

REPORT TO COUNCIL



Date: November 17, 2020

To: Council

From: City Manager

Department: Development Planning

Application: DP19-0248 & DVP19-0249

Owner: Greencorp Ventures Inc.,
Inc.No. BCo987730

Address: 4071 Lakeshore Rd.

Applicant: Shane Worman; Worman
Commercial

Subject: Development Permit and Development Variance Permit Application

Existing OCP Designation: MRM – Multiple Unit Residential Medium Density

Existing Zone: RM5 – Medium Density Multiple Housing

1.0 Recommendation

THAT final adoption of Official Community Plan Amending Bylaw No. 12091 and Rezoning Bylaw No. 12092 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0248 for Lot A Section 6 Township 26 ODYD Plan 10613, located at 4071 Lakeshore 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. DVP19-0249 for Lot A Section 6 Township 26 ODYD Plan 10613, located at 4071 Lakeshore Road, Kelowna, BC;

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

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

To vary the minimum rear yard setback from 9.0m required to 6.8m proposed.

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

To vary the minimum side yard setback for a portion of a building below 2 1/2 storeys from 4.5m required to 2.9m proposed.

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

To vary the maximum height from 4.5 storeys permitted to 5 storeys 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 the form and character of a proposed 5 storey apartment building; and to vary both the rear and side yard setbacks as well as building height on the subject property.

3.0 Development Planning

Staff supports the development permit for the form and character of the proposed 5 storey apartment building; and also supports the proposed variances.

The proposed building treatment is relatively simple in the modern design style with subtle amounts of architectural articulation using balconies, windows and the unit entrances. The windows and balconies will also act to put 'eyes-on-the-street' to Lakeshore Rd. to the west, as well as 'eyes-on-the-park' to the surrounding Belmont Park, adding a sense of safety to the immediate surroundings. The ground-oriented entrances facing north (including the main entrance of the building) work to integrate and connect the building with the park. The proposed landscaping is intended to help soften the modern style of the building and integrate the site with the surrounding park. Finally, private open space is provided through large balconies, as well as a shared, landscaped amenity space at the back of the property featuring a narrow swimming pool. Overall, the proposal substantially meets the comprehensive development permit guidelines in the Official Community Plan.

The first proposed variance is to reduce the minimum rear yard setback on the east lot line from 9.0m down to 6.8m. Only two small areas of the building infringe on the required setback area (the northeast corner of the building and a stairwell area at southeast), and these parts of the building face Belmont Park, thus there is no impact on private property and no threat to privacy. As such, Staff deem the proposed variance to be acceptable.

The second variance is to reduce the minimum side yard setback for areas of a building below 2 1/2 storeys from 4.5m down to 2.9m on the north lot line. The bulk of the building remains setback the required distance, with only the ground-oriented entrances protruding into the required setback area. As with most multi-family zones, the RM5 zone allows for a setback facing a street to be reduced to 1.5m for ground-oriented housing. In this case, the north side of the building does feature ground-oriented housing, but rather than

facing a street, it faces park space. Still, the effect is fundamentally the same with park space as with a street, as it is public space and not private property. Staff deem this proposed variance to be supportable.

The third and final variance is to increase the height of the building from the permitted 4.5 storeys to 5 storeys. The ultimate height limit of 18.0m is maintained with the building reaching a maximum height of 17.1m. In this case, since the building is surrounded on all sides by either park space (to the north, and east), or multi-family housing (to the south), it was concluded that the added half-storey would not negatively impact surrounding properties. In connection with this, a shadow study provided on the part of the applicant shows that the shadowing of the building has very little impact on surrounding properties—including the single-family development nearby to the north and east (see Attachment C). For these reasons, Staff deem the proposed height variance to be acceptable.

4.0 Proposal

4.1 Background

On August 24th 2020, Council gave 2nd and 3rd Reading to rezone the lot to RM5 – Medium Density Multiple Housing, and accompanying OCP Amendment to change the future land use designation to MRM – Multiple Unit Residential Medium Density. A condition of final adoption of the rezoning and OCP Amendment is that a Development Permit and Development Variance Permit be considered by Council.

4.2 Project Description

The applicant proposes a 5 storey apartment building with 8 units, concealed parking, and ground-oriented housing facing north.

Three variances are requested. The first variance is to reduce the required rear yard setback on the east lot line from the required 9m to 6.8m for two small areas of the building. The second variance is to reduce the required side yard setback for areas of a building below 2 1/2 storeys from 4.5m down to 2.9m on the north lot line for the ground-oriented entrances to the building. The third and final variance is to increase the height of the building from 4.5 storeys permitted to 5 storeys proposed.

4.3 Site Context

The property is located on the arterial Lakeshore Rd. in the North Okanagan Mission Sector. The lot is in close proximity to numerous amenities and destinations including a neighbourhood commercial centre to the north at Lexington Dr; Mission Recreation Park to the east (which includes both the H2o Adventure & Fitness Centre and Capital News Centre); Thomson Marsh Park to the southeast; Mission Creek and Greenway to the north; the newly introduced Bluebird Beach Park immediately to the northwest; and Belmont Park in the immediate surroundings

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 – Parks and Open Space	Park (Belmont Park)
East	P3 – Parks and Open Space	Park (Belmont Park)
South	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing
West	RM6 – High Rise Apartment Housing	Multiple Dwelling Housing

Subject Property Map: 4071 Lakeshore Rd.



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1,400m ²	1,515m ²
Min. Lot Width	30.0m	32m
Min. Lot Depth	35.0m	50m
Development Regulations		
Max. Floor Area Ratio	1.2	1.0
Max. Site Coverage (buildings)	40%	29%
Max. Site Coverage (buildings, parking, driveways)	50%	50%
Max. Height	18.0m / 4.5 storeys	17.1m / 5 storeys ❶
Min. Front Yard	6.0m	6.0m
Min. Side Yard (south)	4.5m / 7m	4.5m / 7m
Min. Side Yard (north)	4.5m / 7m	2.9m / 7m ❷
Min. Rear Yard	9m	6.8m ❸
Other Regulations		
Min. Parking Requirements	17	18
Min. Bicycle Parking	8	16
Min. Private Open Space	200m ²	323m ²
❶ Indicates a requested variance to height (# of storeys). ❷ Indicates a requested variance to a side yard setback. ❸ Indicates a requested variance to a rear yard setback.		

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)Chapter 14: Urban Design DP Guidelines*A. Comprehensive Development Permit Area*

Objectives:

- 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;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Promote alternative transportation with enhanced streetscapes and multi-modal linkages.

6.o Application Chronology

Date of Application Received: December 20, 2019

Date Public Consultation Completed: February 24, 2020

Report prepared by: Aaron Thibeault, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Permit and Development Variance Permit

Schedule A: Site Plan

Schedule B: Elevations & Materials and Color Board

Schedule C: Landscape Plan & Landscape Estimate

Attachment B: Applicant Rationale

Attachment C: Shadow Study