

REPORT TO COUNCIL



Date: 9/15/2015
RIM No. 1250-30
To: City Manager
From: Community Planning Department (AC)
Application: Z14-0030, DP14-0132, DVP14-0133 **Owner:** MKS Resources Inc.
Address: 529 Truswell Road **Applicant:** Steve Shoranick
Subject: Rezoning Adoption, Development Permit, and Development Variance Permit
Existing OCP Designation: MXT - Mixed Use (Tourism)
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: C9 - Tourist Commercial

1.0 Recommendation

THAT Final Adoption of Zoning Amending Bylaw No. 11015 be considered by Council;

AND THAT Council authorize the issuance of Development Permit DP14-0132 for Lot A, Section 1, Township 25, ODYD, Plan EPP52732, located on 529 Truswell Road, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. That 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 professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit DVP15-0080 for Lot A, Section 1, Township 25, ODYD, Plan EPP52732, located on 529 Truswell Road, Kelowna, BC.

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

Section 8.1.2 Off-Street Vehicle Parking

Vary the maximum number of parking spaces permitted from 125% of the required minimum (33 parking stalls) to 200% of the required minimum (52 parking stalls).

Section 14.9.5 (c) Development Regulations

Vary the front yard setback requirement from 6.0 metre required to 2.5 metre proposed.

Section 14.9.5 (d) Development Regulations

Vary the north flanking side yard setback requirement from 4.5 metre required setback to 1.8 metre proposed.

Section 14.9.5 (d) Development Regulations

Vary the south side yard setback requirement from 3.0 metre required setback to 0.0 metre proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit/Development Variance Permit Applications in order for the permit to be issued.

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

2.0 Purpose

To review the form and character Development Permit for a 6 storey mixed use (residential/commercial) development and to consider four variances to maximum parking, front yard setback, flanking yard setback and side yard setback.

3.0 Community Planning

Staff supports the proposed Development Permit and Development Variance Permit as it is seen to meet the objectives and supporting policies of the Official Community Plan (OCP), as well as the applicable urban design guidelines. The proposal is consistent with development trends in the neighbourhood. The applicant has been working with staff and has incorporated design comments generated through a review by the City's Advisory Design Team. The architectural features of the building are aligned to create visual continuity with neighbouring buildings in part by siting the building closer to the street. The location of the commercial units along the street frontage provides an attractive streetscape rhythm.

The proposed variances are all relatively minor in nature and are explained briefly below.

1. The side yard setback variance is triggered because the developer has chosen not to combine proposed phase 2 with the phase 1 strata (for ease of future strata management). This has meant that an internal lot line will remain between the two projects triggering the need for a bylaw variance for the parkade wall. This wall fronts onto a fire lane/parkade wall on the existing phase 1 and thus no units are impacted negatively. Above the southern side of the parkade, the building steps back to exceed the required setback.
2. While the parking variance seems large, it will actually allow the developer to provide parking in an amount similar to what would be required for a regular residential development. The parking rates, as identified in the zoning bylaw, for an apartment hotel development are generally 75% of what is required for a residential unit.
3. The reduced building setbacks (for the front yard and for the flanking side yard) along the fronting streets will help the buildings frontages to not only complement the Phase 1 of Water's Edge but also provide a strong retail frontage along Truswell Street.

4.0 Proposal

4.1 Background

The adjacent properties (to the south) were developed as Phase 1 of the Water's Edge development. A phase 2 of Water's Edge has always been contemplated and disclosed to the original purchasers. While the applicant is referring to this as "phase 2", it will not be connected to the phase building or strata as originally planned. Separating the two projects both from a structural and real estate perspective will simplify the management of the projects in the future.

4.2 Project Description

The building will be buffered from both neighbouring properties and the pedestrian realm by landscaping around the perimeter of the site and parking structure. The parking structure is constructed at grade, and has some minor landscape berming and planters around the perimeter to reduce the perceived building height. The building has a commercial frontage located at the north side of the structure, which also has an outdoor patio seating area located adjacent to it. The building's parking structure is accessed via a driveway from Truswell Road (on the west side of the building) and the pedestrian entrance area is highlighted by the use of a stone finish and a distinct awning. The parkade will provide a total of 29 stalls and a further 23 stalls will be located behind the building.

The applicant has created the required Riparian Management Area along Mission Creek with phase 1 of the proposed development and is committed to some minor replanting and maintenance in this area to replace some plant species that have not survived their first few growing seasons.

Above the parking structure, the building steps back on its southern side (adjacent to phase 1 of Water's Edge) and the resulting deck area includes an outdoor amenity area with a hot tub, as well as an outdoor seating area.

The roof proposed for the building is designed with a flat profile to further reduce the perceived building height, and to minimize the impact on the residents across Mission Creek. There are flat roof projections that incorporate bracketed support elements that also break up the length of the roof area. There are also a number of lofted areas that project through the roof area, which also creates additional visual interest to this element.

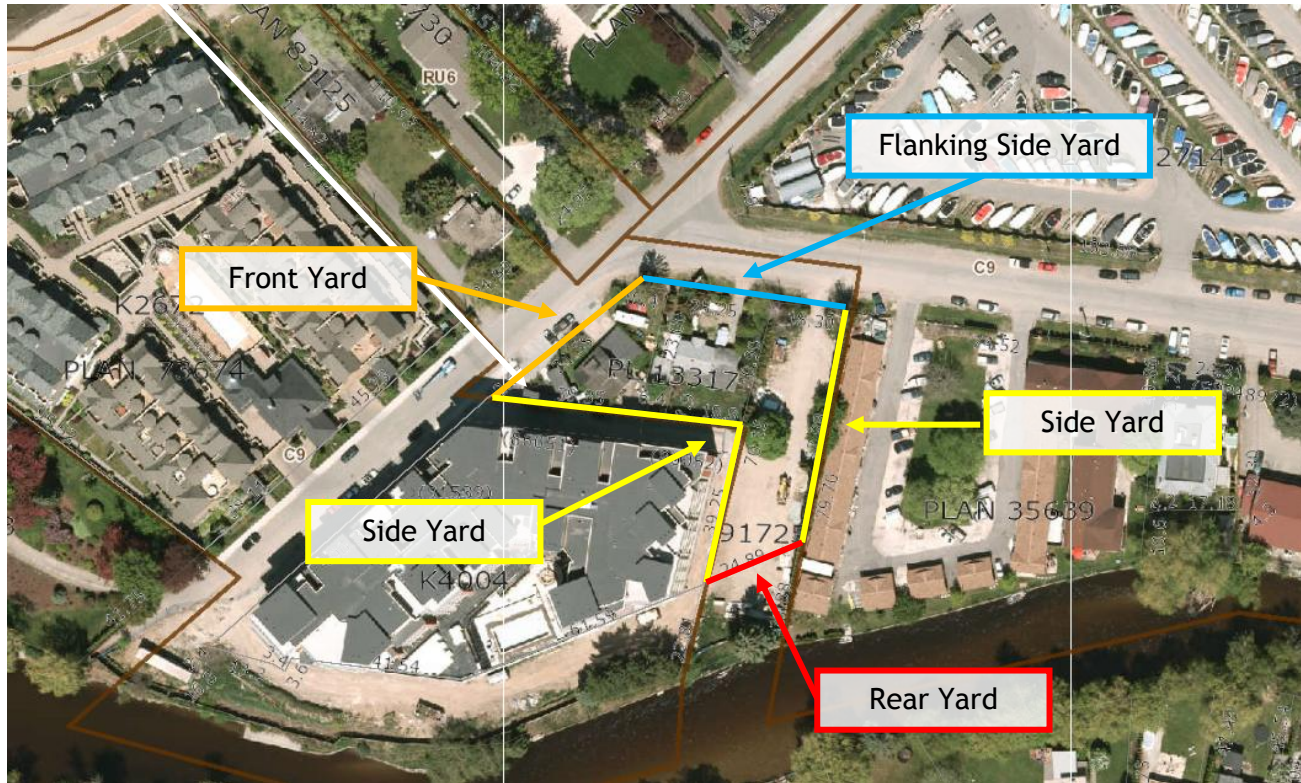
The exterior of the proposed building is designed to be finished in a similar manner to phase 1 of the development with a blend of stucco detail areas and horizontal hardie plank materials. The balconies are proposed to be finished with a painted metal guard rail system which incorporates tempered glazing.

4.3 Site Context

The subject property is located at the intersection of Truswell and Capozzi Roads, bounded on the south by Mission Creek and Phase 1 of the Water's Edge development. The site is generally level, and is currently developed with single unit and two unit residential buildings. A portion of Truswell Road was closed and added to the development site. The subject property is designated as MXT - Mixed Use (Tourism) and the lot is within the Permanent Growth Boundary. Specifically, the adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C9 - Tourist Commercial	Boat Storage
East	C9 - Tourist Commercial	Walnut Grove Motel
South	C9 - Tourist Commercial / Mission Creek	Water's Edge Phase 1
West	C9 - Tourist Commercial RU1 - Large Lot Housing	Mission Shores Single Family Dwellings

Subject Property Map: 529 Truswell Road



5.0 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C9 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	22.0 m / 6 storeys	21.5 m / 6 storeys
FAR	1.5	1.0
Front Yard (west)	6.0 m	2.5m ❶ (to match phase 1)
Side Yard (south / phase 1)	3.0 m	0.0 m ❷
Flanking Side Yard (north)	4.5 m	1.8 m ❸
Side Yard (east)	3.0 m	7.0 m

Zoning Analysis Table		
CRITERIA	C9 ZONE REQUIREMENTS	PROPOSAL
Rear Yard (south)	15 m	> 15 m
Other Regulations		
Minimum Parking Requirements	Apartment Hotel: 18 Commercial /Retail: 8 Total: 26	29 covered parking stalls 23 surface parking stalls Total: 52 ④
Minimum Bicycle Parking Requirements	Class 1: 2 bikes Class 2: 3 bikes	Class 1: 7 bikes Class 2: 5 bikes
Loading space	1	1
① Variance to front yard setback from 6m required to 2.5m proposed to achieve that same setback along Capozzi Road as phase 1 of Water's Edge. ② Variance to southern side yard setback from 3.0m required to 0.0m proposed. ③ Variance to the northern (flanking) side yard setback from 4.5m required to 1.8m proposed. ④ Variance to allow the development to provide 200% of the required parking when only 125% is permitted.		

6.0 Current Development Policies

6.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ 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 located within a 400 metre 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.

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

Mixed Use Tourism (MXT)

Developments that provide for a mix of hotel, apartment hotel, multiple unit residential uses and associated commercial uses intended to service the tourism market. Building densities and height would be consistent with the provisions of the C9, RM3, RM4 and RM5 zones of the Zoning Bylaw.

Building Height

Elsewhere: For all areas of the City outside the Urban Centres, buildings heights shall be a maximum of four storeys for residential and six storeys for apartment hotels and hotels. Additional height restrictions may be imposed as a result of airport-related zoning regulations.

Strata Parkades

Consider private sector parking solutions such as strata parkades as an alternative to fulfilling parking requirements.

Environmentally Sensitive Area Linkages

Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors.

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Chapter 4 (Future Land Use).

Tourist Commercial

Consider commercial development for tourism related uses in the Capozzi / Truswell, Lakeshore, Cook Road area.

Visitor Accommodation

Consider allowing visitor accommodation along the shore zone provided that such a use protects the riparian area, would be compatible with the neighbourhood and site context, and public enjoyment of the lakefront is enhanced as a result of the development.

7.0 Technical Comments

7.1 Building & Permitting Department

- a) Demolition permits are required for any existing structures.
- b) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- c) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- d) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- e) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - i. Door swings and gate swings for proper means of exiting are required
 - ii. Additional doors and corridors may be required to meet minimum exiting requirements. This may include moving of the internal rated exit stairwells to meet minimum distances and addition of rated corridors.
 - iii. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - iv. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- f) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces including the parking garage(s).
- g) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- h) Requirements of the City of Kelowna Fire Prevention Regulations Bylaw No. 10760 for buildings 6 stories and greater are to be shown on the building permit drawings.
- i) Guards are required for all decks and parking areas. The drawings provided don't clearly identify compliance to these minimum requirements, but will be reviewed at time of building

permit application. The appearance of these guards may affect the form and character of the building.

- j) Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- k) An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc.
- l) Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- m) Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storeys. The location and noise from these units should be addressed at time of Development Permit.
- n) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

7.2 Development Engineering

- See the attached Development Engineering Memos dated August 1st 2014.

7.3 Fire Department

- a) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- b) A visible address must be posted on Truswell as per City of Kelowna By-Laws
- c) Sprinkler drawings are to be submitted to the Fire Dept. for review when available. Ensure that isolation valves are at an acceptable level as per the COK Bylaw 10760.
- d) A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD or DVD to facilitate Fire Department pre-planning for this structure. The fire safety plan should clearly detail the unique requirements for this structure. A copy of the sprinkler system owner's certificate is to be included in the fire safety plan.
- e) Fire Department access is to be met as per BCBC 3.2.5.6
- f) Fire Department steel lock box or key tube acceptable to the fire dept. is required by the fire dept. entrance. Kurt's Lock & Safe at 100A - 1021 Ellis Street, Kelowna is the approved supplier for flush mount lock boxes.
- g) The standpipes connections are to be installed on the transitional landings of the stairwells as per NFPA 14.
- h) All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
- i) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S562 Standard.

- j) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- k) Fire department connection is to be within 45M of a fire hydrant - please ensure this is possible and that the FD connection is clearly marked and visible from the street.

8.0 Application Chronology

Date of Application Received:	July 11 th 2014
Advisory Design Team Review:	August 14 th 2014
Public Notification (Policy #367):	September 19 th 2014
Date of First Reading:	September 29 th 2014
Date of Public Hearing and Third Reading:	October 21 st 2014

Report prepared by:

Adam Cseke, Planner

Reviewed by:



Ryan Smith, Urban Planning Manager

Attachments:

Subject Property Map
Development Engineering Memos dated August 1st 2014
Draft Development Permit / Development Variance Permit

- Schedule 'A'
 - Site Plan
 - Floor Plan
- Schedule 'B'
 - Elevations
 - Colour Board
- Schedule 'C'
 - Landscaping