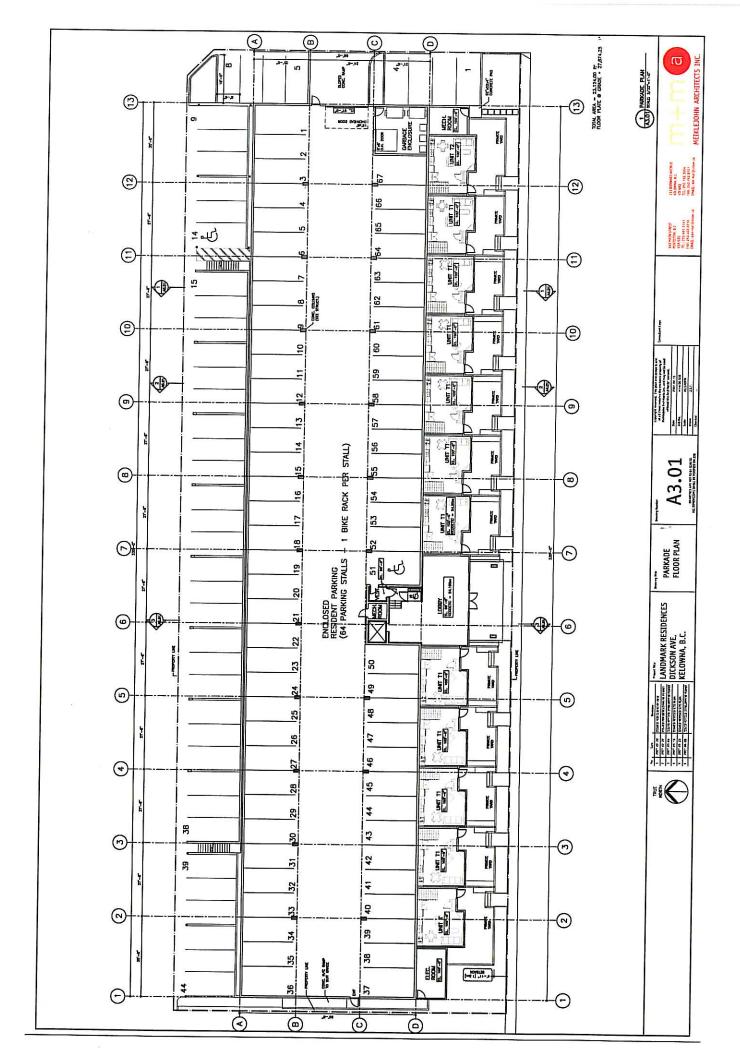
PMc/pmc <u>Attach</u>.

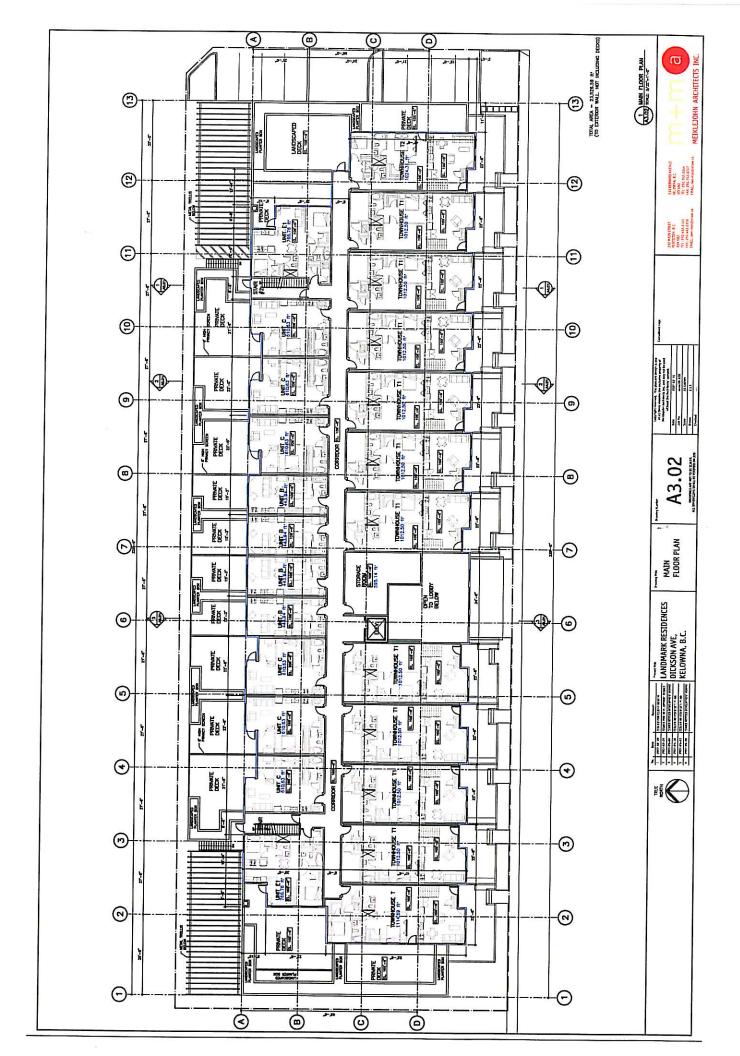


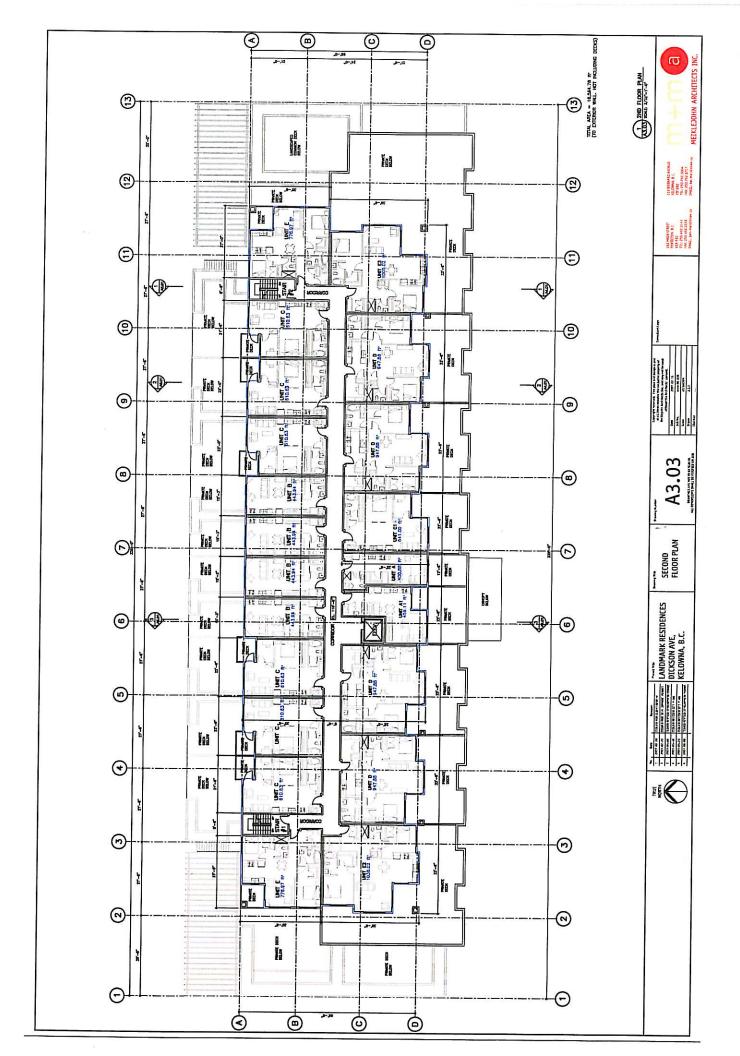
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

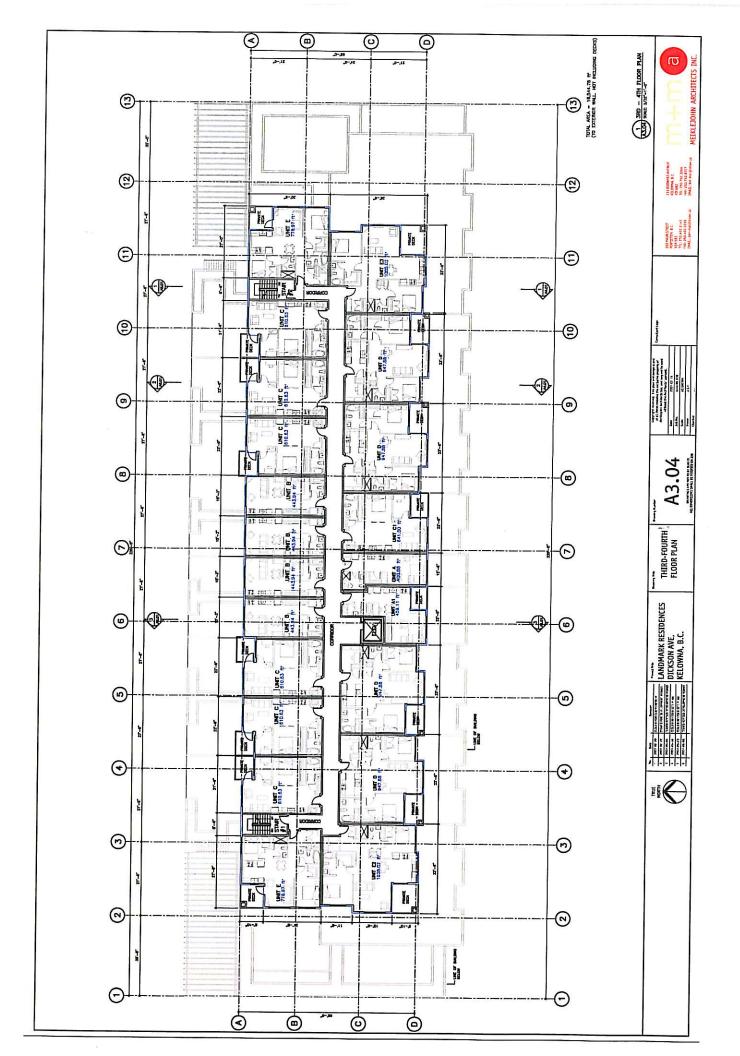


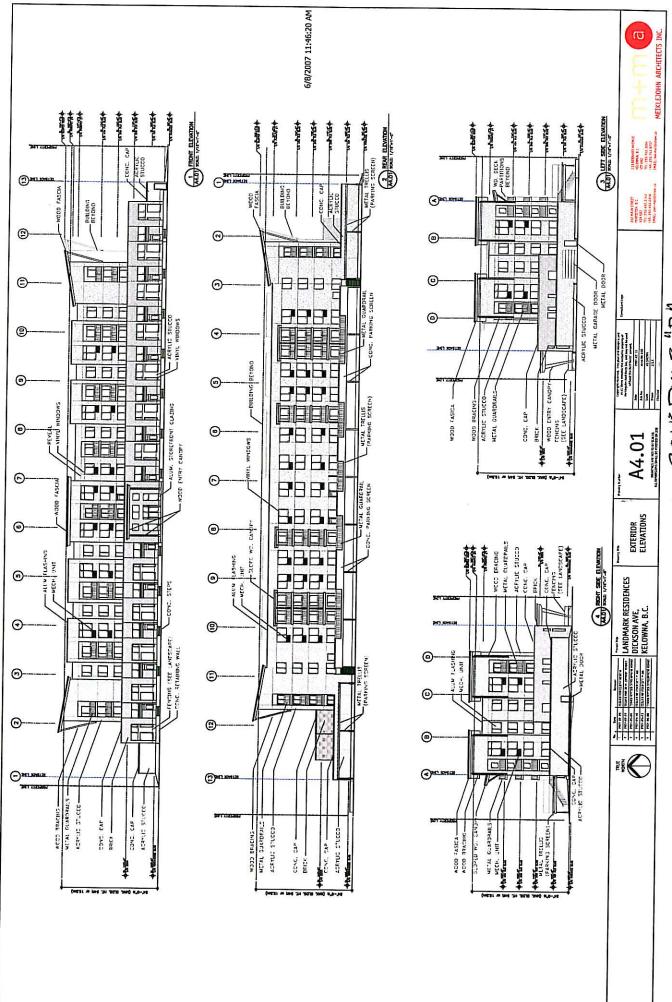
SCHEDUE "A"



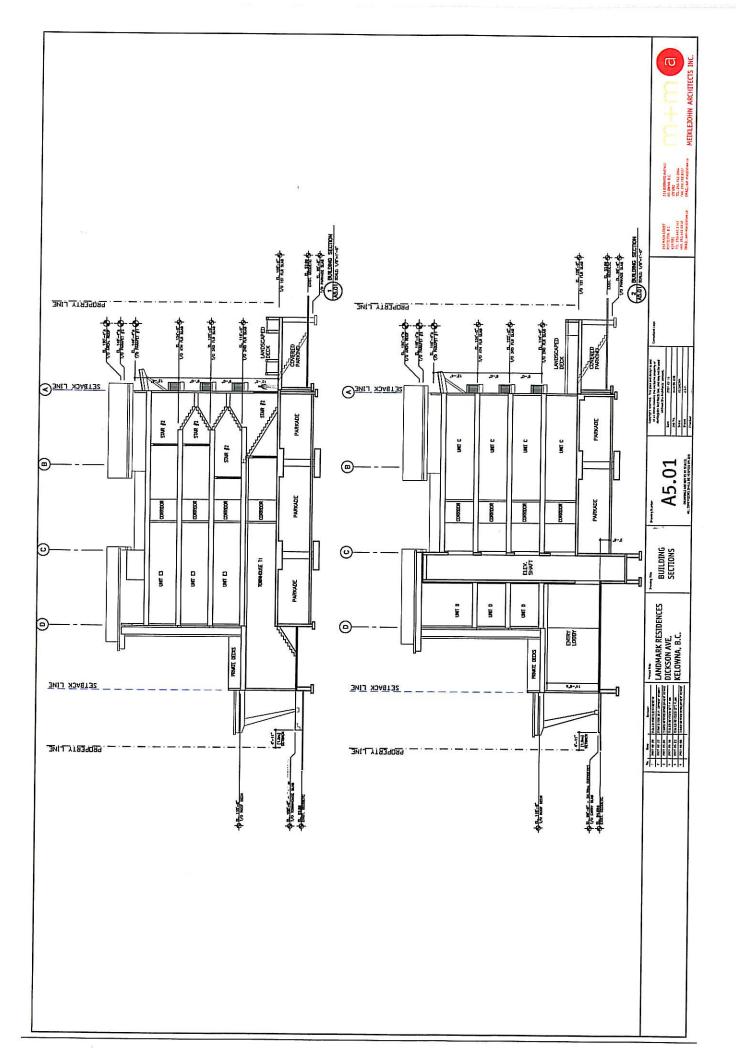


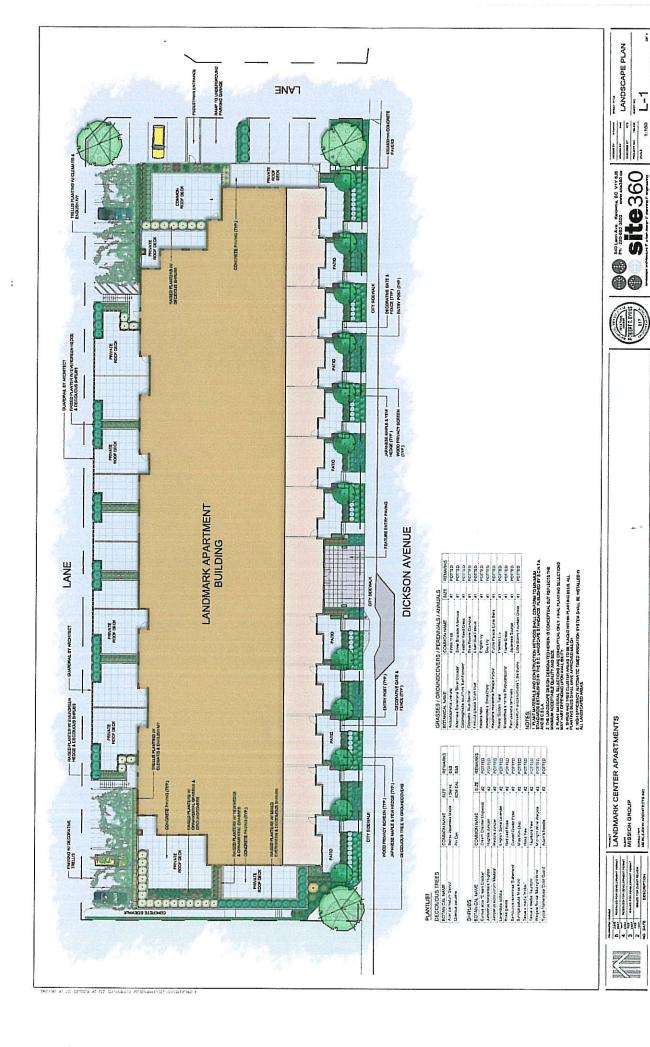






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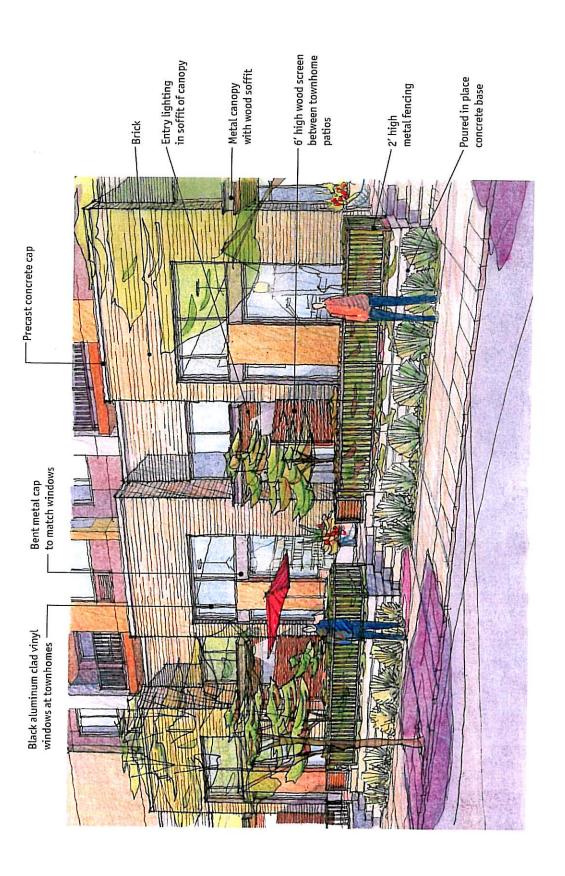


South Elevation along Dickson Avenue

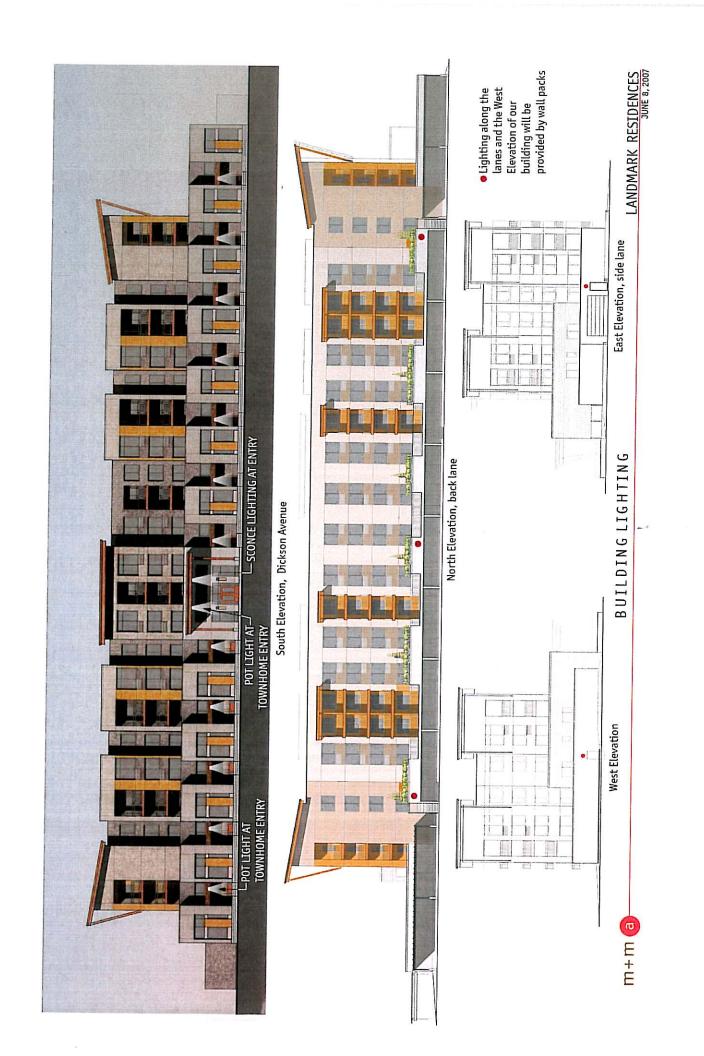
Scale 1/16" = 1' **Proportional Method**

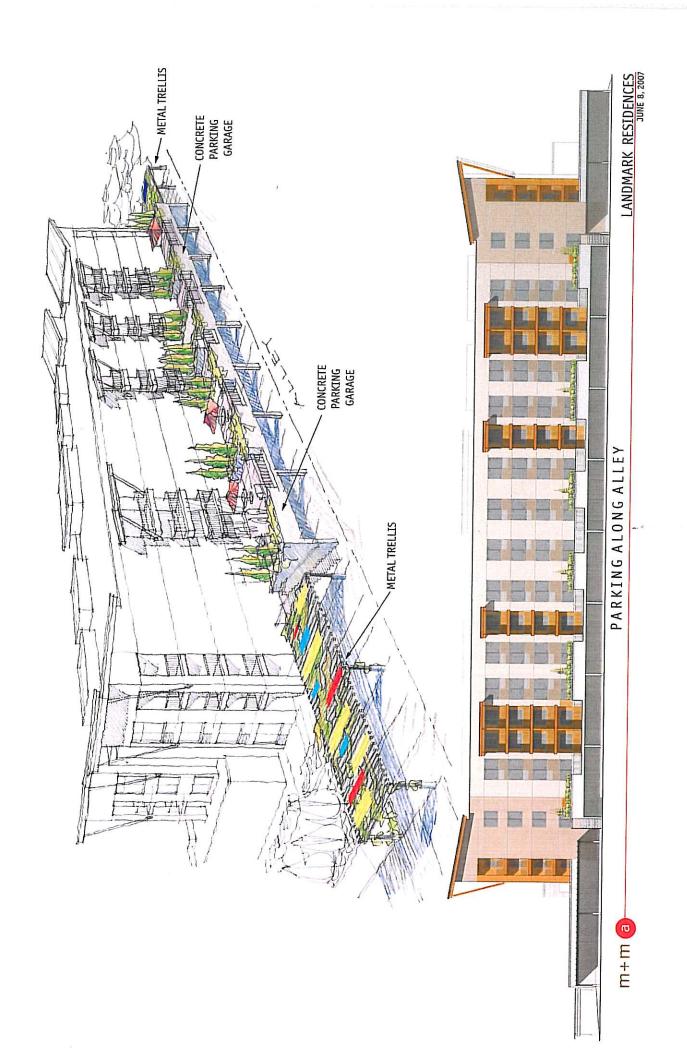
MAIN ELEVATION

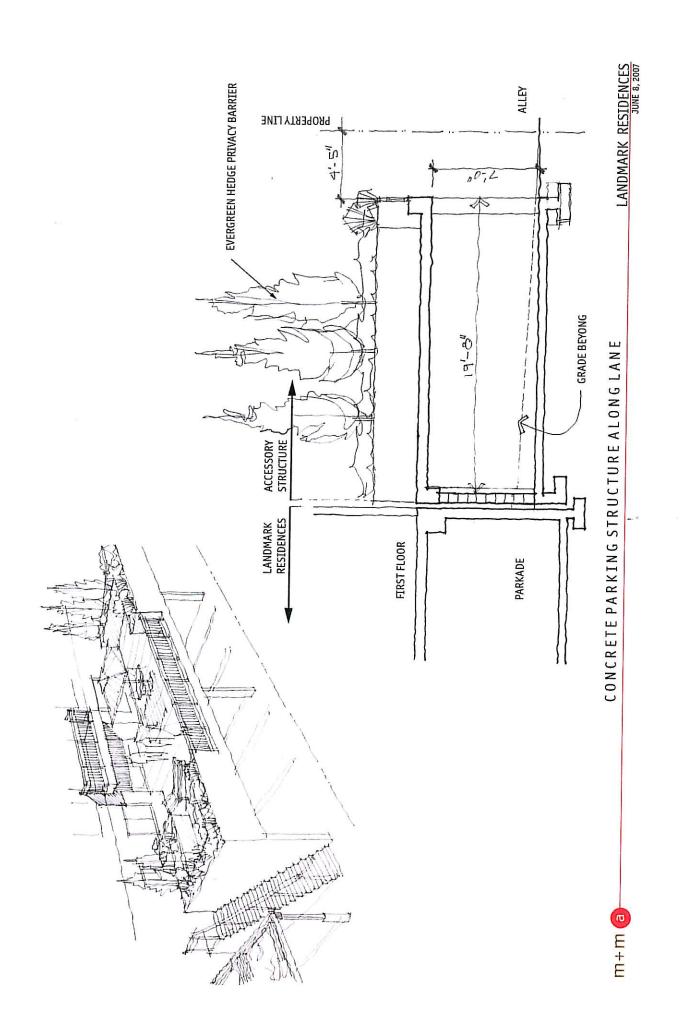


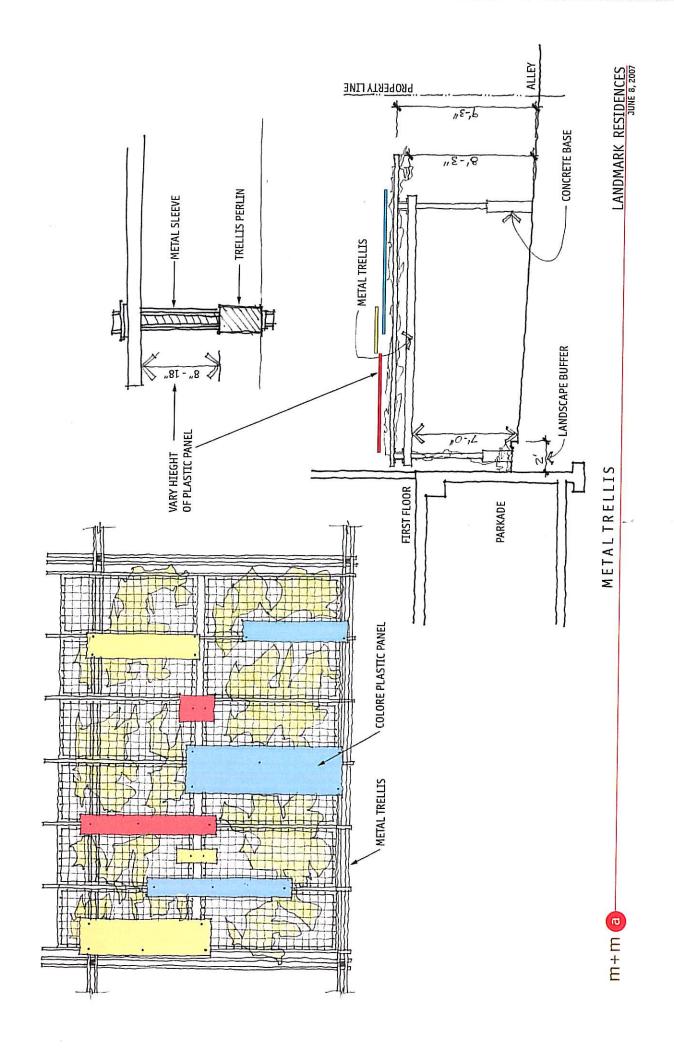


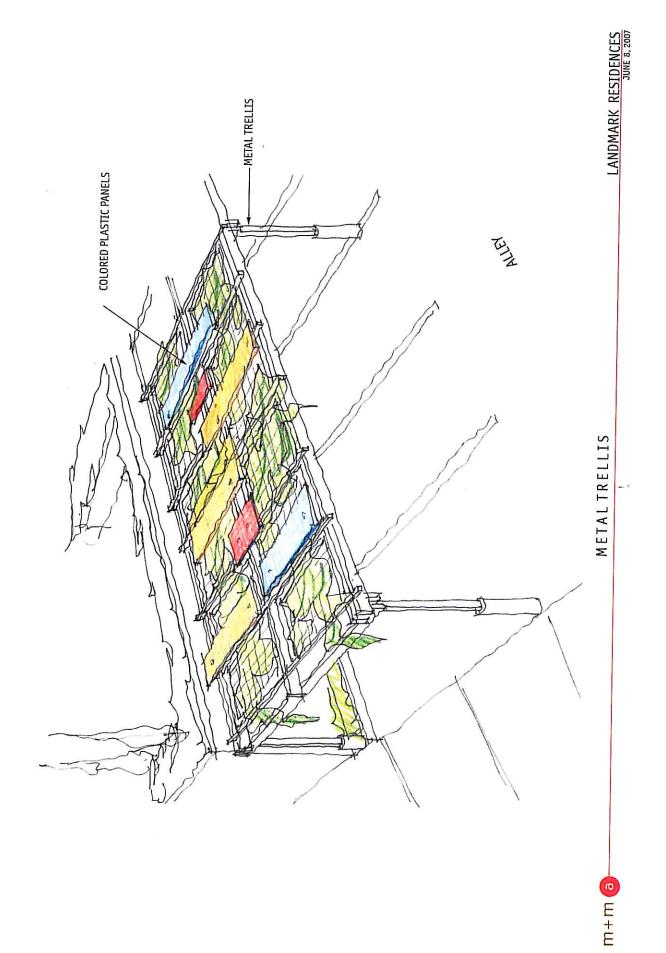
TOWNHOME BASE











Each car stall within the parkade will have 1 wall mounted bike rack

Wall mounted bike racks, typical



