

# REPORT TO COUNCIL



**Date:** September 15, 2015

**RIM No.** 0940-50

**To:** City Manager

**From:** Community Planning Department (TY)

**Application:** DP15-0118  
DVP15-0119

**Owner:** City of Kelowna

**Address:** 561 McKay Avenue

**Applicant:** City of Kelowna

**Subject:** Development Permit & Development Variance Permit

**Existing OCP Designation:** MRM - Multiple Unit Residential (Medium Density)  
MXR - Mixed Use (Residential / Commercial)

**Proposed OCP Designation:** MXR - Mixed Use (Residential / Commercial)

**Existing Zone:** RU6 - Two Dwelling Housing  
C4 - Urban Centre Commercial

**Proposed Zone:** C4 - Urban Centre Commercial

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## 1.0 Recommendation

THAT final adoption of OCP Bylaw No. 11120 be considered by Council;

AND THAT final adoption of Rezoning Bylaw No. 11121 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0118 for Lot 1 District Lot 14 ODYD Plan EPP45951, located at 561 McKay Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the works to be constructed on the land be in accordance with Schedule "A,"
2. Landscaping to be provided on the land be in accordance with Schedule "B";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0119 for Lot 1 District Lot 14 ODYD Plan EPP45951, located at 561 McKay Avenue, Kelowna, BC;

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

### Section 7.6.9 (e): Landscaping and Screening Minimum Landscape Buffers

To vary the required minimum front yard for a surface parking lot from Level 2 landscape buffer permitted to Level 1 landscape buffer zone proposed.

To vary the required minimum side yard (west) for a surface parking lot from Level 2 landscape buffer permitted to Level 1 landscape buffer zone proposed.

To vary the required minimum side yard (east) for a surface parking lot from Level 2 landscape buffer permitted to Level 1 landscape buffer zone 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 the form and character of the non-accessory parking lot and to vary required landscaped setbacks on the subject property.

## **3.0 Community Planning**

Community Planning Staff supports the development permit and development variance permit application on the subject property. The proposed design and requested setback variances are a result of maximizing parking opportunities and protecting an existing maple tree while this property is being used as a non-accessory parking lot.

The proposed expansion of the existing non-accessory parking lot meets the guiding principles of the South Pandosy Parking Plan approved June 23, 2014 (part of the larger Parking Management Strategy). These principles include providing additional long-term (longer than 2 hour maximum) off-street parking for employees in the Pandosy Urban Centre, and increasing pedestrian connectivity to parking areas. The proposed development will provide a total of 79 off-street parking spaces. Pedestrian connectivity is currently being enhanced with the construction of a new lane complete with sidewalks that connect McKay Ave to Osprey Avenue. A sidewalk will also be constructed along the road frontage of Osprey Avenue as part of this proposed development.

The City of Kelowna has committed to retaining a valuable mature Maple tree that lives on the subject property by protecting the integrity of the root system while maximizing parking needs. This, along with the required dedication along Osprey Avenue for a City sidewalk, has oriented the edge of parking area close to the south property line, reducing the landscape buffer opportunity. Internal City departments worked together to reach a landscape design that brings a landscape buffer of tall perennials and low shrubs along Osprey Avenue to screen the vehicles that will be parked facing the Avenue. The rear property landscaping buffer that the minimum width along the west and east portion of the property line. A landscape island wide enough to support deciduous canopy trees is proposed in the centre of the parking area to break up the hard surface which provides shade for the parking area as well as a visual buffer from any neighbouring properties with more than one storey.

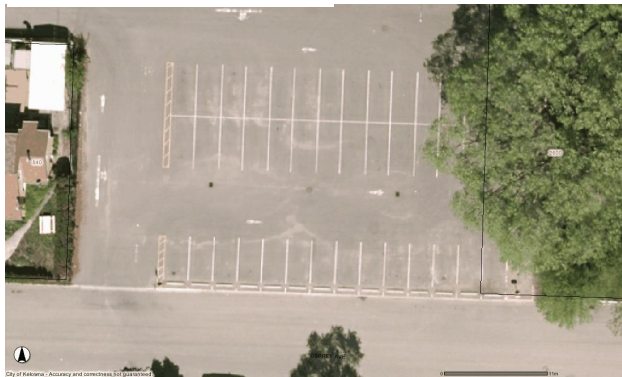
Though this parking lot is temporary in nature, amending the OCP (OCP15-0009) and Zoning Bylaw No. 8000 (Z15-0026) along with this development permit and development variance permit is necessary as it has been determined that the non-accessory parking lot will be in place longer than six years, ruling out the possibility of a Temporary Use Permit application.

## 4.0 Proposal

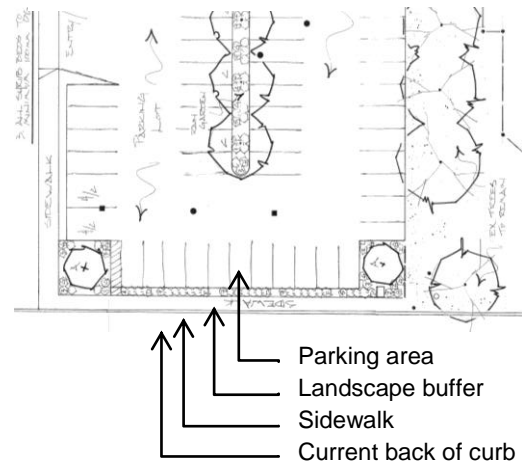
### 4.1 Background

Currently, a non-accessory parking lot exists adjacent to Osprey Avenue and Osprey Park with a total of 43 stalls. The asphalt surface of the parking lot extends to the back of curb along Osprey Avenue creating a hard surface feel along the frontage. There is no sidewalk along the north side of Osprey Avenue on this subject block.

Current Conditions



Proposed Conditions



The asphalt surface for the current parking lot extends off of the subject property into Osprey Park to the east by approximately 5.0 m. The proposed design of the new parking lot layout extends the encroachment north. This development permit and development variance permit application applies only to the subject property. Any future development on the subject property will respect the current property lines.

### 4.2 Project Description

Vehicle access off of the new lane leads to 79 parking stalls. The layout of the hard surface parking lot retains an existing Maple tree, one of the two mature trees currently on site. It was through preliminary layout that internal Staff determined that the second tree could not be retained if a goal to increase parking stalls was to be met. Designed around the mature Maple tree, the parking lot is situated on the south end the subject property to allow a larger buffer to the north where the Maple tree exists.

Kelowna's OCP guidelines regulate that 19 shade trees should be planted on a site with 79 parking stalls (1 per 4 stalls). 15 new trees with the retention of one valuable mature tree is being proposed. This ratio is seen as an acceptable compromise to retain the mature Maple tree on site. A landscape island provides space for shade trees and plant material in the centre of the property.

A non-accessory parking use in the Pandosy Urban Centre requires a 3.0 m, Level II landscape buffer. The City of Kelowna is seeking a variance to the front and side yard setbacks from the minimum 3.0 m width landscape buffer to the following; a front yard setback of 0.7 m, a side yard setback (west) of 0.9m and side yard setback (east) of 0.0m.

The proposed front yard buffer of 0.7 m between the back of City sidewalk and back of curb on site will be planted with dense perennials and shrubs. As this is a narrow space for plant material

to thrive, curb stops will be placed along the adjacent parking spaces to ensure vehicle overhang does not impede vegetation.

The second variance is to permit a 0.9 m width buffer without vegetation along the west property line. The need for a vegetative screen on this property line is minimal as it is adjacent to a lane. This lane is shared with a future land use designation that permits a zero lot line. A vegetated island is designed in the centre of the non-accessory parking lot with five deciduous canopy trees. Locating trees in the centre of the parking lot creates more opportunity for shade over parked vehicles than perimeter trees. This also breaks up the hard surface area, creating visual interest for pedestrians and surrounding buildings that have views onto the property.

The third variance of a 0.0 m setback will permit the current edge of pavement along the east portion of the parking area that encroaches into Osprey Park to continue north.

#### 4.3 Site Context

The subject property is located on the north side of Osprey Avenue between Pandosy Street and Richter Street and extends north to McKay Avenue in the South Pandosy sector of Kelowna. The property is currently zoned RU6 - Two Dwelling Housing, identified in Kelowna's OCP as MRM, and is within the Permanent Growth Boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 - Urban Centre Commercial	Commercial Office Building
East	P3 - Parks and Open Space	Osprey Park
South	C4 - Urban Centre Commercial	Commercial Office Building
West	RU6 - Two Dwelling Housing C4 - Urban Centre Commercial	Vacant Lot Commercial Retail Building

Subject Property Map: 561 McKay Ave



#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot / Subdivision Regulations		
Minimum Lot Area	460 m <sup>2</sup>	2,161.9 m <sup>2</sup>
Minimum Lot Width	13.0 m	33.9 m
Minimum Lot Depth	30.0 m	63.3 m
Development Regulations		
Maximum Height	m	n/a
Minimum Front Yard	Level 2 Buffer (min 3.0 m width)	0.7 m ❶
Minimum Side Yard (west)	Level 2 Buffer (min 3.0 m width)	0.9 m ❷
Minimum Side Yard (east)	Level 2 Buffer (min 3.0 m width)	<i>existing</i> -0.0 m (extends into neighbouring park) ❸
Minimum Rear Yard	Level 2 Buffer (min 3.0 m width)	3.1 m
Maximum Site Coverage	75%	n/a
Other Regulations		
Minimum Parking Requirements	n/a	79
Minimum Bicycle Parking	n/a	0
Required Shade Trees	1 per 4 parking stalls 79 stalls = 19 shade trees	15 shade trees + retention of 1 high value existing mature Maple tree
❶ Indicates a requested variance to Front Yard Landscape Buffer ❷ Indicates a requested variance to Side Yard Setback (west) ❸ Indicates a requested variance to Side Yard Setback (east)		

### 5.0 Current Development Policies

#### 5.1 South Pandosy Parking Plan

##### Improve Pedestrian Access to and From New Parking Lots.<sup>1</sup>

There will be a need to improve pedestrian routes to ensure safe, efficient, and attractive pedestrian connections from the parking lots to Pandosy Street.

##### Guiding Principals<sup>2</sup>

Focus on excellent short-term parking management to support higher turnover while maintaining a governing role in long-term parking solutions.

The parking system will continue to pay for itself (will operate under a user-pay cost recovery model) The South Pandosy Neighbourhood Strategy shall locate pay parking stations and set parking rates for on-street parking in the core commercial and employment areas, as well as in public off-street lots; as to support the costs of operations and maintenance.

<sup>1</sup> City of Kelowna South Pandosy Neighbourhood Parking Strategy, 3.1 (Reducing Demand).

<sup>2</sup> City of Kelowna South Pandosy Neighbourhood Parking Strategy, 3.3 (Guiding Principle).

## **6.0 Technical Comments**

### **6.1 Building & Permitting Department**

Building Permit required for the paved parking lot and irrigation system

## **7.0 Application Chronology**

Date of Application Received: May 25, 2015

Date Public Consultation Completed: July 14, 2015

**Report prepared by:**

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Tracey Yuzik, Planner

**Reviewed by:**

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Lindsey Ganczar, Planning Supervisor

**Approved for Inclusion:**

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Ryan Smith, Community Planning Department Manager

### **Attachments:**

Subject Property Map

Schedule "A" Site Plan

Schedule "B" Landscape Plan

DRAFT Development Permit DP15-0018 & Development Variance Permit DP15-0019