

REPORT TO COUNCIL



Date: November 3, 2015

RIM No. 0940-50

To: City Manager

From: Community Planning Department (TY)

Application: DP15-0137 & DVP15-0138 **Owner:** Greencorp Ventures Inc.,
No. BC0987730

Address: 4077 Lakeshore Road **Applicant:** Worman Homes /
Commercial

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: MRL - Multiple Unit Residential (Low Density)

Existing Zone: RM3 - Low Density Multiple Housing

1.0 Recommendation

THAT final adoption of Official Community Plan Amendment Bylaw No. 11136 and Rezoning Bylaw No. 11137 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0137 for Lot B Section 6 Township 26 ODYD Plan 10613, Located at 4077 Lakeshore Road, 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 pose 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 Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance permit No. DVP15-0138 for Lot B Section 6 Township 26 ODYD Plan 10613, Located at 4077 Lakeshore Road, Kelowna, BC;

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

Section 6.4.1: General Development Regulations Projections Into Yards

- A) To vary the required maximum projection into a yard from 0.6 m required to 1.2 m proposed and the required maximum length of a projection from 3.0 m required to 13.1 m proposed for the side yard (south).

Section 13.9.6 (f) - RM3 - Low Density Multiple Housing Development Regulations

B) To vary the required minimum rear yard from 7.5 m required to 4.0 m 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 and to vary the rear and side yard setback of a four unit residential development.

3.0 Community Planning

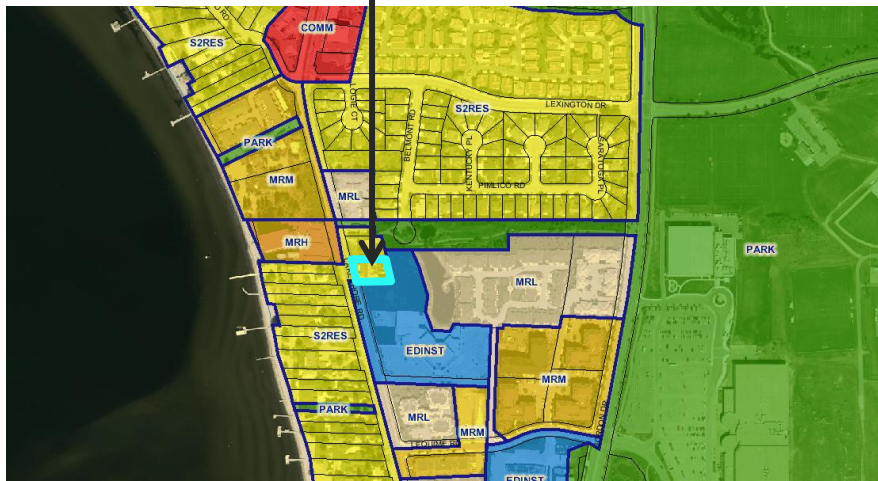
Community Planning Staff supports the proposed variances to facilitate the applicant's design of four dwelling units on the subject property.

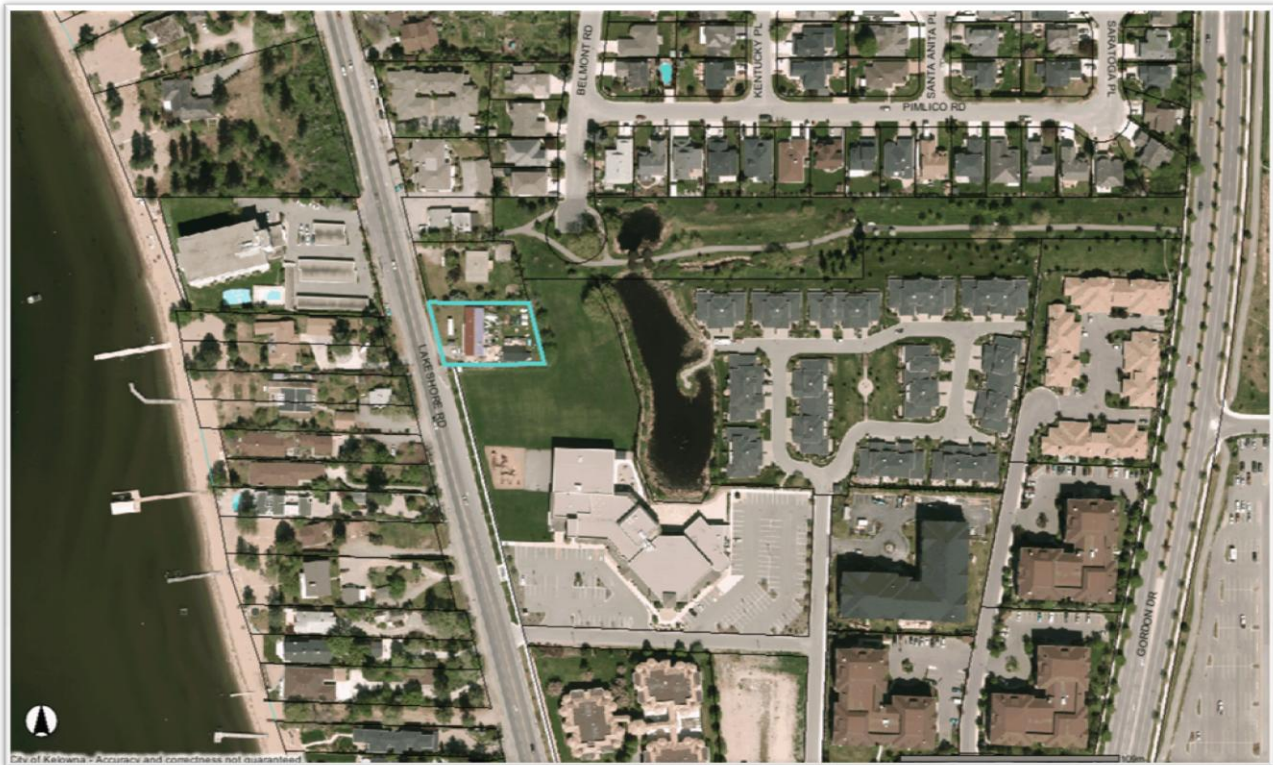
The applicant proposes four dwellings in two buildings on the property. The design requires two variances. A side yard setback variance is required to accommodate architectural projections for each of the buildings along the south elevation. The building in the rear of the property, ("Building One" as shown on Schedule A) requires a variance to the rear yard setback.

A single driveway and the modern horizontal lines of the dwellings are similar to newly constructed residential dwellings in the neighbourhood. Designing a front door facing Lakeshore Road speaks to Kelowna's OCP goals of achieving ground oriented housing for multiple family developments. Furthering the street appeal, the applicant has included architectural features on the south side of each building facing the adjacent First Lutheran Church park as they are visible from Lakeshore Road. Privacy concerns for the residential property to the north are addressed by proposing the driveway along the north side of the subject property which orientates the residential buildings on the south side of the property, with windows facing into the adjacent park.

Typically reducing a side or rear yard results in loss of private open space or privacy to adjacent neighbours. On this subject parcel the two yards requesting variances are adjacent to open space zoned P2 and are designated EDINST - Educational / Major Institutional. The loss of private open space does not apply to the design put forth by the applicant as the projection into a side yard is for a second storey projection, not affecting the at-grade patio. Each dwelling also has rooftop patio space.

Land Use Map: 4077 Lakeshore Road



Subject Property Map: 4077 Lakeshore Road**3.1 Site Context**

The subject property is located on the east side of Lakeshore Road, between Lexington Drive and Lequime Road in the North Mission - Crawford sector of Kelowna. The property is currently zoned RU1, identified in Kelowna's OCP as S2RES, in a Comprehensive Development Permit area and is within the Permanent Growth Boundary.

Adjacent land uses are as follows:

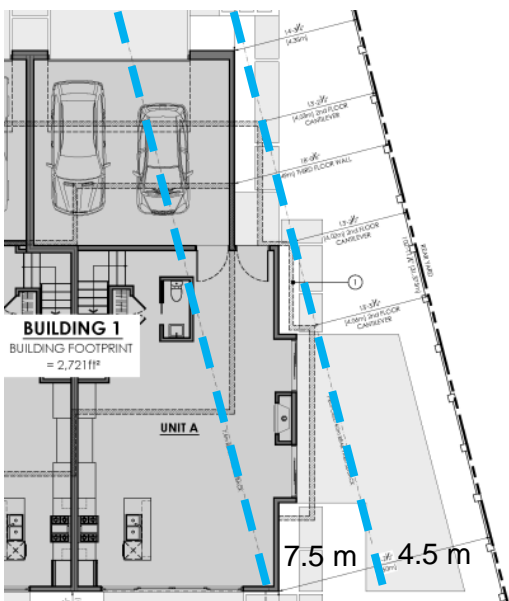
Orientation	Zoning	Land Use
North	RU1	Single Family Dwelling
East	P2	Single Family Dwellings
South	P2	Church grounds (open field)
West	RU2	Church grounds (open field)

4.0 Proposal

4.1 Project Description

The subject property is currently vacant as demolition of the existing building was carried out in 2014. The applicant has designed four dwelling units in the form of two buildings, three storeys in height, each with rooftop patios. A single driveway runs along the north of the property, designed in a manner that allows for permeability of rainfall. A front yard setback incentive exists in Zoning Bylaw No. 8000, RM3 zone regulations which permits a 1.5 m setback for a multiple family development with front doors facing a street. The applicant has designed a front door facing the street and has set the building 3.6 m from the front property line.

The proposed building facing Lakeshore Road ("Building Two" as shown on schedule A) is three storeys with rooftop stairwell access creating a two storey streetscape along Lakeshore Road. "Building One" on the interior of the property is a three storey building with the third storey set back on all elevations from the storey below to reduce the appearance of a 10.0 m high dwelling. Each storey is articulated with varying setbacks from the storey below on all sides of each building.



Variance One

Architectural projections are permitted as per Zoning Bylaw No. 8000 to project into a required yard up to a maximum of 0.6 m. The applicant is proposing a projection of 1.2 m to accommodate visual interest along the south facade of the buildings.

Variance Two

A rear yard setback variance from 7.5 m required to 4.0 m is being proposed in order to allow for a larger setback in the front of the property to achieve privacy and noise control from Lakeshore Road.

A two vehicle attached garage is designed for each dwelling along with outdoor patio space accommodated at grade and on the rooftop. Landscaping will include low retaining walls, fencing and privacy planting. The City boulevard will be landscaped and irrigated with street trees approved by City Staff.

4.2 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	900 m ²	(1,520.0 m ² - 162.5 m ²) = 1,357.5 m ²
Minimum Lot Width	30.0 m	31.5 m
Minimum Lot Depth	30.0 m	49.8 m
Development Regulations		
Maximum Floor Area Ratio	0.8	
Maximum Site Coverage (buildings)	50%	528.8 m ² = 39%
Maximum Site Coverage (buildings, driveways and parking)	65% (with permeable driveway)	778.7 m ² = 57%
Maximum Height	3 storeys or 10.0 m	3 storeys, 10.0 m
Minimum Front Yard	1.5 m	3.6 m
Minimum Side Yard (south)	4.0 m	4.0 m
Architectural Projection from a building into a required yard (south)	0.6 m	1.22 m (2.8 m from prop line) ❶
Minimum Side Yard (north)	4.0 m	8.0 m
Minimum Rear Yard	7.5 m	4.0 m ❷
Minimum distance between buildings	3.0 m	4.2 m
Other Regulations		
Minimum Parking Requirements	2 per dwelling unit	2 per dwelling unit
Minimum Visitor Parking Space	n/a	1
Minimum Private Open Space	25.0 m ²	
Unit a Unit b Unit c Unit d		40.0 m ² rooftop patio 30.2 m ² rooftop patio + 30.5 m ² at grade 9.3 m ² rooftop patio + 20.8 m ² at grade 9.3 m ² rooftop patio + 29.1 m ² at grade
❶ Indicates a requested variance to the rear yard setback.		
❷ Indicates a requested variance to the side yard (south) projection.		

5.0 Current Development Policies

5.1 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.

Ground-Oriented Housing.² Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

Building Height.³ In determining appropriate building height, the City will take into account such factors as: Contextual fit into the surrounding urban fabric; Shadowing of the public realm; View impacts; Overlook and privacy impacts on neighbouring buildings; Impacts on the overall skyline;

6.0 Technical Comments

6.1 Building and Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- 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.

6.2 Development Engineering Department

- See attached City of Kelowna Memorandum dated June 23, 2015.

Application Chronology

Date of Application Received:	June 5, 2015
Date of Z15-0031 3 rd reading:	September 29, 2015
Date of Development Engineering requirements met:	October 15, 2015

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

² City of Kelowna Official Community Plan, Policy 5.2.1 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.5.1 (Development Process Chapter).

Report prepared by:

Tracey Yuzik, Planner

Reviewed by:

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Terry Barton, Urban Planning Manager

Approved for Inclusion:

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Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map

Schedule A: Site Plan

Schedule B: Elevations

Schedule C: Landscape Plan