
CITY OF KELOWNA
MEMORANDUM

Date: November 7, 2001
File No.: (3090-20) **DVP01-10,066**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION OWNER: OKANAGAN MISSION
NO. DVP01-10,066 COMMUNITY HALL
ASSOCIATION

AT: 4409 LAKESHORE ROAD APPLICANT: OKANAGAN MISSION
COMMUNITY HALL
ASSOCIATION (MR. DICK
LEPPKE)

PURPOSE: DEVELOPMENT VARIANCE PERMIT TO VARY:

- i) INTERIOR SIDE YARD SETBACK FROM 4.5 M SETBACK
REQUIRED TO 1.8 M SETBACK PROPOSED IN ORDER TO
ALLOW FOR THE CONSTRUCTION OF NEW METAL BUILDING
OVER THE EXISTING OUTDOOR TENNIS COURTS
LOCATED ON THE SUBJECT PROPERTY, AND
- ii) REAR YARD SETBACK FROM 7.5 M SETBACK REQUIRED TO
4.5 M SETBACK PROPOSED IN ORDER TO ALLOW FOR THE
CONSTRUCTION OF AN ADDITION TO THE EXISTING
CLUBHOUSE BUILDING LOCATED ON THE SUBJECT
PROPERTY

EXISTING ZONE: P2 – EDUCATION AND MINOR INSTITUTIONAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Development Variance Permit No. DVP01-10,066, as outlined in the report dated November 7, 2001 from the Planning & Development Services Department on lands described as Lot 1, DL 358, O.D.Y.D., Plan KAP69898, located on Lakeshore Road and Dehart Road, Kelowna, B.C., not be approved by the Municipal Council;

2.0 SUMMARY

The applicant is proposing to construct a 1,797 m² (19,344 SF) metal building over the existing outdoor tennis courts located on the Okanagan Mission Community Hall property. The proposed building is designed to be constructed 1.8m from the south west side property line where the existing P2 – Education and Minor Institutional zone requires a 4.5 m setback from interior side property lines. As well, the proposed rear yard setback to the proposed clubhouse addition is 4.5 m where the bylaw requires a 7.5 m setback. This Development Variance Permit application has been made to address these two proposed non-conforming setbacks.

2.1 Advisory Planning Commission

The above noted application was reviewed by the Advisory Planning Commission at the meeting of September 18, 2001 and the following recommendation was passed:

THAT the Advisory Planning Commission not support Development Variance Permit application DVP01-10,066, by Dick Leppke (Okanagan Mission Community Hall Association) to authorize reduction of side and rear yard setbacks to permit the construction of an indoor tennis facility, due to lack of public consultation and the immediate property owners' opposition.

3.0 BACKGROUND

3.1 The Proposal

The applicant proposes the construction of a new 37.8 m x 47.55 m (1,797.39 m² – 19,344 SF) metal building over the existing outdoor tennis courts located adjacent to the Okanagan Mission Community Hall.

The metal building proposed to enclose the existing outdoor tennis courts is designed as a structure that is 37.8 m (124') wide x 47.55 m (156') long. The proposed metal building is designed to be 4.88 m (16') high at the eave and 10.67 m (35') high at the ridge. This creates a building with a 4 in 12 roof slope. The building will have metal panels on both the roof and walls. It is anticipated that the proposed metal building will be connected to the existing Scout Hall and Tennis Clubhouse building that is located at the northeast end of the existing outdoor tennis courts.

The proposed new metal building is located only 1.8 m (6'-0") from the southwest property line. This Development Variance Permit application has been made to vary the interior side yard setback from the 4.5 m (15') set back required to the 1.8 m (6') proposed. There is also a small addition proposed to be constructed onto the existing clubhouse building. However, the corner of this addition will be located 4.5m from the rear property line, where the bylaw requires 7.5 m.

As the intent to cover the existing community tennis courts will preclude easy public use of the courts, it has been necessary for the applicant to provide for additional outdoor tennis courts for community use. To facilitate construction of these outdoor courts, the applicant has negotiated an agreement to lease a portion of the neighbouring City owned property. However, in order to provide adequate land area for the new outdoor tennis courts, it has also been necessary for the City to purchase land from an adjacent property owner to the south. This has been accomplished by adding a portion of Lot 2, DL 358, O.D.Y.D., Plan KAP53605 (626 Sherwood Rd) to the rear of former Lot A, DL 358, O.D.Y.D., Plan 25195 (639 Dehart Rd.). The plan of subdivision which created the

new larger lot has now formed new legal descriptions for the City owned lot and the Okanagan Mission Community Hall property. The new legal description is Lot 1, DL 358, O.D.Y.D., Plan KAP69898 for the Okanagan Mission Community Hall property and Lot 2, DL 358, O.D.Y.D., Plan KAP69898 for the City owned lot to the east. It is anticipated that the City will enter into a 15 year lease with the Okanagan Mission Community Hall association to lease a portion of the larger City owned property for the location of the new outdoor tennis courts.

In order to permit the use of the of the City owned lands (now Lot 2, DL 358, O.D.Y.D., Plan KAP69898) for institutional use, an associated application to rezone these properties to the P2 – Education and Minor Institutional zone to permit the use of the lands for “Community Recreation Services” has been made.

The proposal (Okanagan Mission Community Hall Property) as compared to the P2 zone requirements is as follows:

CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Site Area (m ²)	7,371m ²	660m ²
Site Width (m)	48.8 m	18.0m
Site Coverage (%)	35.6% bldgs	40% Buildings 60% Buildings, parking and pvmt
Total Floor Area (m ²)	2,628m ² (approx.)	
F.A.R.	0.35	1.0
Storeys (#)	1	3 storeys (13.5m)
Setbacks (m) (tennis bldg)		
- Front	25m	6.0m
- Rear	4.5m ❶	7.5m
- Interior Side	1.8m ❷	4.5m
- flanking Side	40m	6.0m
Parking Stalls (#)	54 parking stalls	3 stalls per court 2.5 stalls per 100 m ²
Loading Stalls (#)	1 loading stall	1 stall per 2,800 m ²

Note;

- ❶ Rear yard variance required to reduce rear yard from 7.5 m required to 4.5 m proposed to the new clubhouse addition.
- ❷ Interior side yard variance required to reduce interior (southwest) side yard from 4.5 m required to 1.8 m proposed

3.2 Site Context

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing, Dehart Road, single family residential uses
- East - RU1 – Large Lot Housing, single family residential uses
- South - RU1 – Large Lot Housing, single family residential uses
- West - P2 – Education and Minor Institutional, Okanagan Mission Community Hall
P4 – Utilities, Fire Station #4

The current Official Community Plan designates the future land use of what was Lot A, DL 358, O.D.Y.D., Plan 25195 as Education/Major Institutional.

3.3.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan (1992) includes the following noted as Strategy 4.4;

“The City will prepare a recreation facilities development plan which will emphasize the development of fewer but larger recreational centres offering a wider range of recreation facilities. The plan will also define the City” role in the provision of recreational facilities emphasizing an appropriate balance between recreation facilities which are of a general benefit and those which meet the needs of specialized recreational activities. Emphasis will be placed on the joint use of existing schools, parks, and recreation facilities to avoid costly duplication in the development of recreational and school facilities. The development of recreation centres will be staged consistent with recreation needs and the ability of the City to pay for such facilities.”

3.3.3 North Mission / Crawford Sector Plan

The North Mission / Crawford Sector Plan identifies the City owned property as “Educational / Major Institutional” future land use. The adjacent property (formerly Lot 2, DL 358, O.D.Y.D., Plan KAP53605) is identified as “Single / Two Family Residential and associated uses” future land use designation.

3.3.4 Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design looks at natural surveillance as a major deterrent to criminal activity.

Examples of such features include:

- doors and windows that look out on to streets and parking areas;
- sidewalks and streets that are open and inviting to pedestrians;
- unobstructed sight-lines;
- open design concepts (e.g. that do not create hidden spaces);
- front porches and activity areas in front of buildings to encourage a visual connection with the street; and,
- adequate night-time lighting.

Staff have concerns with the proposed building design as the excessive expanses of blank walls proposed for the new building do not incorporate the principles of “Crime Prevention Through Environmental Design”. There is a minimum provision of windows on the east elevation, and no windows provided on the other elevations. The safety of the site, and all areas adjacent to the blank walls is thereby compromised. These areas provide hiding for negative activity on a public site and could impact neighbours and could result in vandalism, such as graffiti to the building itself.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments as part of the associated rezoning application, and the following relevant comments have been submitted:

4.1 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Engineered fire flows will be required.

4.2 Inspection Services Department

The neighbour to the south will be looking at a wall the equivalent of the tennis building at Gold's Gym....very big. A 1 hour fire resistant rating is required on the west elevation and the south elevation.

4.3 Works and Utilities Department

The application for the Development Variance Permit was circulated with the associated rezoning application for 639 Dehart Road (Z01-1044). The following comments relate to the Development Variance Permit portion of the application;

1. Site Related Issues

- (a) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.
- (b) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.

(c) Access and Manoeuvrability

The site plan should illustrate the ability of an SU-9 vehicle to manoeuvre onto and off-site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

- (d) Where a vehicular access from a collector street is restricted by a locking gate, there shall be provided off the street carriageway sufficient space to turn an SU-9 standard size vehicle around to permit forward return to the street, if the vehicle is not able to gain access onto the site. Once on the site, an SU-9 and WB-15 vehicle must be able to manoeuvre on site and exit to the street in a forward motion. The need for a turn-around at the entranceway is obviated if the applicant does not install a locking gate. Dehart Road is a collector road and the foregoing would be applicable if a locking gate is to be installed.
- (e) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.

2. Development Variance Permit.

This variance does not compromise Works and Utilities servicing requirements.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department has concerns with the variances requested. The addition of a metal building over the existing outdoor tennis courts located on the Okanagan Mission Community Hall property requires a variance to the required side yard adjacent to the existing single family residential uses. This variance has the potential to impact those adjacent residential properties. The end wall of the proposed metal building structure is proposed to be located only 1.8 m (6.0') away from the south property line of the subject property. This wall ranges in height from 4.88 m (16') at the eave up to a maximum height of 10.67 m (35') at the peak. There is an existing single family dwelling located on the adjacent property to the south west, approximately 4.0m (13') away from the common property line. While there is a mature row of trees along this property line, owing to the height of the proposed building, the line of trees will not shield the end of the proposed building entirely.

As well, the existing tennis courts are located approximately 2.0m (6.5') away from the south west property line. At this time there is evidence on site that there has been a substantial amount of unauthorized traffic between the end of the tennis courts and the existing line of trees, as a portion of the security fence has been broken down to gain access. Currently, with the end of the tennis courts only being fenced in, there is the opportunity for some visual surveillance of the area through the fence. Once the metal building is constructed, this potential for some natural surveillance will be lost. At the Advisory Planning Commission meeting held on September 18, 2001, the adjacent neighbours expressed their concerns regarding inappropriate activities taking place.

The Okanagan Mission Community Hall property has an Institutional zone and is exempt from Development Permit applications. Where a proposed development requires variances to the requirements of Zoning Bylaw No. 8000, the Planning and Development Services Department carefully considers the input of the affected neighbouring property owners. Staff also looks to design elements (form and character) of the proposed development to see if any impacts of the requested variances can be mitigated through design elements. In this case, due to the proposed utility of the building and the location

of the existing tennis courts, changes in design are unlikely to reduce the impact to the neighbouring properties. For these reasons, the Planning and Development Services Department does not recommend that Municipal Council support the requested variances.

6.0 ALTERNATE COUNCIL RECOMMENDATIONS

Should Council support this application, the following alternate recommendations are provided for Council consideration;

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,066; Okanagan Mission Hall Association (Dick Leppke); Lot 1, DL 358, O.D.Y.D., Plan KAP69898, located on Lakeshore Road and Dehart Road, Kelowna, B.C.;

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

1. Section 16.2.5(e) Development Regulations minimum interior side yard set back be varied from 4.5 m required to the 1.8 m proposed,
2. Section 16.2.5(f) Development Regulations minimum rear yard setback be varied from 7.5 m required to the 4.5 m proposed.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

PMc/pmc
Attach.

FACT SHEET

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|---|---|
| 1. APPLICATION NO.: | DVP01-10,066 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Okanagan Mission Community Hall Association (Inc. No. S-2364) |
| . ADDRESS | 4409 Lakeshore Rd. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 1W7 |
| 4. APPLICANT/CONTACT PERSON: | Okanagan Mission Community Hall Association / Dick Leppky |
| . ADDRESS | 4409 Lakeshore Rd |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 1W7 |
| . TELEPHONE NO.: | 717-6206 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | August 28, 2001 |
| Date Application Complete: | August 30, 2001 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | November 7, 2001 |
| 6. LEGAL DESCRIPTION: | Lot 1, DL 358, O.D.Y.D., Plan KAP69898 |
| 7. SITE LOCATION: | South East Corner of Lakeshore Rd, and Dehart Road |
| 8. CIVIC ADDRESS: | 4409 Lakeshore Rd. |
| 9. AREA OF SUBJECT PROPERTY: | 7,131 m ² |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | N/A |
| 11. EXISTING ZONE CATEGORY: | P2 – Education and Minor Institutional |

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| 12. PURPOSE OF THE APPLICATION: | Development Variance Permit To Vary: i.) Interior Side Yard Setback From 4.5 M Setback Required To 1.8 M Setback Proposed In Order To Allow Construction Of New Metal Building Over The Existing Outdoor Tennis Courts Located On The Subject Property, and ii.) Rear Yard Setback From 7.5 M Setback Required To 4.5 M Setback Proposed In Order To Allow Construction Of An Addition To The Existing Clubhouse Building Located On The Subject Property |
| 13. DEVELOPMENT VARIANCE PERMIT VARIANCES: | Section 16.2.5(e) Development Regulations vary minimum side yard from 4.5 m required to 1.8 m proposed,
Section 16.2.5(f) Development Regulations vary minimum side yard from 7.5 m required to 5 m proposed |
| 14. VARIANCE UNDER DEVELOPMENT PERMIT: | N/A |
| 15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

Attachments

Subject Property Map

2 pages of site elevations / diagrams