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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** August 13, 2002  
**File No.:** (3090-20) **DVP02-0048**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION OWNER: 530751 BC LTD  
NO. DVP02-0048

AT: 1128 SUNSET DRIVE

APPLICANT: ALVIN REINHARD FRITZ  
ARCHITECT INC. /  
ALVIN FRITZ

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY;

1. DAYLIGHTING ANGLE TO THE NORTH SIDE OF THE PROPOSED BUILDING FROM MAXIMUM 65° PERMITTED TO THE 80° PROPOSED,
2. NUMBER OF PARKING STALLS FROM 196 STALLS REQUIRED TO 175 STALLS PROPOSED,
3. MAXIMUM SITE COVERAGE FROM 50% PERMITTED TO THE 74.4% PROPOSED,
4. MAXIMUM BUILDING HEIGHT FROM THE LESSER OF 55M OR 16 STOREYS PERMITTED, TO 68.5M OR 21 STOREYS PROPOSED,
5. FRONT YARD FROM 6.0 M REQUIRED TO 5.0 M PROPOSED,
6. SOUTH SIDE YARD FROM 4.5 M REQUIRED TO 0.0 PROPOSED TO EXISTING PARKADE STRUCTURE,
7. NORTH SIDE YARD FROM 4.5 M REQUIRED TO 1.5 M PROPOSED TO PORTE COCHERE FEATURE.

EXISTING ZONE: RM6 – HIGH RISE APARTMENT HOUSING ZONE

REPORT PREPARED BY: PAUL McVEY

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0048; Alvin Reinhard Fritz Architect Inc.; Lot 1, DL 139 & 3454, O.D.Y.D., Plan KAP48963, located on Sunset Drive., Kelowna, B.C.;

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

1. Section 6.1.2(c) – **General Development Regulations – Daylighting Standards**, To vary the daylighting angle to the north side of the proposed building from maximum 65° permitted to the 80° proposed,
2. Section 8.1.2 **Parking and Loading – Number of Spaces**, To vary the number of parking stalls from 196 stalls required to 175 stalls proposed.
3. Section 13.12.5(b) **Development Regulations**, to vary the maximum site coverage for principal buildings, accessory structures, and parking areas and driveways, from a maximum of 50% permitted to 74.4% proposed,
4. Section 13.12.5(c) **Development Regulations**, to vary the maximum building height from the lesser of 55m or 16 storeys permitted, to 68.5m or 21 storeys proposed,
5. Section 13.12.5(d) **Development Regulations**, to vary the front yard from 6.0m required to 5.0m proposed,
6. Section 13.12.5(e) **Development Regulations**, to vary the south side yard from the minimum 4.5 m required to 0.0 m proposed to existing parkade structure,
7. Section 13.12.5(e) **Development Regulations**, to vary the north side yard from the minimum 4.5 m required to 1.5 m proposed to Porte Cochere feature.

## 2.0 SUMMARY

In 1993, there had been a Development Permit (DP93-10,007) issued to authorize the construction of the Lagoons highrise 16 storey apartment building project. To date, only the first phase of construction has occurred on site. However, there was a second 16 storey tower authorized for construction as part of that Development Permit.

The current associated Development Permit application (DP02-0047) seeks permission to construct a 130 unit, 21 storey high rise apartment building on what was the location of the second phase of the Lagoons. This project will form the last phase of construction for the Lakepointe Development Area lands.

As the maximum building height permitted in the RM6 zone is 16 storeys, this application for a Development Variance Permit seeks to address the increase in building height, as well as deal with the daylighting angle, reduction of off-street parking provided, reduction in building setbacks to the existing parkade structure, and a reduction in building setbacks to the porte cochere entrance feature.

### 2.1 Advisory Planning Commission

The above noted applications (DP02-0047, DVP02-0048) were reviewed by the Advisory Planning Commission at the meeting of July 9, 2002 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Variance Permit No. DVP02-0048, 1128 Sunset Drive, Lot 1, Plan 48963, Sec. 25, Twp. 25, ODYD, Fritz Architect (Alvin Reinhard) for a request to vary the daylighting angle to the north side of the proposed building from the maximum 65° permitted to the 80° proposed; to vary the number of parking stalls required from the 196 stalls permitted to the 175 stalls proposed; to vary the maximum site coverage from the 50% permitted to the 74.4% proposed; to vary the maximum building height from the lessor of 55 m or 16 storeys permitted to the 66 m or 21 storeys proposed; to vary the south side yard setback from the 4.5 m required to the 0.0 m proposed to the existing parkade structure; and to vary the north side yard setback from the 4.5 m required to the 1.5 m proposed to the Porte Cochere feature for the development of a 21 storey, 130 unit, 15,291 m<sup>2</sup> high rise apartment building.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The Lakepointe Development Agreement lands were first anticipated for development in the late 1980's. This agreement anticipated the development of the lakefront lands with a range of uses which included the development of a lakefront hotel, a public beach, a system of walkways and lagoons, and a range of multiple family residential apartment buildings.

The Multiple Family Residential uses were proposed to be located on 5 separate lots that were created for this use as part of the Lakepointe Development agreement. Over time, the area has been developed with the Okanagan Grand Resort, the Dolphins apartment building, the first phase of the Lagoons townhouse and apartment development, and the recently approved Discovery Bay apartment development.

The "Lagoons" project was originally conceived as two highrise residential towers located on top of a two storey parking structure with perimeter townhouse units. To date only the first phase of the Lagoons project had proceeded, leaving the site of the second phase as a separate titled lot. This lot is the subject property of the current Development Permit application.

The original "Lagoons" project was developed under the R-6 (Integrated High Density, Multi-Family) zone under City of Kelowna zoning bylaw #4500. Subsequent to the approval of the original Development Permit (DP93-10,007) for the "Lagoons" development, the City of Kelowna has adopted a new Zoning Bylaw (8000), which has allowed for an increase in density for the RM6 – High Rise Apartment Housing zone. One of the results of that change in the zone has been an increase in allowable density. This has allowed the developer to increase the buildable floor space for the proposed highrise apartment building.

The architect has reviewed the previously approved Development Permit drawings, and has chosen to accommodate this increase in floor area by increasing the height of the highrise tower from the previous height of 16 storeys to the proposed height of 21 storeys. As the RM6 – Highrise Apartment Housing zone is limited to a maximum height of 16 storeys, the applicant has also submitted a Development Variance Permit application to authorize the increased building height in conjunction with the Development Permit application.

When the first phase of the “Lagoons” project was designed and constructed, it was anticipated that the second phase of the project would soon proceed. To accommodate this second phase, there were certain utilities that were oversized to ensure adequate capacity to serve the proposed second phase. However, the second phase of construction never proceeded.

Now that there is a new application to construct what had been phase 2 of the “Lagoons” development, the applicant has elected to proceed on the basis that the new project will be completely separate from the phase 1 on the “Lagoons”, as this project is located on a separate titled lot, and has no connection with phase 1 of the “Lagoons” property, nor with the original developer.

This current application proposes the construction of a 19 storey highrise apartment tower building on top of a 2 storey parking structure (for a total building height of 21 storeys) that is surrounded with townhouse units around the perimeter. This results in 20 levels of residential units, as those units on the top floor are 2 storeys high, with lofts located on the upper level.

The site plan of the proposed development indicates that the access to the building will be taken from the shared access driveway located south of the Discovery Bay project currently under construction (north of the proposed development). This access drive provides access to the two level parking structure, as well as a Porte Cochere feature adjacent to the main lobby entrance to the development. The Porte Cochere feature is located approximately 1.5 m from the property line between the subject property and the Discovery Bay project currently under construction. The ground floor residential portion of the proposed building is located 5.5 m from the property line. The site plan also includes a continuation of the walkways from both the “Lagoons” and the Discovery Bay project currently under construction.

The design elements of the exterior of the proposed building included features that are present on both the “Dolphins” and “Lagoons” projects, as well as proposed for the Discovery Bay project currently under construction. The form and character issues will be reviewed with the associated Development Permit application DP02-0047.

It is interesting to note that the original development application (DPV93-10,007) for the first phase of the “Lagoons” development was processed as a “Development Permit with Variances”, a process that was used in the early 1990’s. However, this process is no longer used. As a result, there does not exist a separate Development Variance Permit for this site to address these variances. The previous application included variances to: the north side yard setback to the parking structure, altering the daylighting angle to 80° ± from the required 65° angle, and a height variance from 12 storeys permitted to 16 storeys proposed.

The proposal as compared to the RM6 zone requirements is as follows:

CRITERIA	PROPOSAL	RM6 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	8,048 m <sup>2</sup>	1,700.0m <sup>2</sup>
Site Width (m)	50.93 m	30.0 m min.
Site Coverage (%)	74.4% ③	50% max.
Total Floor Area (m <sup>2</sup> )	Gross 25,935 m <sup>2</sup> Net 15,174 m <sup>2</sup>	
F.A.R.	FAR = 1.9	Base FAR = 1.5, Max 2.0
Storeys (#)	21 storeys (68.5m) ④	16 Storeys or 55m
Setbacks (m)		
- Front (Sunset Drive)	5.0 m min. ⑤ 5.4 m max.	6.0 m
- Rear	12.95 m	9.0 m
- South Side	0.0 m to parkade⑥	4.5 m
- North Side	5.5 m to building-1.5m to porte cochere⑦	4.5 m
Private Open Space	5230 m <sup>2</sup> provided	43 - 1 br @ 12 m <sup>2</sup> = 516 m <sup>2</sup> 64 - 2 br @ 18 m <sup>2</sup> = 1152 m <sup>2</sup> 23 - 3 br @ 18 m <sup>2</sup> = 414 m <sup>2</sup> 2082 m <sup>2</sup> open space req'd
Parking Stalls (#)	175 stalls provided②	43 - 1 br @ 1.25 = 54 64 - 2 br @ 1.5 = 96 23 - 3 br @ 2.0 = 46 196 stalls required
Bicycle Parking (#)	78 stalls required	Class I 130 x 0.5 = 65 Class II 130 x 0.1 = 13

Development Variance Permit application to vary;

1. **Section 6.1.2 (c) Daylighting Standards**, Daylighting angle to the north side of the proposed building from maximum 65° permitted to the 80° proposed,
2. **Section 8.1.2 Off-Street Vehicle Parking - Number of Spaces**, Number of Parking stalls from 196 stalls required to 175 stalls proposed.
3. **Section 13.12.5(b) Development Regulations**, Maximum site coverage for principal buildings, accessory **structures**, and parking areas and driveways be varied from maximum 50% permitted to 74.4% proposed.
4. **Section 13.12.5( c ) Development Regulations**, Maximum building height from the lessor of 55m or 16 storeys permitted, to 66m or 21 storeys proposed,
5. **Section 13.12.5(e) Development Regulations**, From 6.0 m required to 5.0 m proposed,
6. **Section 13.12.5(e) Development Regulations**, South Side Yard from 4.5 m required to 0.0 proposed to existing parkade structure,
7. **Section 13.12.5(e) Development Regulations**, North Side Yard from 4.5 m required to 1.5 m proposed to Porte Cochere feature.

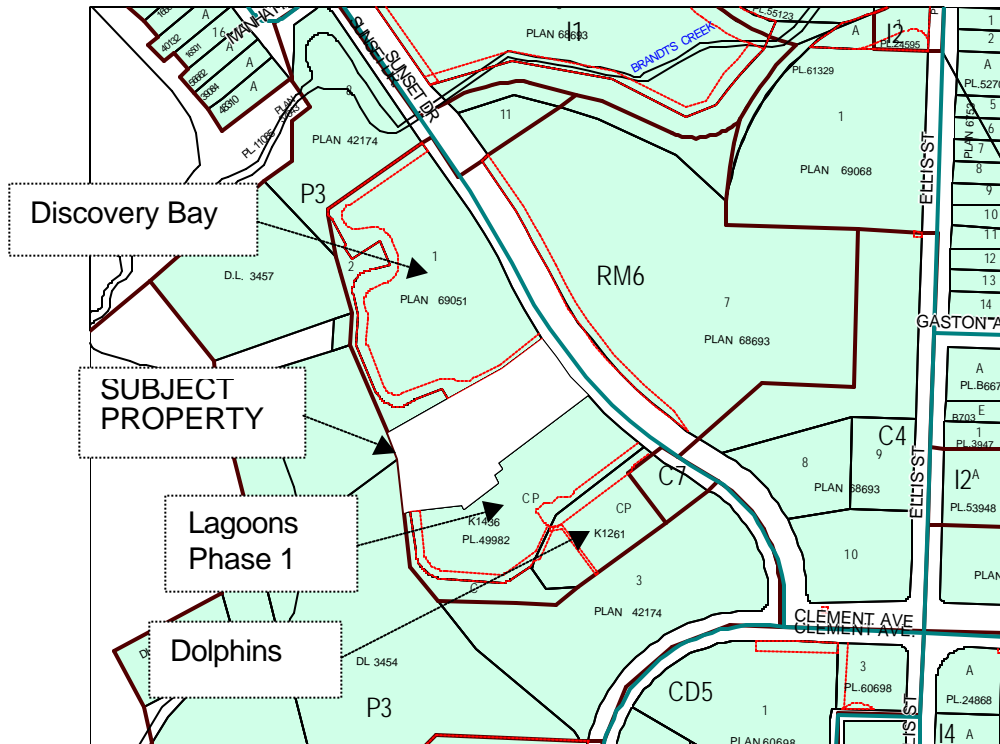
### 3.2 Site Context

The subject property is the last vacant lot that was created as part of the Lakepoint Development Agreement area. The lot is generally flat and level.

Adjacent zones and uses are, to the:

- North - RM6 – Highrise Apartment Housing / Discovery Bay  
 East - RM6 – Highrise Apartment Housing / Sunset Dr, Vacant  
 South - RM6 – Highrise Apartment Housing / Lagoons Ph. 1  
 West - P3 – Parks and Open Space / city lagoons and walkway

## Subject Property Map



### 3.3 Current Development Policy

### 3.3.1 Kelowna Official Community Plan

The proposal is consistent with the "Multiple Unit Residential (High Density)" designation of the Official Community Plan.

### 3.3.2 City of Kelowna Strategic Plan (1992)

The project is consistent with the Urban Form objectives of the Strategic Plan which encourages a “more compact urban form by increasing densities through infill and redevelopment within existing urban areas...”

### 3.3.3 Crime Prevention Through Environmental Design

The proposed building development addresses Crime Prevention Through Environmental Design (CPTED) issues through the use of ground orientation of the residential units around the perimeter of the site development. This increases the opportunities for surveillance of the street and outdoor activities by building residents.

## 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 Works and Utilities Department

#### Development Variance Permit

The development variance application to reduce the required side yard setbacks does not compromise Works and Utilities servicing requirements.

The Transportation Department does not support the proposed development variance to reduce the number of parking stalls from 196 to 175.

The development variance application to increase the building height and day-lighting angle does not compromise Works and Utilities servicing requirements.

## 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The original Lakepoint Development Agreement was originally conceived in the late 1980's as a means to facilitate the redevelopment of what had been predominately industrial lands along the lake. This agreement created the development site for the Grand Okanagan Resort, the adjacent Kelowna foreshore development consisting of a system of walkways and lagoons, and 5 multi-family residential lots adjacent to Sunset Drive. The “Dolphins” apartment tower was the first building constructed in 1991, followed by the construction of the first phase of the “Lagoons” development in 1993.

In 2002, the Point of View group had a Development Permit (DP00-10,057) approved on the northern 2 lots of the Lakepoint Development Agreement lands to facilitate the construction of a 236 unit, medium rise building consisting of a 3 - 4 storey wood framed building constructed on top of a 2 storey concrete parking structure (Discovery Bay).

Since that time, Point of View has acquired development rights to the remaining waterfront development parcel created by the Lakepoint Development Agreement. The subject property is the lot remainder from the development of the first phase of the Lagoons development.

It is interesting to note that there is an approved Development Permit (DP93-10,007) for the second phase of construction for the Lagoons project. However, the proposed building height for that Development Permit was limited to a maximum of 16 storeys, the maximum permitted by the zone of the day.

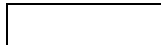
With the adoption of the new zoning bylaw #8000 in 1998, there was an increase in the maximum permitted density provisions, which has allowed the developer of the proposed building to add 5 storeys of building height without exceeding the maximum permitted density provisions of the RM6 zone.

The Planning and Development Services Department supports the proposed variances as the general form and character of the proposal has been essentially preserved from the previously approved development while maximizing the allowable density.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion



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

PMc/pmc  
Attach.



**FACT SHEET**

- |   |  |
|---|--|
| <b>1. APPLICATION NO.:</b>                  | DVP02-0048   |
| <b>2. APPLICATION TYPE:</b>                 | Development Variance Permit                        |
| <b>3. OWNER:</b>                            | 530751 BC Ltd. (Pointe of View)                    |
| . ADDRESS                                   | #200 – 683 10 <sup>th</sup> St. SW                 |
| . CITY                                      | Calgary AB   |
| . POSTAL CODE                               | T2P 5G3  |
| <b>4. APPLICANT/CONTACT PERSON:</b>         | Alvin Reinhard Fritz Architect Inc./               |
| . ADDRESS                                   | Alvin Fritz  |
| . CITY                                      | RR8, S28, C14                                      |
| . POSTAL CODE                               | Lethbridge AB                                      |
| . TELEPHONE/FAX NO.:                        | T1J 4P4  |
| <b>5. APPLICATION PROGRESS:</b>             | (403)571-8400/(403)571-8439                        |
| Date of Application:                        | May 30, 2002                                       |
| Date Application Complete:                  | June 5, 2002                                       |
| Servicing Agreement Forwarded to Applicant: | N/A  |
| Servicing Agreement Concluded:              | N/A  |
| Staff Report to Council:                    | August 13, 2002                                    |
| <b>6. LEGAL DESCRIPTION:</b>                | Lot 1, DL 139 & 3454, O.D.Y.D., Plan KAP48963      |
| <b>7. SITE LOCATION:</b>                    | West Side of Sunset Drive, North of Clement Avenue |
| <b>8. CIVIC ADDRESS:</b>                    | 1128 Sunset Drive                                  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>         | 8,036m <sup>2</sup>                                |
| <b>10. TYPE OF DEVELOPMENT PERMIT AREA:</b> | General Multiple Unit DP Area                      |
| <b>11. EXISTING ZONE CATEGORY:</b>          | RM6 – High Rise Apartment Housing                  |

**12. PURPOSE OF THE APPLICATION:**

- a) To Seek a Development Permit to Allow Development of a 21 Storey, 130 Unit, 15,174M<sup>2</sup> High Rise Apartment Building,
- b) To Seek a Development Variance Permit to Vary;
- 8. Daylighting angle to the north side of the proposed building from maximum 65° permitted to the 80° proposed,
- 9. Number of Parking stalls from 196 stalls required to 175 stalls proposed.
- 10. Maximum Site Coverage From 50% Permitted to 74.4% Proposed,
- 11. Maximum building height from the lesser of 55m or 16 storeys permitted, to 68.5m or 21 storeys proposed,
- 12. Front Yard From 6.0m required to 5.0m proposed,
- 13. South Side Yard from 4.5 m required to 0.0 m proposed to existing parkade structure,
- 14. North Side Yard from 4.5 m required to 1.5 m proposed to Porte Cochere feature.

13. DEVELOPMENT VARIANCE PERMIT VARIANCES:	Development Variance Permit application to vary;
	<ol style="list-style-type: none"> <li>1. <b>Section 6.1.2 (c) Daylighting Standards</b>, Daylighting angle to the north side of the proposed building from maximum 65° permitted to the 80° proposed,</li> <li>2. <b>Section 8.1.2 Off-Street Vehicle Parking – Number of Spaces</b>, Number of Parking stalls from 196 stalls required to 175 stalls proposed.</li> <li>3. <b>Section 13.12.5(b) Maximum site coverage for principal buildings, accessory structures, and parking areas and driveways</b> be varied from maximum 50% permitted to 74.4% proposed.</li> <li>4. <b>Section 13.12.5(c) Development Regulations</b>, Maximum building height from the lesser of 55m or 16 storeys permitted, to 66m or 21 storeys proposed,</li> <li>5. <b>Section 13.12.5(e) Development Regulations</b>, From 6.0 m required to 5.0 m proposed,</li> <li>6. <b>Section 13.12.5(e) Development Regulations</b>, South Side Yard from 4.5 m required to 0.0 m proposed to existing parkade structure,</li> <li>7. <b>Section 13.12.5(e) Development Regulations</b>, North Side Yard from 4.5 m required to 1.5 m proposed to Porte Cochere feature.</li> </ol>
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