

REPORT TO COUNCIL



Date: April 17, 2018

RIM No. 0940-00

To: City Manager

From: Community Planning Department (LK)

Application: DP17-0262 & DVP17-0263 **Owner:** 1125532 BC LTD., INC. No. BC1125532

Address: 129 Wyndham Crescent **Applicant:** GTA Architecture Ltd.

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: MRM – Multiple Unit Residential (Medium Density)

Existing Zone: RM5 – Medium Density Multiple Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP17-0262 for Lot 26 Section 4 Township 23 ODYD Plan KAP51847, located at 129 Wyndham Crescent, 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. DVP17-0263 for Lot 26 Section 4 Township 23 ODYD Plan KAP51847, located at 129 Wyndham Crescent, Kelowna, BC;

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

Section 13.11.6(e): RM5 – Medium Density Multiple Housing Development Regulations

To vary the required minimum side yard for portions of a building over 2 ½ storeys from 7.0 m permitted to 4.5 m proposed;

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated December 4, 2017;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development 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 consider the form and character of a four-storey, 54-unit condo building and to vary the side setback from 7.0 m required to 4.5 m proposed on both the southwest and northwest sides.

3.0 Community Planning

Community Planning staff supports the proposed 54-unit condo building on the subject property. The application meets the Official Community Plan (OCP) Urban Design Guidelines with the design appropriate for the context of the site. The proposal also meets many of the OCP's Urban Infill objectives and it meets the majority of the Zoning Bylaw Regulations for RM5 – Medium Density Multiple Housing.

The property is located within the Permanent Growth Boundary in the Glenmore neighbourhood of Kelowna. The site is unique as it fronts onto both Glenmore Road and Union Road with access to the parcel from Wyndham Crescent. The increase in density at this location is supported by local amenities such as parks, schools, transit and recreational opportunities in the immediate area. The proposed project will help in fulfilling the City's policy of 'Complete Communities' by increasing the diversity of housing types through the provision of condos in the neighbourhood. The project is also consistent with several other OCP Urban Infill policies including 'Compact Urban Form' and 'Sensitive Infill'.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant and all neighbours within a 50 m radius of the subject property.

4.0 Proposal

4.1 Background

In December of 2007, a development permit and associated variances were supported by Council for a similar development. With the downturn of the market at that time, the project did not move forward and the applications have since lapsed.

4.2 Project Description

The applicant has come forward with a proposal that is nearly identical to the previous application. The changes from the previous approval include internal layout revisions to increase the number of units from 50 to 54 units proposed. An at-grade amenity room and outdoor space has been added for the use of all residents of the strata.

The proposed variances to the side setbacks are the same variances that were approved as part of the previous project. The side setback variance requests a reduction from 7.0 m required for portions of a building over 2 ½ storeys to 4.5 m proposed. The zoning bylaw allows a 4.5 m setback for the portion of a building not over 2 ½ storeys and increases the setback to 7.0 m for the portions of the building over 2 ½ storey to provide a transition to adjacent lower density parcels. This variance would apply to both side setbacks on the northeast and south sides of the proposed building with Wyndham Park extending along

the south property line. Reducing the side setback at this location will not have a direct impact as there are many mature trees and foliage within the park area to provide sufficient screening to the multi-family development to the south. The adjacent northwest property is zoned RM2 and will see a future row housing development with a rear yard setback adjacent to the subject property's side setback. This will provide a sufficient buffer area between the developments.

Both of these side facades will have balconies which project an additional 0.60 m into the proposed side setback areas. The balconies provide private outdoor amenity space for each of the units within the development. The reduced side setback and projections will be addressed at time of building permit to ensure all life safety requirements have been met (typically requires increased fire resistance rating for all building materials).

The 4 storey building will have an underground parkade which is accessed from Wyndham Crescent. The parkade and the two at-grade parking stalls meet the Zoning Bylaw parking requirements. A loading space and garbage/recycling area is also provided at grade.

The irregular shaped parcel is currently vacant and devoid of trees. The proposed landscape plan will see a large amount of trees and greenery added to the parcel with the majority focused along both the Glenmore Road and Union Road frontages. The parcel has a gentle slope from north to south, which along with the landscaping, creates a large private outdoor amenity area for the development and a more visually pleasing, enhanced streetscape along both roadways. The development also provides pedestrian connections to the sidewalks and bike paths that extend along both Glenmore and Union Roads.

The building has been designed with large overhangs to provide weather protection for the balconies and outdoor spaces. The finish materials use a combination of hardie-plank siding and stucco along with cultured stone accents, all in natural earth tones to integrate with the surrounding neighbourhood.

4.3 Site Context

The subject property is located at the southwest intersection of Union Road and Glenmore Road. It is across the street from the North Glenmore Elementary School and within walking distance of Dr. Knox Middle School. The Glenmore Valley Village Centre is a short distance away. The site is designated MRM – Multiple Unit Residential (Medium Density) and is within the Permanent Growth Boundary.

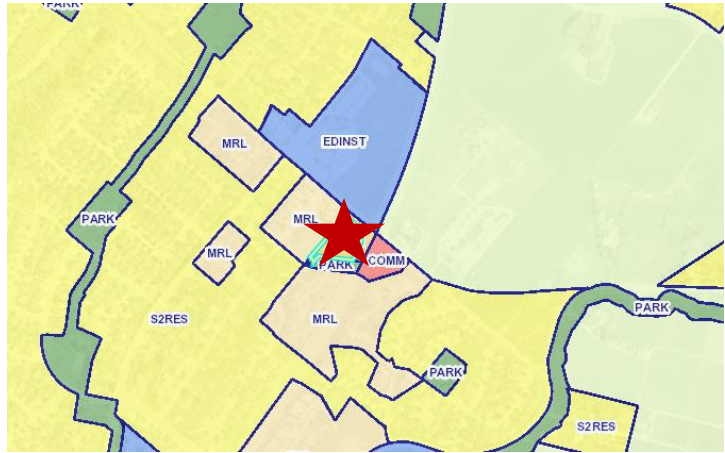
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 – Education and Minor Institutional	Elementary School
East	A1 – Agriculture 1	Farm
South	P3 – Parks and Open Space RM2 – Low Density Row Housing	Wyndham Park Row Housing
West	RM2 – Low Density Row Housing	Vacant (application under review)

Context Map



Future Land Use



Subject Property Map: 129 Wyndham Crescent



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1400 m ²	4262 m ²
Lot Width	30 m	57 m
Lot Depth	35 m	100 m
Development Regulations		
Floor Area Ratio	1.1	1.03
Height	4.5 storeys & 18.0 m	4 storeys & 13.77 m
Front Yard (Wyndham Cr)	6.0 m	16.0 m

Side Yard (northwest)	7.0 m	4.5 m ●
Side Yard (southwest)	7.0 m	4.5 m ●
Rear Yard	9.0 m	9.0 m
Other Regulations		
Minimum Parking Requirements	80 stalls	81 stalls
Visitor Parking Stalls	8 stalls	8 stalls
Minimum Bicycle Parking – Class II	6 spaces	6 spaces provided *
Minimum Private Open Space	525 m ²	795 m ²
● Indicates a requested variance to vary the side yard (northwest & southwest) setbacks from 7.0 m required to 4.5 m proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Complete Communities.¹ Support the development of complete communities with a minimum intensity of approximately 35-40 people and/or jobs per hectare to support basic transit service – a bus every 30 minutes. (approx. 114 people / hectare proposed).

Compact Urban Form.² 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.

Sensitive Infill.³ Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

Healthy Communities.⁴ Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- 2) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- 3) HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- 4) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction.

¹ City of Kelowna Official Community Plan, Policy 5.2.4 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).

- 5) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - a. Any alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit.
 - b. Location, Heights, Colours of mechanical systems and the required screening are to be determined at time of DP.
 - c. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - d. Access to the roofs are required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - e. Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings. Screening of this equipment may be required and should be addressed as part of the Development permit.
 - f. Vestibules are required between the parking level and the exit stairwell or the exit stairwell and the unit floors.
 - g. Stairwell exit on Gridline 8 may require protection (spatial) for safe exiting.
- 6) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. Minimum building elevations are required to be established prior to the release of the Development Permit. If a soil removal or deposit permit is required, this must be provided at time of Development Permit application.
- 7) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, undermining & underpinning of existing foundation, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work, water infiltration systems, etc.
- 8) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application

6.2 Development Engineering Department

- Refer to Attachment 'A'.

6.3 Fire Department

- 1) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
 - a. Fire Department access is to be met as per BCBC 3.2.5. and accommodate the largest apparatus - ladder truck - the slope is a consideration.
- 2) A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD as well as a fire pre-plan as per bylaw 10760.

- 3) Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted.
- 4) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met for communications.
- 5) The fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard;
 - a. sprinkler zone valves shall be accessible as per fire prevention bylaw (10760) - less than 7 feet in height
 - b. standpipe connections to be on intermediate landings in stairwell. Where a standpipe system is to be installed in a building under construction, the system shall be installed progressively and shall not be more than one floor below the highest forms, staging, and similar combustible elements at all times
- 6) Fire department connection is to be within 4.5M of a fire hydrant - unobstructed.
 - a. Ensure FD connection is clearly marked and visible from the street.
 - b. Upon completion an owners certificate and copy of NFPA 25 shall be provided for the sprinkler system.
 - c. Upon completion, a certificate is required to verify CANULC 561 Compliance.
 - d. Exterior cladding (and ceiling on decks) shall meet flame spread rating as per BCBC and BCFC.
- 7) Dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in parkade.

6.4 Fortis BC - Electric

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Wyndham Crescent and Union Road. Based on the plans submitted, it is unclear whether adequate space has been provided to accommodate the transformation required to service the proposed development. It is recommended that FBC(E) be contacted as soon as possible to determine servicing and land rights requirements for the proposed design. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

6.5 Irrigation District - GEID

- Refer to Attachment 'B'.

7.0 Application Chronology

Date of Application Received: November 30, 2017

Date Public Consultation Completed: March 13, 2017

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum

Attachment B: GEID Letter

Attachment C: Draft Development Permit and Development Variance Permit (DP17-0262 DVP17-0263)

Schedule A: Site Plans & Floor Plans

Schedule B: Conceptual Elevations & Finish Schedule

Schedule C: Landscape Plans