

REPORT TO COUNCIL



Date: October 4, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP22-0051 & DVP22-0052

Owner: Simple Pursuits Inc., Inc. No. BC1206854

Address: 540 Osprey Ave

Applicant: Worman Commercial – Shane Worman

Subject: Development Permit & Development Variance Permit Application

Existing OCP Designation: UC – Urban Centre

Existing Zone: UC5 – Pandosy Urban Centre

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP22-0051 for Lot A, District Lot 14, ODYD, Plan EPP121585, located at 540 Osprey Ave, 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 landscaping, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0052 for Lot A, District Lot 14, ODYD, Plan EPP121585, located at 540 Osprey Ave, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum upper floor setback for a portion of the building above the lesser of 16.0 m or four storeys abutting Osprey Ave from 3.0 m permitted to 1.1 m proposed.

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum front yard setback (Osprey Ave) from 3.0 m required to 1.1 m proposed.

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum flanking side yard setback (McKay Ave) from 3.0 m required to 0.2 m proposed.

Section 14.11: UC5 - Commercial and Urban Centre Zone Development Regulations

To vary the required minimum commercial floor area on a retail street from 90% of the street frontage permitted to 37% 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 these Development Permit and Development Variance Permit are valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To issue a Development Permit for the form and character of a 6-storey commercial building and to vary the minimum upper floor setback, minimum front yard setback, minimum flanking side yard setback, and minimum commercial floor area on a retail street.

3.0 Development Planning

Staff support the proposed Development Permit and associated variances for the form and character of a commercial building. The proposal generally complies with the Official Community Plan (OCP) Policies for the Pandosy Urban Centre by providing commercial development that is in accordance with the OCP Building Heights and Street Character mapping.

The proposal generally conforms to the OCP Form and Character Development Permit Area Design Guidelines for Commercial Development. Key guidelines it meets include:

- Orienting buildings on a corner parcel towards both streets and include distinct architectural features
- Screening parking and loading areas from the street
- Articulating the façade including projections, recesses, awnings, colour, and texture
- Incorporating high quality building materials

A unique aspect of the proposal is the use of a vehicle elevator to provide access to 23 of the parking stalls on the second storey of the building. The vehicle elevator is proposed as an alternative to a standard parkade ramp in order to more efficiently use space on a relatively small lot. The applicant has provided a report from a Transportation Engineer to demonstrate that the proposed vehicle elevator would be able to accommodate the traffic volumes of the proposed development. The report states that a maximum of 6 vehicles would be arriving or departing during the busiest 15 minutes of the day and that any traffic queuing would be negligible and unlikely to affect the surrounding street network.

Variances

- *Upper Floor Setback* – the applicant has requested to vary the minimum upper floor setback required for the top two storeys for a portion of the building along Osprey Ave. The portion of the building that is within the setback area contains the elevator and stairs. As the proposed variance is only for a small portion of the building which has been incorporated into the design to provide articulation along the façade, it does not negatively impact the form and character of the building. Osprey Ave is an east-west

street and therefore the setback is unlikely to have a significant impact on the amount of sunlight reaching the sidewalk.

- *Ground Floor Setbacks* – the applicant is proposing to vary the required setbacks from Osprey Ave from 3.0 m to 1.1 m and on McKay Ave from 3.0 m to 0.2 m. The proposal was designed under the previous C4 – Urban Centre zone which had 0.0 m front and flanking side yard setback requirements. The purpose of the increased setback requirements in the new Zoning Bylaw is to provide some usable space for ground floor commercial units in the Urban Centres (ex: for a patio) along street. The development site is unique as it is surrounded on 3 sides by public roads and it is constrained in size with road dedications being required on Pandosy Street and Osprey Ave. The proposed development includes only one ground floor commercial retail unit. The primary street interface for this commercial unit will be on Pandosy Street, where the required setbacks have been provided in accordance with the Zoning Bylaw.
- *Minimum Commercial Floor Area on a Retail Street* – the applicant is proposing to reduce the required minimum commercial floor area on McKay Ave from 90% of the street frontage to 37% of the street frontage. McKay Ave is designated as a Retail Street on the Urban Centre Street Character mapping in the OCP. Due to the provision of parking and loading spaces along the lane and McKay Ave, only a limited portion of the building along McKay Ave can be used as commercial floor area. This portion of McKay Ave primarily functions as an access point to a City-owned surface parking lot and as a lane access to adjacent buildings. Glazing has been incorporated along the commercial portion of the McKay Avenue frontage.

4.0 Proposal

4.1 Project Description

The development proposal is for a 6-storey commercial building. One commercial retail unit is located at-grade with 8 office units above. Parking is accessed from the rear lane with 10 stalls at-grade (screened behind garage doors) and 23 stalls located on the second storey accessed by a vehicle elevator. End-of-trip bicycle facilities, including bicycle storage, lockers, and showers are also located on the second storey.

The building is clad primarily in brick on the lower two floors, with stucco on the upper floors. Substantial glazing is provided along Pandosy St, Osprey Ave and McKay Ave. With the exception of a small portion of the front of the building, containing a stairwell and elevator, the building is stepped back above the second storey.

4.2 Site Context

The subject property is located on Osprey Avenue, between Pandosy Street and McKay Avenue, in the Pandosy Urban Centre. Osprey Park and Raymer Elementary School are located in close proximity to the subject site. The surrounding properties are designated UC - Urban Centre in the Official Community Plan and are zoned UC5 – Pandosy Urban Centre.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	UC5 – Pandosy Urban Centre	Commercial building
East	UC5 – Pandosy Urban Centre	Surface parking lot
South	UC5 – Pandosy Urban Centre	Vacant parcel Single family dwelling
West	UC5 – Pandosy Urban Centre	Commercial building

Subject Property Map: 540 Osprey Ave



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	UC ₅ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	460 m ²	1080.9 m ²
Min. Lot Width	13.0 m	22.84 m
Min. Lot Depth	30.0 m	39.01 m
Development Regulations		
Max. Floor Area Ratio	2.35	2.08
Max. Site Coverage (buildings)	100%	81%
Max. Site Coverage (buildings, structures, impermeable surfaces)	100%	100%
Max. Height	31.0 m or 8 storeys	25.2 m and 6 storeys
Min. Front Yard (Osprey)	3.0 m	1.1 m ❶
Min. Flanking Side Yard (Pandosy)	0.0 m	1.5 m
Min. Flanking Side Yard (McKay)	3.0 m	0.2 m ❷
Min. Rear Yard (lane)	0.0 m	0.2 m
Upper Floor Setback (above 16.0 m or 4 storeys)	3.0 m	1.1 m ❸
Min. Comm. Floor Area on a Retail Street (McKay Ave)	90%	37% ❹

Other Regulations		
Min. Parking Requirements	28 stalls	33 stalls
Min. Bicycle Parking	5 long-term 4 short-term	16 long-term 10 short-term
Min. Loading Space	1 loading space	1 loading space
<p>● Indicates a requested variance to the minimum front yard setback.</p> <p>● Indicates a requested variance to the minimum flanking side yard setback (McKay Ave).</p> <p>● Indicates a requested variance to the minimum upper floor setback (above 16.0 m or 4 storeys).</p> <p>● Indicates a requested variance to the minimum commercial floor area on a Retail Street (McKay Ave).</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 4.1 Strengthen the Urban Centres as Kelowna’s primary hubs of activity.	
Policy 4.1.4 Office Development.	<p>Direct large office developments to Urban Centres first, with emphasis on Downtown as a preferred destination. Within Urban Centres, encourage office development near the Frequent Transit Network, transit stations and exchanges or as guided by an Urban Centre Plan.</p> <p><i>The proposed development includes offices on the Frequent Transit Network in close proximity to transit stops.</i></p>
Objective 4.6 Support infill and redevelopment to promote housing diversity and enhanced services and amenities in the Pandosy Urban Centre.	
Policy 4.6.1 Pandosy Building Heights	<p>Undertake a building heights study as part of an Urban Centre Plan process for the Pandosy Urban Centre. Until this is complete, support development in the Pandosy Urban Centre that is generally consistent with the building heights outlined in Map 4.5 to accomplish the following:</p> <ul style="list-style-type: none"> • Focusing taller buildings along Pandosy Street and Lakeshore Road and tapering heights down towards Okanagan Lake to maximize the area’s visual and physical connection to the lake; and • Tapering building heights down east of Richter Street to transition into adjacent Core Area neighbourhoods. <p><i>The proposed building height of 6 storeys is consistent with the maximum 8 storey building height identified in the OCP for the subject parcel.</i></p>
Policy 4.6.3 Pandosy Retail Street Character	<p>Support development in the Pandosy Urban Centre that includes the following characteristics at grade, as outlined in Map 4.6:</p> <ul style="list-style-type: none"> • Retail space along Pandosy Street and Lakeshore Road integrated with a high-quality urban streetscape experience, reinforcing this corridor as the Urban Centre’s high street; and • Retail space along Tutt Street and nearby streets in the “Pandosy Village” area designated as retail streets to create more dynamic spaces with high levels of pedestrian activity. <p><i>The proposed development provides a commercial retail unit at-grade, with glazing along Pandosy St, Osprey Ave and McKay Ave.</i></p>

6.0 Application Chronology

Date of Application Accepted: February 25, 2022

Date Public Consultation Completed: April 5, 2022

Report prepared by: Mark Tanner, Planner II
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:

Attachment A: Draft Development Permit DP22-0051 & Development Variance Permit DVP22-0052

Schedule A: Site Plan & Floor Plans

Schedule B: Elevations

Schedule C: Landscape Plan

Attachment B: Applicant Project Rationale

Attachment C: Memorandum Re: Vehicle Elevator

Attachment D: Project Renderings

Attachment E: Form and Character Development Permit Guidelines Checklist