

REPORT TO COUNCIL



Date: November 16, 2021

To: Council

From: City Manager

Department: Development Planning

Application: DP21-0009 / DVP21-0012 **Owner:** Dream Chaser Management & Development Ltd., Inc. No. C1120607

Address: 575 Patterson Avenue **Applicant:** Dean Neveu – Dream Chaser Homes

Subject: Development Permit & Development Variance Permit Application

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)

Existing Zone: RM₃ – Low Density Multiple Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12244 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP21-0009 for Lot 13 District Lot 14 ODYD Plan 3249, located at 575 Patterson Avenue, 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. DVP21-0012 for Lot 13 District Lot 14 ODYD Plan 3249, located at 575 Patterson Avenue, Kelowna, BC;

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

Section 8.2.19(a): Section 8 – Parking and Loading, Off-Street Parking Regulations, Accessible Parking Standards:

To vary the required accessible stall from 1 required to 0 proposed.

Table 8.3.1: Section 8 – Parking and Loading, Required Off-Street Parking Requirements, Residential Parking:

To vary the minimum required parking stalls from 9 required to 4 proposed (including visitor parking).

Section 13.9.6(e): RM3 – Low Density Multiple Housing Development Regulations

To vary the required side yard setback from 4.5m required to 2.0m proposed.

Section 13.9.6(g): RM3 – Low Density Multiple Housing Development Regulations

To vary the minimum distance between two principal dwellings from 3.0m required to 2.0m proposed.

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 new fourplex and to consider several variances to parking and building setbacks.

3.0 Development Planning

Staff support the proposed Development and the associated variances to parking and building setbacks due to the consistency with the Official Community Plan's (OCP) Urban Design Guidelines. The applicant's proposal is largely reflective of the development form and site planning that is used in the RU7-Infill Zone. However, the subject property is located in a future land use designation of MRL-Multiple Unit Residential (Low Density) and the RM3- Low Density Multiple Housing zone applies. Staff are supportive of the multiple variances in this proposal because of proven success of infill development in this form in other areas of the City-specifically the RU7-Infill Housing zone. The site conditions are the same as a typical RU7 lot (size, length, and width) and Staff are confident that this proposal will not cause negative impacts to the surrounding neighbourhood.

The project consists of three buildings each containing 3-bedroom dwelling units (for four units total). All four of the units have vehicular access off the rear lane. The form and character of the dwellings is strong and meets the intent of the Comprehensive Development Permit Area.

The proposal includes two variances to on-site parking. The applicant has provided one stall per unit, which is consistent with the RU7 – Infill Housing zone. Staff believe due to the location of the site this is acceptable, as the site is near alternative transit options at Pandosy Street and Richter Street, and is nearby active transportation corridors at Abbott Street (225m away) and Richter Street (120m away). The other variance is the provision of an accessible stall, however, the applicant has provided large garages and an ample parking area, so with only four units, Staff are supportive of this variance.

The applicant has applied for two variances to building setbacks. The first is to the side yard setback, which Staff are supportive of because the 2.0m is similar to other zones with four units, while the 4.5m side yard is intended for larger properties with more units. Staff believe a fourplex at this height is sensitive to the neighbourhood. The second building setback is to the minimum distance between principal dwellings. The applicant has provided a pathway separating the buildings, as well as confirmed that the structures meet the

minimum spatial separation as per the BC Building Code. Staff are supportive of this as there are no neighbourhood impacts anticipated.

4.0 Proposal

4.1 Project Description

The Development Permit and Development Variance Permit Applications are for four new residential dwelling units. The first two detached units are ground oriented and have direct access to Patterson Avenue. The back two units are semi-detached, and all four units have direct access from the laneway. The units are proposed to be 7.98m in height and will all have rooftop patios, which give them significantly more than the required private open space. The proposal is to use several materials including lap siding, panelling, stucco and aluminium. The colours are proposed to be night grey, arctic white, cascade slate and river rock, which will help achieve asymmetry.

The applicant has submitted a Landscape Plan (Schedule C), which shows two new large shade trees along Patterson Avenue, as well as a mix of shrubs and grasses throughout the site. The subject property currently has a large shade tree on Patterson Avenue; however, the plan is to remove the tree. The applicant has provided an Agrologist Report (Attachment B), which has provided a recommendation that the tree is high risk and should be removed.

4.2 Site Context

The property is in the South Pandosy – KLO OCP Sector and is within the Permanent Growth Boundary (PGB). The surrounding area is primarily zoned RU6 – Two Dwelling Housing and RM1 – Four Dwelling Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM1 – Four Dwelling Housing	Fourplex
East	RU6 – Two Dwelling Housing	Two-Dwelling Housing
South	RU6 – Two Dwelling Housing	Semi-Detached Housing
West	RU6 – Two Dwelling Housing	Two-Dwelling Housing

Subject Property Map: 575 Patterson Ave



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM ₃ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	900m ²	920.39m ²
Min. Lot Width	30.0m	21.34m
Min. Lot Depth	30.0m	43.13m
Development Regulations		
Max. Floor Area Ratio	0.75	0.65
Max. Site Coverage (buildings)	50%	42.37%
Max. Site Coverage (buildings, parking, driveways)	60%	59.75%
Max. Height	10.0m	7.98m
Min. Front Yard	1.5m	2.69m
Min. Side Yard (south)	4.5m	2.0m ¹
Min. Side Yard (north)	4.5m	2.0m ¹
Min. Rear Yard	3.0m	3.0m
Min. Distance Between Dwellings	3.0m	2.0m ²
Other Regulations		
Min. Parking Requirements	9	4 ³
Min. Accessible Parking Stall	1	0 ⁴
Min. Private Open Space	75.0m ²	266m ²
¹ Indicates a requested variance to Section 13.9.6e – Development Regulations ² Indicates a requested variance to Section 13.9.6g – Development Regulations ³ Indicates a requested variance to Section 8.3.1 – Required Off-Street Parking Requirements ⁴ Indicates a requested variance to Section 8.2.19 – Accessible Parking Standards		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .2 Compact Urban Form. 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 per ha located within a 400m 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.

6.o Application Chronology

Date of Application Accepted: January 15th, 2021

Date Public Consultation Completed: October 18th, 2021

Report prepared by: Tyler Caswell, Planner

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 DP21-0009 / DVP21-0012

Attachment B: Arborist Report

Attachment C: Renderings

Attachment D: Comprehensive Development Area Checklist

Schedule A: Site Plan / Floor Plan

Schedule B: Elevation Drawings

Schedule C: Landscape Plan