

# REPORT TO COUNCIL



**Date:** January 19, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DP19-0214 & DVP19-0215      **Owner:** 1186276 BC Ltd., Inc.No. BC1186276

**Address:** 320 Mills Rd      **Applicant:** Wendy Rempel; BlueGreen Architecture Inc.

**Subject:** Development Permit & Development Variance Permit

**Existing OCP Designation:** MRL – Multiple Unit Residential Low Density

**Existing Zone:** RM3r – Low Density Multiple Housing (Residential Rental Tenure Only)

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP19-0214 for Lot A District Lot 125 ODYD Plan 4709, located at 320 Mills Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0215 for Lot A District Lot 125 ODYD Plan 4709, located at 320 Mills Road, Kelowna, BC;

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

**Section 13.9.6(c): RM3r – Low Density Multiple Housing (Residential Rental Tenure Only), Development Regulations**

To vary the maximum height from 10.0m permitted to 11.5m proposed.

**Section 13.9.6(b): RM3r – Low Density Multiple Housing (Residential Rental Tenure Only), Development Regulations**

To vary the maximum site coverage from 65% permitted to 71.6% proposed.

**Section 8.2.3: Parking and Loading, Off-Street Parking Regulations, Parking Setbacks**

To vary the parking setback from a side yard from 1.5m permitted to 1.0m proposed.

**Section 8.2.3: Parking and Loading, Off-Street Parking Regulations, Parking Setbacks**

To vary the parking setback from a rear yard from 1.5m permitted to 0.0m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

**2.0 Purpose**

To consider a Development Permit for the form and character of a 3 storey apartment building, and a Development Variance Permit to vary the following: height; site coverage; and parking setback at the side and rear lot lines.

**3.0 Development Planning**

Development Planning supports the Development Permit for the form and character of the 3 storey apartment building, and also supports the proposed variances.

The apartment building is articulated through the use of windows, balconies and ground-oriented units along Mills Rd both to the east and northeast. Also, the façade of the building uses good quality materials with variation in styling and color to create visual interest. In addition to providing articulation, the ground-oriented units also activate the street and sidewalk area. Further, the introduction of both landscaping and trees as well as private areas protected by railings in front of the ground-oriented units helps establish a separation and transition between the public realm of the street and the private realm of the units themselves. The development also includes three landscaped and treed shared amenity spaces along the south side of the building, the north side of the building, and the rooftop. Parking is provided at grade, but half of the stalls are tucked up under an overhang at the rear of the building thus concealing them from view. Overall, the proposal substantially meets the Comprehensive Development Permit Guidelines.

The first proposed variance is for height. While the number of storeys equals the 3 permitted under the RM3 zone, the sheer height of the building is 11.5m, which exceeds the RM3 limit of 10m. In this case, the small increase in height makes little difference to the perceived massing of the building, and thus Staff consider the variance to be acceptable.

The second proposed variance is for site coverage. Specifically, site coverage would be increased from 65% permitted (with 5% permeable pavement) to 71.6% proposed (with 10.5% permeable pavement). In this case, the applicant has over-provided the amount of permeable pavement in the development by a factor of 2, and has also made up for the loss of green space with high quality landscaping (including a large amount of trees)

in other areas of the development—including in the rooftop amenity space. For these reasons, Staff deem the variance to be acceptable.

The final two variances are for parking setbacks as parking for multi-family development is not permitted to be within 1.5m of any side or rear lot line. In this case, the setback along the side lot line (at south) is reduced to 1m for one of the stalls with drive-aisle, while the setback along the rear lot line is eliminated. To mitigate against the proposed variances the applicant has provided a 6 foot opaque fence along the rear lot line and a 6 foot opaque fence with plantings along the side lot line—both of which serve to conceal the parking area from the abutting properties (and also prevent the glare from headlights from reaching said properties). Given these mitigating measures, Staff consider these variances to be acceptable.

#### **4.0 Proposal**

##### **4.1 Background**

On December 7, 2020, Council adopted zoning amendment bylaw 12114 to rezone the subject lot from the RM3 – Low Density Multiple Housing zone to the RM3r – Low Density Multiple Housing (Residential Rental Tenure Only) zone to limit tenure on the lot to residential rental only. This entitles development on the lot to a 10% reduction in required parking as granted in the Zoning Bylaw. The proposed development does take advantage of this reduction in required parking.

##### **4.2 Project Description**

The applicant proposes a 3 storey apartment building with ground-oriented units facing Mills Rd. to the east and northeast and 18 units in total. The project also includes three landscaped shared amenity spaces to the north of the building, the south of the building and on the rooftop. Car parking is provided at grade with half of the stalls tucked under an overhang on the west side of the building.

##### **4.3 Site Context**

The lot is near the south end of the Highway 97 City Sector and less than 100m from the highway itself.

Specifically, adjacent land uses are as follows:

<b>Orientation</b>	<b>Zoning</b>	<b>Land Use</b>
North	RM4 – Transitional Low Density Housing	Multiple Dwelling Housing
East	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing
South	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing
West	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing

**Subject Property Map:** 320 Mills Rd



#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM3r ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	900m <sup>2</sup>	1,308m <sup>2</sup>
Min. Lot Width	30m	31m
Min. Lot Depth	30m	52m
Development Regulations		
Max. Floor Area Ratio	0.75	0.73
Max. Site Coverage (buildings)	40%	37.6%
Max. Site Coverage (buildings, parking, driveways)	65% (with 5% permeable pavement)	71.6% (with 10.5% permeable pavement) ❶
Max. Height	3 storeys / 10m	3 storeys / 11.5m ❷
Min. Front Yard	1.5m (ground-oriented housing)	1.5m
Min. Side Yard (south)	4m	4m
Min. Side Yard (north)	1.5m (ground-oriented housing)	1.5m

Min. Rear Yard	7.5m	m
Other Regulations		
Min. Parking Requirements	24	24
Parking Setback Side Yard (South)	1.5m	1.0m ③
Parking Setback Rear Yard	1.5m	0.0m ④
Min. Bicycle Parking	14	15
Min. Private Open Space	330m <sup>2</sup>	336m <sup>2</sup>
① Indicates a requested variance to site coverage for buildings, driveways and parking areas.		
② Indicates a requested variance to height.		
③ Indicates a requested variance to parking setback for a side yard.		
④ Indicates a requested variance to parking setback for a rear yard.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 14: Urban Design DP Guidelines

##### A. Comprehensive Development Permit Area

###### *Objectives:*

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;

## **6.o Application Chronology**

Date of Application Received: November 21, 2019  
Date Public Consultation Completed: September 21, 2020

**Report prepared by:** Aaron Thibeault, Planner II  
**Reviewed by:** Jocelyn Black, Urban Planning Manager  
**Reviewed by:** Terry Barton, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

### **Attachments:**

Attachment A: Draft Development Permit DP19-0214 and Development Variance Permit DVP19-0215  
    Schedule A: Site Plan  
    Schedule B: Elevations with Materials & Colors Table  
    Schedule C: Landscape Plan and Estimate  
Attachment B: Applicant Rationale  
Attachment C: Building Render