

REPORT TO COUNCIL



Date: July 26, 2022
To: Council
From: City Manager
Department: Development Planning
Application: DVP22-0071 **Owner:** Various Owners
Address: 2735 - 2757 Abbott St **Applicant:** Urban Options Planning Corp.
Subject: Development Variance Permit
Existing OCP Designation: UC – Urban Centre
Existing Zone: RM₃ – Low Density Multiple Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP22-0071 from properties identified in “Schedule A,” located at 2735 – 2757 Abbott St, Kelowna, BC.

2.0 Purpose

To review a Staff recommendation to NOT issue a Development Variance Permit to vary the required minimum parking stall setback from a side lot line and to vary a portion of the minimum landscape buffer on the subject property.

3.0 Development Planning

Staff are not supportive of the proposed Development Variance Permit to vary the parking stall setback requirements from a side lot line. The primary concerns related to the proposed variance are site lines and safety. The proposed parking stall creates limited site lines at this lane way intersection. Vehicles will not have the proper site line distances as recommended in the City’s Subdivision, Development and Servicing Bylaw (Bylaw 7900).

A secondary concern is for the vehicle turning radius for larger vehicles such as garbage trucks, emergency vehicles and City Operations Vehicles. The variance requested is for a small parking stall, with a length of 4.8 m, as opposed to a regular parking stall, with a length of 6.0 m. Staff have concerns that if larger vehicles utilize this parking stall, such as trucks and SUVs, they could be projecting into the public lane.

Finally, the visual impact due to the addition of the proposed parking stall is not in keeping with urban standards for multifamily developments. The removal of required landscaping has negative visual impacts from the active multiuse corridor along Abbott Street and the residents who utilize this public lane.

At the time of Development Permit consideration, Council was presented with a detailed landscape plan that benefited not only the subject property but the neighbourhood as a whole. This was approved as part of the approved Schedule C: landscape plan and landscape bonding. The expectation is that developments are constructed as per the approved plans and not deviated from during the time of construction and seeking variances or amendments after construction is completed.

4.0 Proposal

4.1 Background

On July 16, 2019, Council issued the Development Permit and Development Variance Permit for this site. The Development Variance Permit was to increase site coverage of the structures from the permitted 50% to 58% proposed with an overall site coverage of 64.7%. The variance that was previously approved did reduce the overall amount of green space on site and staff worked with the applicant to ensure that the proposed landscape plan made up for the reduction in green space through the provision of additional plantings. The addition of the proposed parking stall will further reduce the limited amount of green space provided.

The proposed parking stall has already been installed by the developer at the time of construction of the multiple dwelling housing. After the completion of the development and installation of the landscaping, development planning staff were requested to complete a landscape inspection to release the landscape bond. It was through this landscape inspection that Staff discovered the site plan did not match what was constructed on site. Staff requested that the stall be removed, and the required landscaping be installed. The applicant chose to proceed with a variance application instead.

The rezoning for this property (Z18-0038) received second and third reading on January 15, 2019. The rezoning sat at third reading until the conditions of the development engineering memorandum were completed. It was determined through this variance that a corner rounding at the location of the proposed parking stall was missed in error. The corner rounding would have been required to help turning radiuses of large vehicles and site lines for vehicles. Allowing a parking stall at this location would further impede traffic movements.

4.2 Project Description

The developer has constructed a parking stall not in keeping with DP19-0220 Landscape Plan: Schedule C, which has resulted in a variance application.

4.3 Site Context

The subject property is located at the intersection of Abbott Street and Osprey Ave. It contains a six-unit multiple dwelling housing project. The property is located within the Pandosy Urban Centre.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Single Family Dwelling
East	RU6 – Two Dwelling Housing	Two Dwelling Housing
South	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing
West	RU6 – Two Dwelling Housing	Single Family Dwelling

Subject Property Map: 2735 – 2757 Abbott Street



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 5.4 Protect and increase greenery in the Core Area.	
Policy 5.5.2 Urban Forest Canopy	Encourage the installation of street trees in Core Area streetscape improvement projects, recognizing the critical role they play in pedestrian comfort, cooling of the urban heat island, habitat for local animal species and beautification of the public realm. Protect existing mature trees where possible.
	<i>Tree plantings along roadways, including laneway, play a significant role in comfort, cooling, animal habits and beautification. The proposed variances have shifted where the trees will be planted leaving a large section of uncanopied area.</i>

Objective 14.2 Protect and expand healthy and viable urban forest.	
Policy 14.2.6 Trees in Development	Maximize the retention of existing vegetation and prioritize the planting of new vegetation through development approval and major construction and infrastructure projects.
	<i>The form and character considerations for all development permits involve robust landscape plans to retain and/or to provide vegetation for overall site enhancement.</i>

6.0 Application Chronology

Date of Application Accepted: March 18, 2022

Date Public Consultation Completed: April 18, 2022

7.0 Alternate Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP22-0071 from properties identified in 'Schedule A', located at 2735 – 2757 Abbott St, Kelowna, BC

AND THAT variance to the following section of Zoning Bylaw No. 8000 be granted in accordance to Schedule C:

Section 8.2.3 – General Provisions and Development Standards:

To vary the parking stall setback requirement from the required 1.5 metre setback to 0.52 metres

Section 7.6.1(c) Minimum Landscape Buffers

To vary a portion of the minimum landscape buffer requirement of 3.0m to 0.0m.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend

Report prepared by: Jason Issler, Planner I

Reviewed by: Lydia Korolchuk, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Affected Addresses

Schedule B: Drawing Package

Attachment A: Draft Development Variance Permit DVP22-0071

Attachment B: Applicant Letter of Rationale.