
CITY OF KELOWNA

MEMORANDUM

Date: June 4, 2002
File No.: (3090-20) **DVP02-0025**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP02-0025

OWNER: SCHOOL DISTRICT #23

AT: 1079 RAYMER ROAD

APPLICANT: MEIKLEJOHN, BEVANDA,
MEIKLEJOHN
ARCHITECTS INC.

- PURPOSE:**
- i) TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY THE LANDSCAPE REQUIREMENTS FOR THE P2-EDUCATION/MINOR INSTITUTIONAL ZONE TO REDUCE THE LANDSCAPE BUFFER WIDTH REQUIREMENTS FROM THE 3.0 M REQUIRED TO THE 2.5 M EXISTING FOR A SIDE YARD, AND
 - ii) TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY THE SIDE YARD SETBACK TO THE DAYCARE CENTRE FROM THE 4.5 M REQUIRED TO THE 3.0 M EXISTING.

EXISTING ZONE: P2 – EDUCATION AND MINOR INSTITUTIONAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0025; Meiklejohn Bevanda Meiklejohn Architects Inc.; Lot 1, DL 135, O.D.Y.D., Plan KAP66130 Exc. Plan KAP70167, located on Raymer Avenue, Kelowna, B.C.;

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

- i. **Section 7.6.1.(c) Minimum Landscape Buffers** vary Level 3 requirements from a minimum 3.0 m landscape buffer required to 2.5 m landscape buffer existing
- ii. **Section 16.2.5.(e) Development Regulations** vary minimum side yard from 4.5 m required to 3.0 m existing

2.0 SUMMARY

The applicants have made application for a Development Variance Permit to vary the landscape requirements for the P2-Education/Minor Institutional zone in order to reduce the landscape buffer width from the 3.0 m required to the 2.5 m proposed for a side yard adjacent to the access road (Campus East Road). As well, this Development Variance Permit application also seeks to vary the side yard setback to the daycare centre building from the 4.5 m required to the 3.0 m existing as measured to the west side of the recently relocated daycare building.

2.1 Advisory Planning Commission

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of April 23, 2002 and the following recommendations was passed:

THAT the Advisory Planning Commission supports Application No. DP02-0025, 1079 Raymer Avenue, Lot 1, Plan 66130, Sec. 18, Twp. 26, ODYD, Meiklejohn, Bevanda, Meiklejohn Architects Inc. (Nick Bevanda), to vary the landscape requirements for the P2 – Education / Minor Institutional zone to reduce the landscape buffer requirements from the 3.0 m required to the 2.5 m proposed for the side yard, and to vary the side yard setback to the daycare centre from the 4.5 m required to the 3.0 m existing.

3.0 BACKGROUND

3.1 The Proposal

The applicants have been lead architects for the recently completed KSS school building project located on the subject property. However, there have been several discrepancies discovered regarding both the siting of the daycare building and the location of the setback of the new access road (Campus East Road) and the width of the associated landscaping along the east property line of the KSS school property.

In the case of the daycare building, it has become apparent that the building was sited incorrectly when the survey plan was reviewed. The building had been located 3.0 m from the west property line where the P2 zone requires 4.5 m.

The new road is located only 2.5 m from the east property line. The applicants seek a variance to reduce the landscape buffer width, measured from the road to the adjacent property line, from 3.0 m width required to 2.5 m width existing.

The P2 zone requires level 3 landscaping for the side yard, which identifies:

Level 3: a minimum 3.0 m landscape buffer is required to separate **uses** from **adjacent** properties and will consist of a vegetative buffer or a continuous opaque barrier;

This proposal as compared to the P2 zone requirements, is as follows:

CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Setbacks (m)		
- West Side	3.0 m ❶	4.5 m min.

Notes;

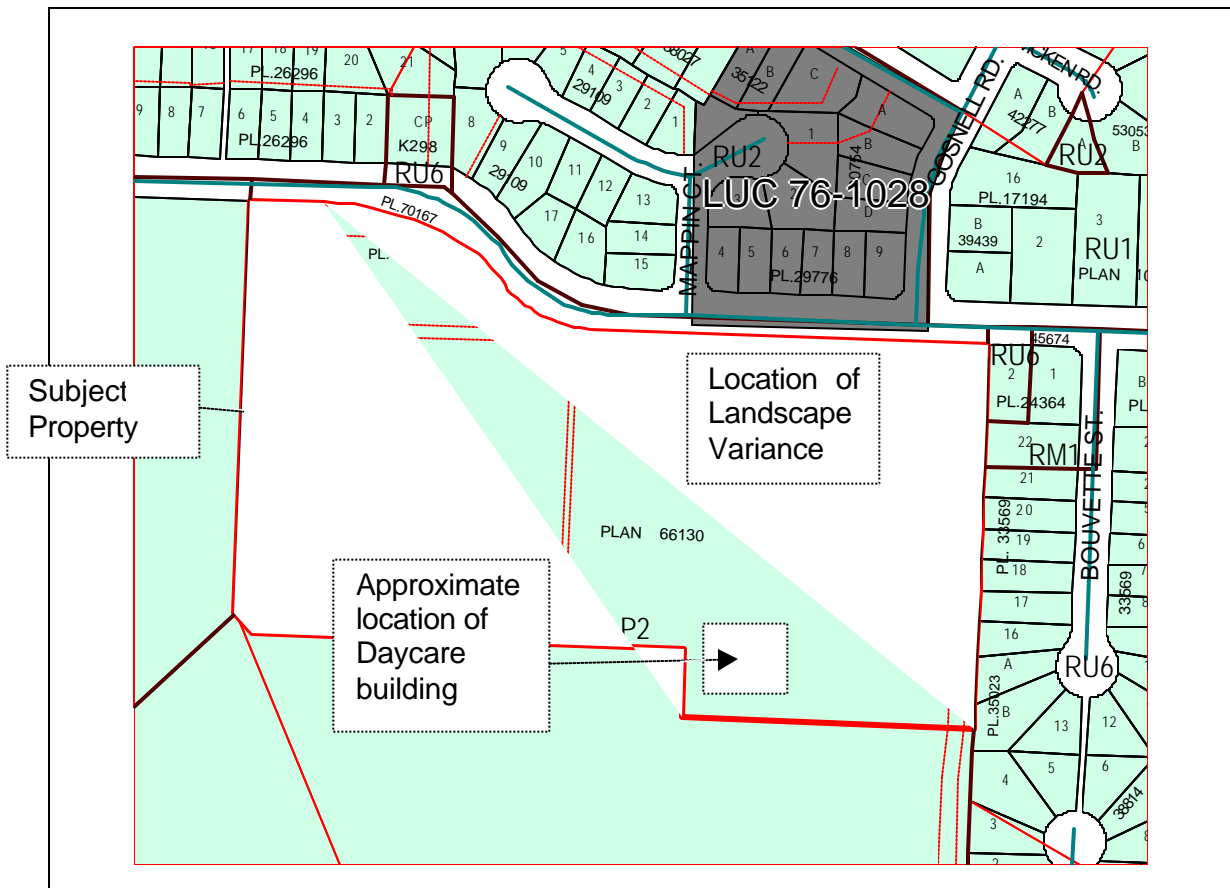
- ① Variance to side yard setback required to reduce 4.5 m sideyard required to 3.0 m sideyard proposed to the daycare centre

3.2 Site Context

Adjacent zones and uses are, to the:

- North - RU6 – Two Dwelling Housing, 2 family housing / Raymer Rd.
RU2 – Medium Lot Housing, single family housing
- East - RU6 – Two Dwelling Housing, 2 family housing
RM1 – Four-Plex Housing, 4 family housing
- South - P2 – Education and Minor Institutional, OUC KLO campus
- West - P4 – Utilities, Waste Water Treatment Plant

Subject Property Map



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The proposal is consistent with the institutional land use designation of the Official Community Plan.

3.3.2 City of Kelowna Strategic Plan (1992)

The proposal is consistent with the intent of the Strategic Plan which states:

“The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill and will provide for an increased density of development within established urban areas through redevelopment of areas which are in transition. Urban areas which are targeted include the Central City area with emphasis on the waterfront and north end, Rutland, and South Pandosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor.”

3.3.3 South Pandosy/KLO Sector Plan

The proposal is consistent with the institutional land use designation of the South Pandosy/KLO Sector Plan.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Fire Department

This department has no objection to this application.

4.2 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus policy.

4.3 Utilicorp Networks Canada

No additional requirements.

4.4 Works and Utilities Department

East campus road is not a public road. It is a private road. We have no comment to setbacks to private roads.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this application. The variances requested will address 2 non-conforming situations that have occurred as part of the construction of the new KSS High School development adjacent to the existing KLO campus of OUC.

The application for a Development Variance Permit was determined to be the most appropriate means to address these errors.

There had been some concerns raised by adjacent property owners regarding the proximity of the road along the east property line. Upon investigation, it became apparent that the edge of the road is located 2.5 m \pm from the easterly property line, where the Zoning bylaw requires a minimum 3.0 m landscape buffer. However, it also became apparent that the new road was reconstructed over top of the previously existing access road.

A similar situation has occurred regarding the siting of the daycare centre. When the survey certificate for the siting of the foundation for the relocated daycare centre was provided to the building department, it was discovered that the building had been sited in the wrong location. However, there were no negative presentations to the Advisory Planning Commission from area residents.

It is interesting to note that the variance to the required landscape buffer width would not be required if there had been a solid panel, opaque fence installed along the east property line. However, when the applicant reviewed the suggestion, they opted to proceed with the application for a Development Variance Permit to address the existing location of the road, owing to budget constraints associated with the installation of opaque fencing or increased landscaping along the road.

In light of the above, the Planning and Development Services Department supports this application and recommends for positive consideration by Municipal Council.

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.: | DVP02-0025 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | S.D. #23 (Central Okanagan) |
| . ADDRESS | 1940 Haynes Rd. |
| . CITY/POSTAL CODE | Kelowna, BC V1Y 5X7 |
| 4. APPLICANT/CONTACT PERSON: | Meiklejohn Bevanda Meiklejohn / |
| . ADDRESS | Nick Bevanda |
| . CITY/POSTAL CODE | 233 Bernard Ave. |
| . TELEPHONE/FAX NO.: | Kelowna, BC V1Y 6N2 |
| 5. APPLICATION PROGRESS: | 762-3004/762-8707 |
| Date of Application: | March 27, 2002 |
| Date Application Complete: | March 27, 2002 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | June 4, 2002 |
| 6. LEGAL DESCRIPTION: | Lot 1, DL 135, O.D.Y.D., Plan |
| 7. SITE LOCATION: | KAP66130 Exc. Plan KAP70167 |
| 8. CIVIC ADDRESS: | South Side Raymer Ave. across from |
| 9. AREA OF SUBJECT PROPERTY: | Mappin Crt. |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | 1079 Raymer Ave. |
| 11. EXISTING ZONE CATEGORY: | 64,643 m ² |
| 12. PURPOSE OF THE APPLICATION: | N/A |
- P2 – Education and Minor Institutional
1. To Seek A Development Variance Permit To Vary The Landscape Requirements For The P2-Education/Minor Institutional Zone To Reduce The Landscape Buffer Requirements From The 3.0 M Required To The 2.5 M Existing For A Side Yard, And
2. To Seek A Development Variance Permit To Vary The Side Yard Setback To The Daycare Centre From The 4.5 M Required To The 3.0 M Existing.

**13. DEVELOPMENT VARIANCE PERMIT
VARIANCES:**

Section 7.6.1.(e) Minimum Landscape Buffers vary Level 3 requirements from a minimum 3.0 m landscape buffer required to 2.5 m landscape buffer existing

Section 16.2.5.(e) Development Regulations vary minimum side yard from 4.5 m required to 3.0 m existing,

Attachments

Items not attached to electronic copy;

- Subject Property Map
- Site Plan
- Survey Certificate