Development Permit & Development Variance Permit DP19-0214 & DVP19-0215



This permit relates to land in the City of Kelowna municipally known as

320 Mills Rd.

and legally known as

Lot A District Lot 125 ODYD Plan 4709

and permits the land to be used for the following development:

Multiple Dwelling Housing

With variances to the following sections of Zoning Bylaw No. 8000:

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, 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, Parking Setbacks

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

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

<u>Date of Council Decision</u> January 19, 2021

<u>Decision By:</u> COUNCIL OR COMMUNITY PLANNING DEPARTMENT MANAGER

<u>Development Permit Area:</u> Comprehensive Development Permit Area

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

Future Land Use Designation: MRL – Multiple Unit Residential Low Density

This is NOT a Building Permit.

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: 1186276 BC Ltd., Inc.No. BC1186276

Applicant: Wendy Rempel; BlueGreen Architecture

Development Planning Department 1435 Water Street Kelowna BC V1Y 1J4 planninginfo@kelowna.ca 250 469 8626

Planner: A.D. Thibeault

Terry Barton
Community Planning Department Manager
Planning & Development Services

Date This forms part of application

DP19-0214 & DVP19-0215

City of Planner Initials AT Kelowna

1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- d) 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.
- e) With variances to the following sections of Zoning Bylaw No. 8000:

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

To vary the maximum height from 10m permitted to 11.5m proposed.

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

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This Development Permit is valid for two (2) years <u>from the date of approval</u>, with no opportunity to extend.

3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property owner of the day. Should the Developer carry out the development permitted

by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

a) An Irrevocable Letter of Credit OR certified cheque in the amount of \$147,710.00

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

5. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

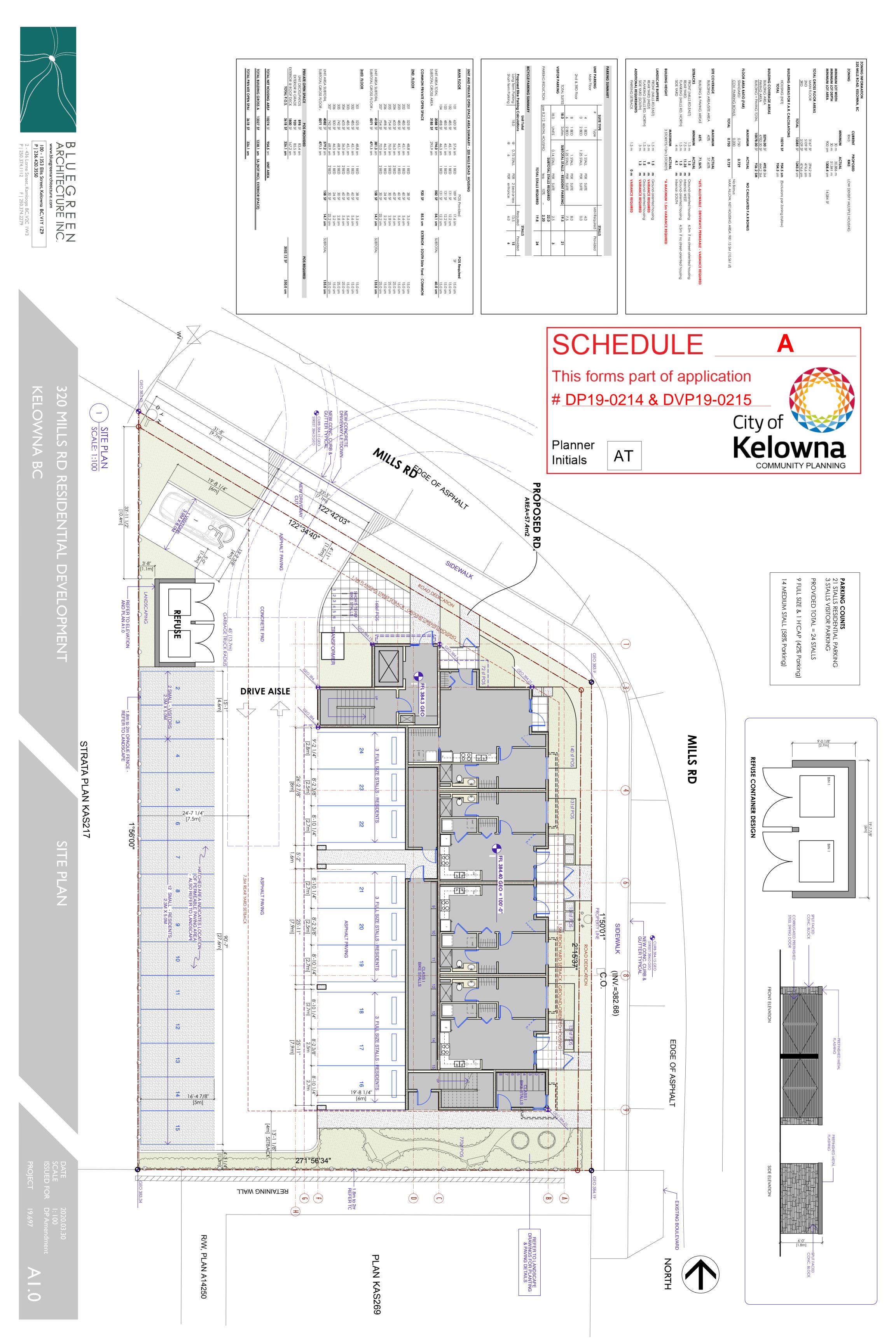
a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

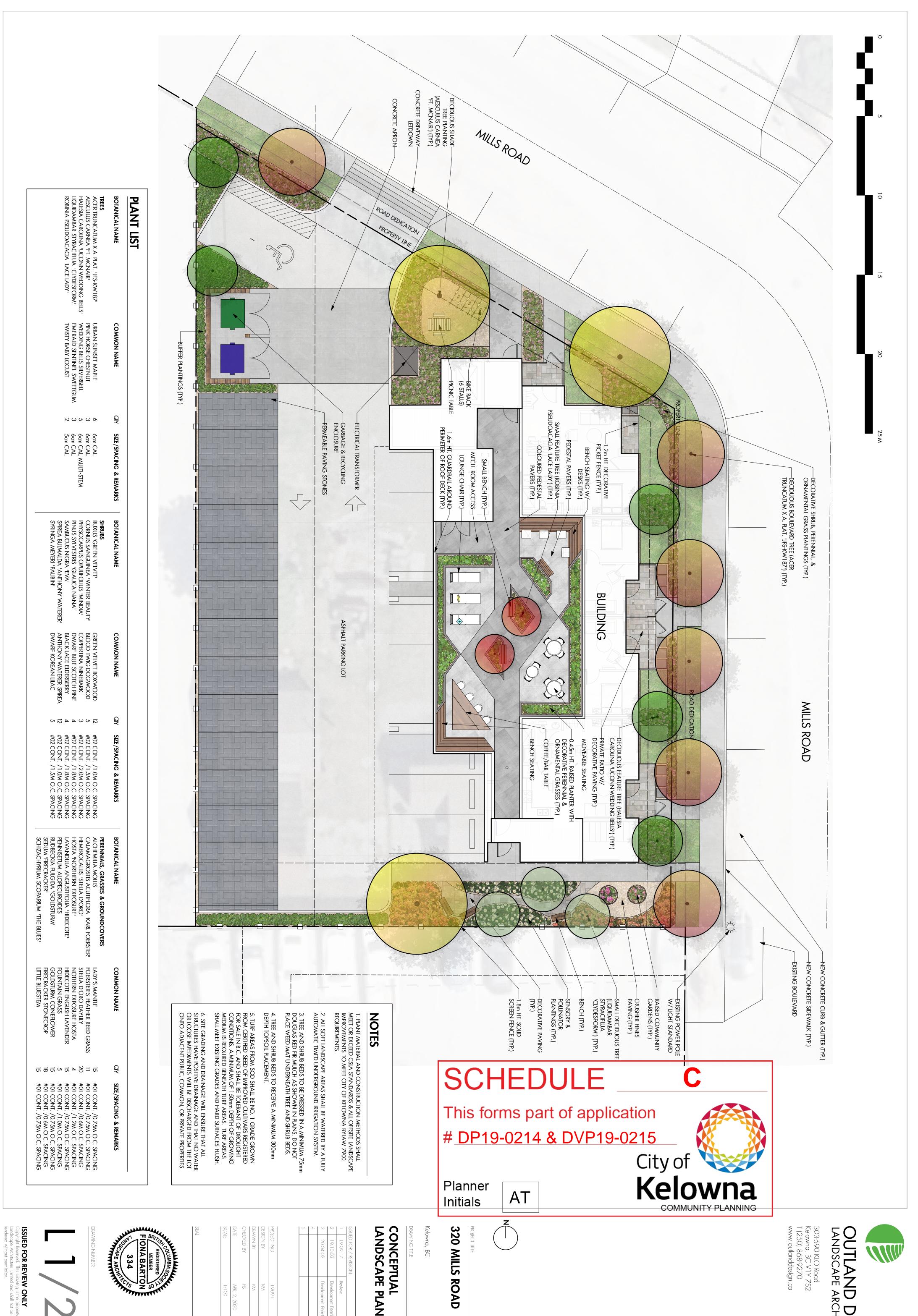
The PERMIT HOLDER is the <u>CURRENT LAND OWNER</u>.

Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or their designates.





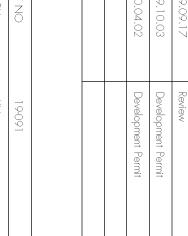












JED FOR / REVISION	
19.09.17	Review
19.10.03	Development Permit
20.04.02	Development Permit

D FOR / REVISION	
19.09.17	Review
19.10.03	Development Permit
20.04.02	Development Permit

19.09.17 Review













April 2, 2020

320 Mills Road

C/o BlueGreen Architecture Inc. #100 1353 Ellis Street Kelowna, BC V1Y 1Z9

Attn: Wendy Rempel

Tel: (236) 420-3550 ex. 202 Email: wrempel@bluegreenarch.com This forms part of application
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City of
Planner Initials

AT

Community Planning

Re: 320 Mills Road - Preliminary Cost Estimate for Bonding

Dear Wendy:

Please be advised of the following preliminary cost estimate for bonding of the proposed landscape works shown in the 320 Mills Road conceptual landscape plan dated 20.04.02;

- On-site Improvements: 682 square metres (7,341 square feet) = \$118,168.00
- Off-site Improvements: 217 square metres (2,336 square feet) of = \$26,237.00

This preliminary cost estimates are inclusive of trees, shrubs, turf, mulch, topsoil, irrigation, root barrier, hardscapes, site furniture.

You will be required to submit a performance bond to the City of Kelowna in the amount of 125% of the preliminary cost estimate. Please do not hesitate to contact me with any questions about the landscape plan.

Best regards,

Fiona Barton, MBCSLA, CSLA

as per

Outland Design Landscape Architecture





DESIGN RATIONALE 320 MILLS ROAD – MULTI-FAMILY DEVELOPMENT OCTOBER 24, 2019

The project is located on a corner lot on Mills Road in an RM3 (Low Density Multiple Housing) zone. It is the developer's intent to maintain the building as a rental property, with a focus on student tenants. The building is a three-storey, 18 unit development with ground-oriented housing facing both street frontages thus allowing a 1.5m setback from both of the street-facing property lines. The project is bordered on all sides by both RM3 and RM4 zones, and will be maintaining its current RM3 designation.

The City of Kelowna has asked the developer to provide a road dedication in order to accommodate a 22m road Right of Way. The dedication, as surveyed, has been indicated on the site plan (11m off Mills Road centerline), and is approximately 1m in depth on each street frontage.

The building has been located on the lot such that parking is accessed off the north property line as far from the corner as possible. Care has been taken in order to conceal as much parking as possible, and the balance of the stalls are located along the west property line which mirrors the parking/access of the site immediately to the west, and will be maintain the fenced separation as-is. The handicapped stall has been located to facilitate ease of access to the sidewalk and the building entrance, while still maintaining a minimum 1.5m wide landscaped buffer at the north side.

PARKING VARIANCE

Per the parking bylaw (2019 pending), the developer is requesting a variance from 27 stalls to instead provide 24 stalls. Based on the intended occupants, it's proximity (6 minute walk to bus stops to UBCO), the developer feels that the demand for parking will be reduced.

HEIGHT VARIANCE

The developer is asking for an increase to the maximum building height from 10m/3 storey to 11.5m (an additional 5') to the mid-point of the slope as outlined in the zoning bylaw. The building remains a three-storey building, but in an effort to accommodate as much parking as possible under the building, the second floor has been lifted to accommodate the second floor assembly, insulation of the floor and vehicle height. The second and third floors have standard ceiling heights of 9'. The roof itself has a reasonable 4.75:12 slope that reflects the residential vocabulary of the neighbourhood, and adds visual interest to the architectural appearance of the building. Additionally, the height allows the main floor ground-oriented units to have increased visual interest as the glazing and door treatments can be increased.

BUILDING COVERAGE AREA VARIANCE

The building coverage of the site is 37.6%. This is below the maximum allowable. The project is to provide a permeable driveway that increases the combined allowable Building/Paving area from 65%. The developer is requesting a variance to increase the allowable to 71.6%. This is based, again, on the design that has attempted to conceal as much of the parking as possible, while accommodating a building that is both financially feasible, and architecturally appealing.

PRIVATE OPEN SPACE VARIANCE

The total required Private Open Space for this development is 330 square metres. The developer is seeking a variance to reduce the total to 169 square meters. The request is based on a number of factors

Kevin Ryan | Architect AIBC - MA (Hons) - DA - LEED AP

Wendy Rempel | Architect AIBC - M.Arch - B.Arch

www.bluegreenarchitecture.com

Each of the units provides a deck or patio to each of the units as well as providing two ground-level outdoor spaces for the use of the tenants. The ground-oriented units accommodate both a gated patio as well as a grassed area for the tenants' use.

It has been common in multi-family buildings that decks very often end up as storage spaces for the tenants, but creates a less-than-desirable outcome from a street-front perspective. The smaller decks allow for tenant outdoor space with a reduced likelihood for an accumulation of storage.

In addition to each unit's deck/patio, common private open spaces at grade are located on the north and the south of the building, and will have both seating and open areas: the south-oriented space will provide communal raised garden space and sitting areas, while the north will allow a private, more shaded sitting area in the hotter months.

The overall site area has been reduced to accommodate the road dedication, thereby limiting the available outdoor space available to be developed into private open space. Additionally, as mentioned before, in order to maintain a financially viable project that accommodates a relatively small number of units, the parking has been maximized, and reduces the available private open space. Great care has been taken to develop the available open space at grade into useable, inviting areas that will serve the tenants well.

BIKE PARKING VARIANCE

During the original planning of the project and ongoing discussions with City Planning, the previous parking bylaw (2019.04.08) allowed for a minimum number of stalls of 9 of Class I, and 2 Class II stalls, which the design accommodated. With the prospective new bylaw, that number has increased to 14 for long-term and 6 stalls per entrance for short-term along with additional requirements for access and clearances. The developer is asking for a variance to allow the number of bike parking stalls to equal the number required by the original bylaw. There is a possibility of housing additional bikes in a storage room to make up some of the difference, however this would not adhere to the new access requirements.

The project introduces a variety of architectural elements to create visual interest, with varied parapet heights and roof profiles (partially flat, and sloped), color variations, as well as varied depths in the façade that will add appeal to the streetscape. This development will continue to add interest to an area that is seeing the continued development of higher quality multi-unit complexes. It provides a well-considered architectural statement that both helps to address Kelowna's rental housing need and help continue the revival of this area.





