

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: May 14, 2024
To: Council
From: City Manager
Address: 135 Barber Rd
File No.: DP22-0225 DVP22-0226
Zone: UC4r – Rutland Urban Centre Rental Only

1.0 Recommendation

THAT Zoning Bylaw Text Amending Bylaw No. 12514 be amended at third reading to revise the legal description of the subject property from LOT 1 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 EXCEPT PLAN 39372, LOT 2 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 and LOT 3 SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN 17229 to LOT A SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP124267 EXCEPT PLAN EPP134976;

AND THAT final adoption of Zoning Bylaw Text Amending Bylaw No. 12514 and Rezoning Bylaw No. 12618 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP22-0225 and Development Variance Permit No. DVP22-0226 for LOT A SECTION 22 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP124267, located at 135 Barber Rd, 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;
5. The applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a. in Zoning Bylaw No. 12375;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted as shown on Schedules "A" and "B":

Section 14.11: Core Area & Other Zones, Commercial and Urban Centre Zone Development Regulations (UC4r)

To vary the required minimum building setback from the front yard from 3.0 m required to 0.0 m proposed.

Section 14.11: Core Area & Other Zones, Commercial and Urban Centre Zone Development Regulations (UC4r)

To vary the required minimum building setback from the flanking side yard from 3.0 m required to 0.0 m 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 Applications in order for the permits to be issued;

AND FURTHER THAT the 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 apartment housing and a Development Variance Permit to vary the minimum building setback from the front yard and flanking side yard.

3.0 Development Planning

Development Planning Staff are supportive of the Development Permit and associated variances. The proposal generally conforms with the objectives and supporting policies of the Official Community Plan (OCP), as well as key Form and Character Development Permit Design Guidelines which include:

- Orienting the primary building facades and entries to both the front and flanking streets (Hwy 33 W and Barber Rd);
- Locating off-street parking and other 'back of house' uses (including waste collection and parking access) away from public view and accessed off the lower classification road (Barber Rd); and
- Using landscaping materials that soften development and enhance the public realm, as well as a 3.0 m wide landscape area in the rear yard (south) to help with the transition between Urban Centre and Core-Area Neighbourhood Future Land Use designations and uses.

The proposed building is six-storeys in height, with two levels of underground parking. The building includes 144 rental residential units, which are a diverse mix of studios, one, two and three bedrooms. Five units have direct access from Hwy 33 W and seven are accessed directly from Barber Rd. The units with direct exterior access from grade contribute to a friendly pedestrian scale. To satisfy amenity space requirements, the majority of units have either a patio or balcony. There are also indoor amenity spaces located on the first and second storeys, as well as a rooftop patio.

Variances

This application includes variances to the minimum building setback from the front yard (Hwy 33 W) and flanking side yard (Barber Rd). The project had already been designed and was in-stream when the building setback regulation was introduced to Urban Centre Zones in the Zoning Bylaw (Bylaw No. 12594, adopted January 8, 2024). If the applicant were to redesign the project to meet the new regulations, this would result in additional time, added costs, and potentially delay construction timelines. While meeting the building setback regulation would have resulted in the building scoring slightly higher on scale and massing Form and Character Development Permit Design Guidelines, Development Planning is still supportive of the overall project and achieving a major rental building in the Rutland Urban Centre.

4.0 Subject Property & Background

4.1 Subject Property Map: 135 Barber Road



5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	3,150 m ²
Road Dedication	142.2 m ²
Net Site Area	3,007.8 m ²
Total Number of Units	144
Studio	20
1-bed	70
2-bed	49
3-bed	5

DEVELOPMENT REGULATIONS		
CRITERIA	UC _{4r} ZONE	PROPOSAL
Total Maximum Floor Area Ratio	2.6	2.6
Base FAR	1.8	1.8
Bonus FAR (rental)	0.3	0.3
Bonus FAR (Public Amenity & Streetscape)	0.5	0.5
Max. Site Coverage (buildings)	100 %	64 %
Max. Site Coverage (buildings, parking, driveways)	100 %	80 %
Max. Height	34.0 m / 9 storeys	21.5 m / 6 storeys
Base Height	22.0 m / 6 storeys	21.5 m / 6 storeys
Bonus Height	12.0 m / 3 storeys	n/a
Setbacks		
Min. Front Yard (north – Hwy 33 W)	3.0 m	4.5 m
Min. Flanking Side Yard (west – Barber Rd)	3.0 m	3.0 m
Min. Side Yard (east)	0.0 m	1.0 m
Min. Rear Yard (south)	6.0 m	6.0 m
Upper Floor Setbacks (above 16.0m in height)		
Min. Side Yard (east)	4.0 m	4.0 m
Stepbacks		
Min. Fronting Street (north)	3.0 m	0.0 m ¹
Min. Flanking Street (west)	3.0 m	0.0 m ²
Commercial Frontage		
Min. Commercial Frontage (Retail Street)	90 %	0 % ³
Amenity Space		
Total Required Amenity Space	1,630 m²	1,631 m²
Common	576 m ²	918 m ²
Private	1,054 m ²	713 m ²
Landscaping		
Min. Number of Trees	16 Trees	17 Trees
Min. Large Trees	8 Trees	8 Trees
¹ Indicates a requested variance to minimum building setback (above 16.0 m in height) for the front yard ² Indicates a requested variance to minimum building setback (above 16.0 m in height) for the flanking side yard ³ The subject property has a site-specific regulation to permit ground-floor commercial uses to occupy a minimum of 0% of the Hwy 33 W street frontage.		

PARKING REGULATIONS		
CRITERIA	UC _{4r} ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	122 stalls	133 stalls
Residential	133 stalls	133 stalls
Visitor	20 stalls	20 stalls
"r" Subzone Reduction	-31 stalls	-20 stalls
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	51 % Regular 49 % Small
Bicycle Stalls Short-Term	6 stalls	6 stalls
Bicycle Stalls Long-Term	109 stalls	109 stalls
Bonus Stalls Provided for Parking Reduction	n/a	n/a
Bike Wash & Repair	Required	Provided

6.o Application Chronology

Date of Application Accepted (TA22-0018 Text Amendment):	November 24, 2022
Neighbourhood Notification Summary Received (Text Amendment):	February 18, 2023
Date of Public Hearing (TA22-0018 Text Amendment):	May 9, 2023
Application Accepted (Z23-0049 Rezoning):	August 3, 2023
Neighbourhood Notification Summary Received:	January 4, 2024
Zone Amending Bylaw Reading Consideration:	February 26, 2024

Report prepared by:	Kimberly Brunet, Planner Specialist
Reviewed by:	Jocelyn Black, Urban Planning Manager
Reviewed by:	Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion:	Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

Attachments:

Attachment A: Draft Development Permit DP22-0225 DVP22-0226

Schedule A: Site Plan & Floor Plans

Schedule B: Elevations & Sections

Schedule C: Landscape Plan

Attachment B: OCP Form and Character Development Permit Guidelines

Attachment C: Applicant's Letter of Rationale

Attachment D: Shadow Study

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.