

# REPORT TO COUNCIL



**Date:** February 20, 2018

**RIM No.** 0940-00 & 0940-50

**To:** City Manager

**From:** Community Planning Department (AC)

**Application:** DP17-0169 / DVP17-0170      **Owner:** Sole on KLO Developments Ltd

**Address:** 1083-1089 KLO Rd      **Applicant:** Kevin Edgecombe

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

OCP Designation: MXR – Mixed Use (Residential/Commercial)

Zoning: C4 – Urban Centre Commercial

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11514 (Z17-0069), OCP Amending Bylaw No. 11512 (OCP17-0017), & Text Amendment Bylaw No. 11513 (TA17-0011) be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP17-0169 for Lot 2, District Lot 135, ODYD, Plan 25466 except Plan 38538, located at 1083-1089 KLO Rd, 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;
5. The applicant be required to pay the cash-in-lieu of parking;
6. The applicant sign a contract (to the satisfaction of the City) that ensures a car-share program will be provided for the project.

AND THAT Council authorize the issuance of Development Variance Permit DVP17-0170 for Lot 2, District Lot 135, ODYD, Plan 25466 except Plan 38538, located at 1083-1089 KLO Rd, Kelowna, BC;

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A, B, & C":

### Section 14.4.5 (c) Development Regulations

To vary the maximum height from 15.0m / 4storeys to 17.2m / 5 storeys.

**Section 14.4.5 (e) Development Regulations**

To vary the western side yard setback from 2.0 metres to 1.6 metres.

**Section 14.4.5 (f) Development Regulations**

To vary the rear yard setback from 6.0 metres to 0.3 metres.

**Section 14.4.5 (b) Development Regulations**

To vary the maximum site coverage from 75% to 76.1%.

**Section 8.1.11 (a) Size and Ratio**

To vary the minimum drive aisle width for the parkade from 7.0 metres to 6.7 metres.

**Section 8.1.11 (b) Size and Ratio**

To vary the ratio of vehicular parking stalls sizes from: min 50% Full size, max 40% medium size, & max 10% compact size to 46.6% Full size, 33.3% medium size, & 20% compact size.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit applications 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 review the Form & Character Development Permit of a five storey building with four floors of residential and one commercial ground floor unit and to consider six associated variances.

## **3.0 Community Planning**

### **3.1 Development Permit**

Staff are recommending support for the proposed Development Permit due to the proposal's consistency with the Official Community Plan's (OCP) urban design guidelines. The applicant has worked with City staff to review and refine many site issues including refinements to the building form and massing. The parkade has been redesigned a number of times to maximize the number of vehicle stalls provided. The front elevation along KLO Road has also been redesigned a number of times to improve visual quality and character. Specific improvements included: the addition of windows & balconies to residential units, additional windows to the elevator shaft along the front facade, and the additional of a trellis patio feature above the commercial unit.

The site is well suited for redevelopment and intensification. The property is within the South Pandosy Urban Centre with close proximity to many shops, services and urban amenities. The applicant is proposing to pay cash-in-lieu of providing the minimum number of required parking stalls. At \$7,500 per stall in the South Pandosy Area and a shortfall of 16 stalls this leads to a total \$120,000 payment to the parking reserve fund. The parking relaxation becomes less of a concern when considering the subject property's specific location immediately across the road from Okanagan College combined with the applicant's desire to cater the units to student residences. Providing additional parking on-site is not realistic with the current design without adding a second storey of structured parking or reducing the residential unit count. To further help mitigate the reduction in parking, the applicant is proposing to participate in a car-share program.

### 3.2 Development Variance Permit

There are six variances proposed:

1. A variance to increase the permitted height by 2.2m and 1 storey;
  - a. Staff have supported many height variances to 5 and 6 storeys in the C4 zone and feel that these structures are appropriate when located within urban centres. Council also directed Staff through the Housing Strategy to allow for 5 and 6 storey structures within Urban Centres but Staff have not yet been able to amend to bylaw.
2. A variance to reduce the western side yard setback by 0.4 m;
3. A variance to reduce the southern rear yard setback by 5.7 m;
  - a. Both setback variances would not be necessary if the adjacent parcel was zoned commercial or mixed use. The neighbouring residential parcel has a surface parking lot adjacent to the proposed setbacks. The purpose of setbacks is to adequately separate buildings from each other. The purpose is not to setback buildings from adjacent surface parking lots.
4. A variance to increase the maximum site coverage by 1.1%;
  - a. The applicant redesigned the parking lot in order to maximize the number of parking stalls provided onsite but revised parking configuration contributed to adding 13.6 m<sup>2</sup> over the allowable footprint.
5. A variance to amend the ratio of parking stalls by decreasing the full size vehicle ratio by 4.4% and by increasing the compact stall vehicle size by 10%;
6. A variance to decrease the drive aisle width by 0.3m.
  - a. In order to maximize the number of parking stalls within the constraints of the site's dimensions, an increase in the number of compact vehicle stall size, a decrease in the number of full sized vehicle stalls, and a minor decrease in the drive aisle widths was necessary.

### 3.3 Public Notification

As per Council Policy 367 regarding public notification, the applicant held a public open house on October 3<sup>rd</sup> 2017.

## 4.0 **Proposal**

### 4.1 Project Description

The application is to construct a 5 storey building with four floors of residential and one ground floor commercial unit. The residential unit mixture includes 24 bachelor units, 12 one-bedroom units, 3 two-bedroom units, and 1 three-bedroom unit. The total number of parking stalls provided are 30 stalls plus one loading stall. This will include a car co-op sharing program in order to take advantage of the FAR bonuses.

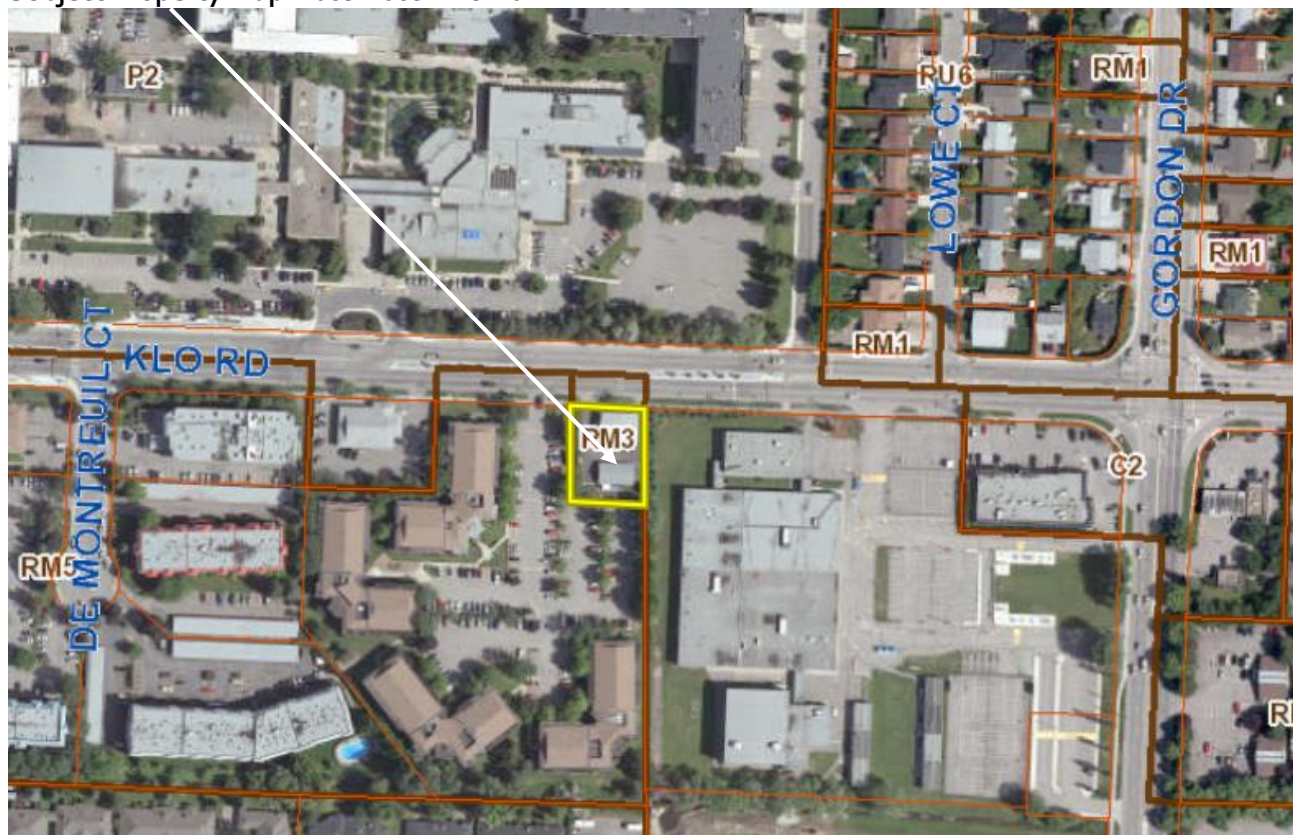
### 4.2 Site Context

The subject property is: located in the South Pandosy Urban Centre along KLO road, connected to urban services, and located within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 - Education & Minor Institutional	Okanagan College
East	RM5 – Medium Density Multiple Housing	Residential
South	RM5 – Medium Density Multiple Housing	Residential
West	RM5 – Medium Density Multiple Housing	Residential

Subject Property Map: 1083-1089 KLO Rd

4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	15.0 m / 4.0 storeys	17.2 m / 5 storeys ❶
Front Yard (north)	0.0 m	3.6 m
Side Yard (east)	0.0 m	0.0 m
Side Yard (west)	2.0 m	1.6 m ❷
Rear Yard (south)	6.0 m	0.3 m ❸
Site coverage of buildings	75 %	76.1 % ❹

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
FAR	Base Far: 1.3 + Parking within Bldg bonus: 0.2 <u>+ car co-op program: 0.84</u> = 2.34	1.75
Parking Regulations		
Minimum Parking Requirements	<u>40 Res + 6 visitor + 1 Comm</u> = 46 parking stalls	<u>28 in parkade + 1 co-op + 1 Comm</u> = 30 parking stalls ★
Minimum Loading Spaces	1 spaces	1 spaces
Ratio of Parking Stalls	Full size: 50% Min Medium Size: 40% Max Small Size: 10% Max	Full size: 46.6% (14 stalls) Medium Size: 33.3% (10 stalls) Small Size: 20% (6 stalls) ⑤
Minimum Drive Aisle Width	7.0 m	6.7 m ⑥
Other Regulations		
Minimum Bicycle Parking Requirements	Class 1: 21 bikes Class 2: 5 bikes	Class 1: 21 bikes Class 2: 5 bikes
Private Open Space	392.5 m <sup>2</sup>	487 m <sup>2</sup>
① A variance to increase the permitted height by 2.2m and 1 storey; ② A variance to reduce the western side yard setback by 0.4 m; ③ A variance to reduce the southern rear yard setback by 5.7 m; ④ A variance to increase the maximum site coverage by 1.1%; ⑤ A variance to amend the ratio of parking stalls by decreasing the full size vehicle ratio by 4.4% and by increasing the compact stall vehicle size by 10%; & ⑥ A variance to decrease the drive aisle width by 0.3m. ★ Developer not asking for variance and will pay cash-in-lieu of providing parking.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Contain urban growth.**<sup>2</sup> Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

**Mixed Use.**<sup>3</sup> Integration of residential uses into commercial developments as mixed-use projects is encouraged in Urban Centres, provided that the ground floor use remains commercial.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, (Chapter 1 Introduction).

<sup>3</sup> City of Kelowna Official Community Plan, (Chapter 4 Future Land Use).

**Housing Mix.**<sup>4</sup> Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

**Building Height**<sup>5</sup>:

- **Other Urban Centres:** Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.
- **South Pandosy:** Generally, 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for 8 storeys where an architecturally distinct and significant buildings is placed at a corner, gateway or view terminus location that is of significance to the community or where a building is of cultural significance to the community.
- **Rutland:** Generally, 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for up to 44 m height (12-14 storeys) in the core of Rutland, as identified in the C7 zone of the Zoning Bylaw.
- **Midtown:** 16 storeys, where the OCP designation provides for high-density multiple-units.
- **Capri/Landmark:** Generally, 4 storeys. Greater height (up to 12 storeys) may be supported on the Capri Shopping Centre site and in the area bordered by Dickson Avenue, Dayton Avenue, Springfield Road and Kirschner Road upon approval of a Council-endorsed comprehensive development plan for the site that provides for a variety of housing types (including but not limited to ground-oriented and rental apartment housing) and the provision of commercial space that is of an amount that, at minimum, equals that which existed in 2010.
- **Elsewhere:** For all areas of the City outside the Urban Centres, buildings heights shall be a maximum of four storeys for residential and six storeys for apartment hotels and hotels. Additional height restrictions may be imposed as a result of airport-related zoning regulations.

**Objective 5.5: Ensure appropriate and context sensitive built form.**

**Building Height.**<sup>6</sup> In determining appropriate building height, the City will take into account such factors as:

- Contextual fit into the surrounding neighbourhood;
- Shadowing of the public realm;
- View impacts;
- Overlook and privacy impact on neighbouring buildings;
- Impacts on the overall skyline;
- Impacts on adjacent or nearby heritage structures;

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<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.27.11 (Development Process Chapter)

<sup>5</sup> City of Kelowna Official Community Plan, Policy 5.8.1 (Development Process Chapter)

<sup>6</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter). 3 City of Kelowna Official Community Plan, Chapter 14 (Urban Design Development Permits Area).

**Chapter 14: Urban Design Guidelines Amenities, ancillary Services and Utilities.<sup>5</sup>**

- Locate loading, garbage, storage, utilities and other ancillary services away from public view. All such areas shall be screened and designed as an integral part of the building to minimize impact;
- Create attractive rear alley facades with high quality materials on buildings facing residential areas (e.g. rear building entrances, windows, balconies, plazas, and plantings).

**Chapter 4: Land Use Designation Massing and Height.<sup>3</sup>**

- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
- Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
- Visually-interesting rooflines (e.g. variations in cornice lines and roof slopes);
- Step back upper floors to reduce visual impact;
- Detailing that creates a rhythm and visual interest along the line of the building;
- Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades;
- Building frontages that vary architectural treatment in regular intervals in order to maintain diverse and aesthetically appealing streets.

**6.0 Technical Comments**

**6.1 Building & Permitting Department**

No comment on rezoning.

**6.2 Development Engineering Department**

See attached memorandum dated August 17<sup>th</sup> 2017.

**6.3 Fire Department**

No comment on rezoning.

**7.0 Application Chronology**

Date of Application Received:	July 20 <sup>th</sup> 2017
Date Public Consultation Completed:	Oct 3 <sup>rd</sup> 2017
Date of 1 <sup>st</sup> revision Submitted:	Oct 3 <sup>rd</sup> 2017
Date of 2 <sup>nd</sup> revision Submitted:	Jan 19 <sup>th</sup> 2018

**Report prepared by:**

Adam Cseke, Planner Specialist

**Reviewed by:**

Terry Barton, Urban Planning Manager

**Approved for Inclusion:**

Ryan Smith, Community Planning Department Manager

**Attachments:**

1. DP17-0169 / DVP17-0170