
CITY OF KELOWNA
MEMORANDUM

Date: May 23, 2001
File No.: (3090-20) **DVP00-10,074**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP00-10,074

OWNER: YELLOW ROSE
VENTURES LTD.

AT: 2260 BENVOULIN ROAD

APPLICANT: FWS CONSTRUCTION
LTD.

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY
MAXIMUM PERMITTED BUILDING HEIGHT FROM 2½
STOREYS OR 9.5 M TO 3½ STOREYS OR 11M, AND TO
REDUCE REQUIRED OFF-STREET PARKING FROM 97
STALLS TO 80 STALLS PROVIDED

EXISTING ZONE: A1 – AGRICULTURAL 1

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 8626 be considered by the Municipal Council;

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP00-10,074; FWS Construction Ltd.; Lot 3, DL 128, O.D.Y.D., Plan 8771 Exc. Plan KAP61007, located on Benvoulin Road, Kelowna, B.C.;

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

Section 8.1 Off-Street Vehicle Parking, Parking Schedule (Table 8.1) be varied from 97 stalls required to 80 stalls provided;

Section 13.9.5(c) Development Regulations the maximum height is the lesser of 9.5 m or 2 ½ storeys be varied to lesser of 11 m or 3 ½ storeys.

2.0 SUMMARY

The applicant proposes the construction of a 58 unit, non-profit housing development on the subject property. The site development is designed as one apartment building and four townhouse buildings arranged along an access driveway with surface parking for 41 vehicles. The 38 unit apartment building is built over a parking structure for 39 vehicles. The remaining 20 residential units are contained within the 4 townhouse buildings and conform to the requirements of the RM3 zone.

This application for a Development Variance Permit has been made in conjunction with the applications for Rezoning and Development Permit. The Development Variance Permit application seeks to vary the maximum permitted building height as the proposed 3½ storey or 11 m building height for the apartment building exceeds the maximum permitted 2½ storey or 9.5 m building height permitted in the RM3 – Low Density Multiple Housing zone. The Development Variance Permit application also seeks approval of a reduction of the required number of vehicle parking from the 97 stalls parking required by the zoning bylaw to the 80 parking stalls which have been provided for on site. The development proposal conforms to the density provisions of the RM3 – Low Density Multiple Housing zone, and conforms to the Multiple Family Residential - low density future land use designation of the Official Community Plan.

2.1 Advisory Planning Commission

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of October 24, 2000 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP00-10,074 by FWS Construction Ltd., (Del Juba), 2260 Benvoulin Road, subject to the applicant providing, for Council consideration, statistical information regarding the parking requirements for this type of special needs housing to support the requested parking variance

3.0 BACKGROUND

3.1 The Proposal

The applicant wishes to construct a 58 unit multiple family residential development on the subject property to be used as “special needs housing” for the physically disabled and financially disadvantaged residents. The proposed development is anticipated to be sponsored by the Father DeLestre Housing society with financing by BC Housing.

The project is designed as a blend of 20 townhouse units arranged in four buildings, and 38 apartment units in one apartment building. The site plan is arranged in such a manner that there is a 7.5 m landscaped buffer adjacent to the existing agricultural lands to both the west and the north of the subject property. The main access point to the site from Benvoulin Road is located adjacent to the southern property line. The site plan indicates a substantial landscaped buffer area adjacent to Benvoulin Road to shield the site from traffic and noise, as well as a substantial landscaping buffer from the agricultural lands. The site plan also incorporates a system of pedestrian pathways around the apartment building to serve as a connection to the playground area. The playground area is located at the west end of the parking lot, adjacent to the landscape buffer that is next to the agricultural lands. The site plan indicates enclosed garbage containers located at the west end of the parking lot across from the playground, and adjacent to the access driveway to the parking area under the apartment building.

The parking layout shown on the site plan indicates 39 parking stalls located under the proposed apartment building, and 41 surface parking stalls, for a total of 80 parking stalls. However, the zoning bylaw requires a total of 97 parking stalls to be provided for this configuration of dwelling units. This Development Variance Permit application seeks a reduction in the amount of parking from 97 parking stalls required to the total of 80 parking stalls provided on site. This variance in required parking is considered supportable as the applicant is associated with the Father DeLestre Housing society, a not for profit housing society for the provision of “special needs housing” for the physically disabled, and financially disadvantaged. It is not anticipated that the residents can afford a substantial number of motor vehicles.

The 38 unit apartment building is located in the north west corner of the property, and is designed as a three storey building constructed above a concrete parking structure which is set partially into the ground, and is designed to provide parking for 39 vehicles. The resulting building height for this apartment building is 3½ storeys or 11 m, where the RM3 zone permits a maximum building height of 2½ storeys or 9.5 m. This Development Variance Permit application has been made to authorize this increase in maximum building height.

The proposal as compared to the RM3 zone requirements is as follows:

CRITERIA	PROPOSAL	R3 ZONE REQUIREMENTS
Site Area (m ²)	8,382 m ²	900 m ²
Site Width (m)	69.7 m	30.0 m
Site Coverage (%)		40% for buildings 50% for buildings, dwys, prkg area
Total Floor Area (m ²)	5,233 m ²	5,280.6 m ² @ FAR = 0.63
F.A.R.	0.624	Base FAR = 0.5 FAR = 0.55 with housing agr. Max 0.2 bonus for U/G parking Max. allowable FAR = 0.63
Storeys (#)	3½ storeys (11 m) *	2½ storeys (9.5 m)
Setbacks (m)		
- Front	4.5 m	4.5 m 6.0 m for garage & carport
- Rear	7.5 m	7.5 m 4.5 for common bldgs 1.5 for accessory bldgs
- North Side	7.5 m to apartment 6.0 m to townhouse	4.0 m for 1 or 1½ storey 4.5 m for 2 or 2½ storey
- South Side	4.5 m	4.0 m for 1 or 1½ storey 4.5 m for 2 or 2½ storey
Private Open Space	1,402 m ² provided	15.0m ² for 1 br, 25.0m ² for greater 1,390 m ² required
Parking Stalls (#)	80 stalls provided **	97 stalls required

Note; Parking Calculations;

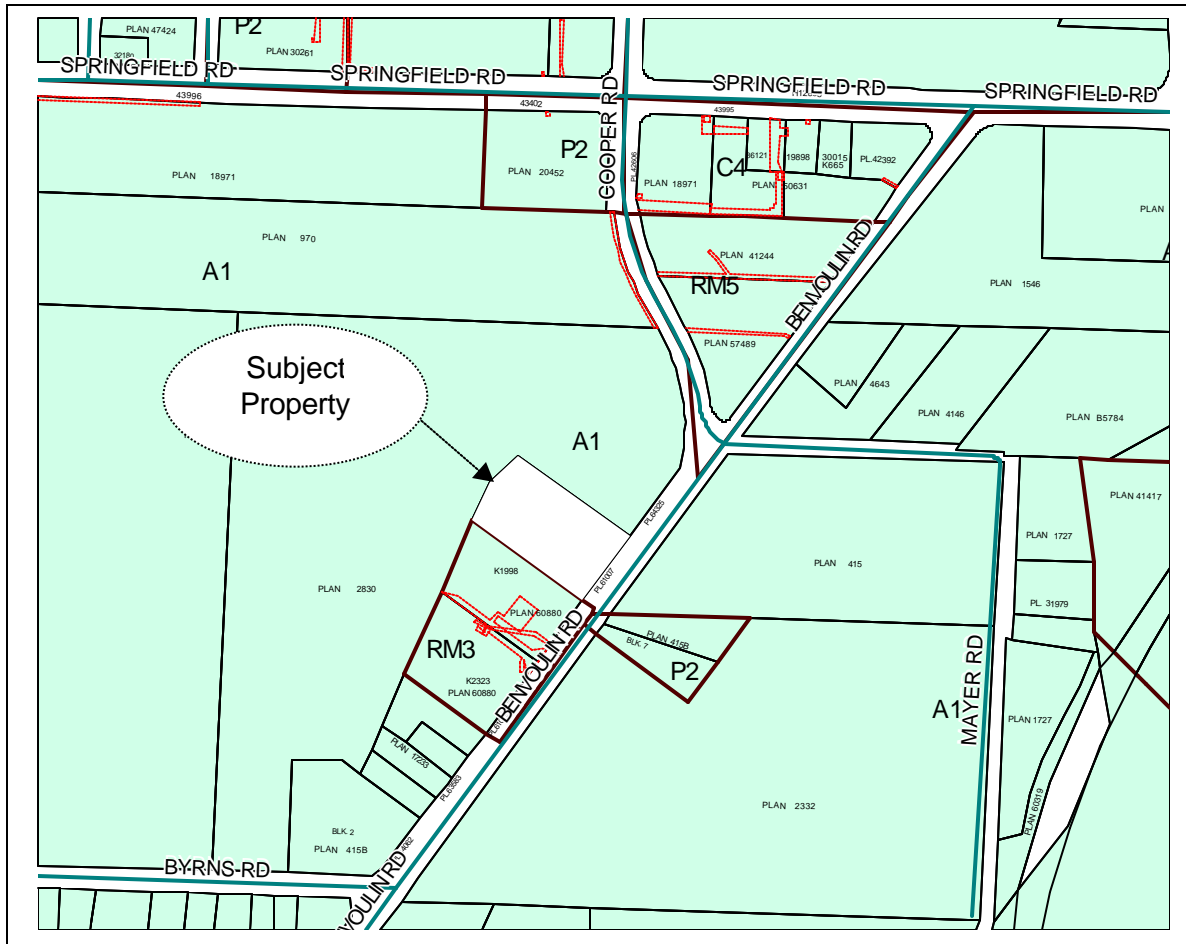
1 Br	6 x 1.25 =	7.5
2 Br	29 x 1.5 =	43.5
3 Br	15 x 2.0 =	30
4 Br	8 x 2.0 =	16
total	58 units	97 parking stalls

Variances Required;

- * Vary permitted building height from 2½ storeys or 9.5 m permitted to 3½ storeys or 11 m proposed,
- ** Vary parking stalls from 97 stalls required to 80 stalls proposed

3.2 Site Context

Subject Property Map



The subject property is generally level, currently has an older single family dwelling located on site, and the property is used for agricultural purposes.

Adjacent zones and uses are, to the:

- North - A1 – Agricultural 1/Farm uses
- East - A1 – Agricultural 1/Benvoulin Road - Farm uses
- South - RM3 – Low Density Multiple Housing – “The Arboretum” apartments
- West - A1 – Agricultural 1/Farm uses

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The proposal is generally consistent with the Multiple Family Residential – low density future land use designation of the Official Community Plan.

3.3.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the urban form objectives of the Kelowna Strategic Plan which encourages “a more compact urban form by increasing densities through infill and re-development within existing urban areas...”

3.3.3 South Pandosy/KLO Sector Plan

The proposal is consistent with the “Multiple Family Residential (Low Density)” designation of the South Pandosy/KLO Sector Plan.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments as part of the associated application for Rezoning, and no issues have been identified relating to the Development Variance Permit application.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this proposal for variances to both the building height and vehicle parking provided on site, subject to neighbourhood support. The apartment building for which the variance to maximum permitted building height has been made is located adjacent to the northern property line, a location that is furthest away from the existing “Arboretum” multiple family residential development. The property to the north of the subject property is currently located within the ALR, so there is no development anticipated for that site within the foreseeable future. The impact of the height variance is therefore minimal to the adjacent properties.

The variance for the amount of vehicle parking provided on site is also considered supportable, as the development is managed by a non-profit housing society, and has a housing agreement to ensure that the development is for occupants that are either financially disadvantaged or physically disabled. It is anticipated that there will not be as many automobiles associated with the occupants living there as there would be if the project was for market housing.

The Development Variance Permit and the Development Permit have been circulated separately to Council, with a view to have both the Development Variance Permit and

the Development Permit presented to Council for consideration at the same meeting. This separation has been done to permit the required advertising for the Development Variance Permit application, while giving the applicant additional time to finalize a number of outstanding issues associated with the application for Rezoning prior to adoption of the zone amending bylaw.

In light of the above, the Planning and Development Services Department does not have any problems with the variances under application, and recommends for Council's positive consideration.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

PMc/pmc
Attach.

FACT SHEET

- | | |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. APPLICATION NO.: | DVP00-10,074 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Yellow Rose Ventures Ltd.
(Inc. No. 556128) |
| . ADDRESS | 431 Okaview Rd |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 7R3 |
| 4. APPLICANT/CONTACT PERSON: | FWS Construction Ltd./Del Juba |
| . ADDRESS | 1540 KLO Road |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 3P6 |
| . TELEPHONE/FAX NO.: | 717-3918/717-3948 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | September 21, 2000 |
| Date Application Complete: | September 25, 2000 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | N/A |
| 6. LEGAL DESCRIPTION: | Lot 3, DL 128, O.D.Y.D., Plan 8771
Exc. Plan KAP61007 |
| 7. SITE LOCATION: | West Side Benvoulin Road, south of
Cooper Road |
| 8. CIVIC ADDRESS: | 2260 Benvoulin Road |
| 9. AREA OF SUBJECT PROPERTY: | 8,382 m ² |
| 10. AREA OF PROPOSED REZONING: | 8,382 m ² |
| 11. EXISTING ZONE CATEGORY: | A1 – Agricultural 1 |
| 12. PROPOSED ZONE: | RM3 – Low Density Multiple Housing |
| 13. PURPOSE OF THE APPLICATION: | To Seek A Development Variance
Permit; To Vary Maximum Permitted
Building Height From 2½ Storeys To
3½ Storeys, and to Vary Parking
From 97 Stalls Required to 80 Stalls
Provided |

**14. DEVELOPMENT VARIANCE PERMIT
VARIANCES:**

Variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 8.1 Off-Street Vehicle Parking, Parking Schedule (Table 8.1) be varied from 97 stalls required to 80 stalls provided;

Section 13.9.5 (c) Development Regulations the maximum height is the lesser of 9.5 m or 2 ½ storeys be varied to lesser of 11 m or 3 ½ storeys.

**15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS**

General Multi-Family; notify GIS of addition

Attachments

State of Title
Subject Property Map
2 pages of site elevations / diagrams