
CITY OF KELOWNA

MEMORANDUM

Date: October 30, 2002
File No.: (3060-20/3090-20) **DP02-0060/DVP02-0061**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION NO. DP02-0060 OWNER: R640 HOLDINGS LTD (ED FENWICK)
DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP02-0061

AT: 3320 RICHTER STREET APPLICANT: TURIK MCKENZIE ARCHITECTS INC.

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE CONSTRUCTION OF A 5 STOREY, 4,128.2 M², MIXED USE COMMERCIAL BUILDING WITH 2 DWELLING UNITS

TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY MAXIMUM BUILDING HEIGHT FROM 4 STOREYS (15 M) PERMITTED TO 5 STOREYS (21.56 M) PROPOSED

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Permit No. DP02-0060; for Lot 3, DL 14 & 135, O.D.Y.D., Plan 42579, located on Richter Street, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP02-0061; Turik McKenzie Architects Inc. (Clive McKenzie); Lot 3, DL 14 & 135, O.D.Y.D., Plan 42579, located on Richter Street, Kelowna, B.C.;

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

Section 14.4.5(c) Development Regulations be varied from the lesser of 4 storeys or 15.0 m maximum building height permitted to the 5 storey, 21.56 m building height proposed.

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued;

2.0 SUMMARY

The owner has recently commenced construction of a new 4,535 m² office building on the subject property as authorized by DP00-10,072. That approved development proposal also includes a height variance to permit a maximum building of 4 storeys or 19.53 m.

This revised proposal is the result of an evolution of the building design which has added 2 residential units to the roof area. This addition results in a building height of 5 storeys (21.56m) where the zone limits the maximum building height to 4 storeys or 15 m. The associated Development Variance Permit application seeks a variance to permit a 5 storey building height. A new Development Permit application has also been made to address changes to the resulting form and character of the proposed building.

2.1 Advisory Planning Commission

The above noted applications (DP02-0060, DVP02-0061) were reviewed by the Advisory Planning Commission at the meeting of July 23, 2002 and the following recommendations were passed:

That the Advisory Planning Commission supports Development Permit Application No. DP02-0060, by Turik McKenzie Architects Inc. (Clive McKenzie), 3320 Richter Street, Lot 3, Plan 42579, Sec. 12, Twp 25, ODYD, to seek a development permit to authorize construction of a 5 storey, 4128.2 m² mixed use office building with two dwelling units.

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP02-0061 by Turik McKenzie Architects Inc. (Clive McKenzie), 3320 Richter Street, Lot 3, Plan 42579, Sec. 12, Twp 25, ODYD to seek a development variance permit to vary the maximum building height from the 4 storeys, or 15.0 m permitted, to 5 storeys, or 21.56 m proposed.

3.0 BACKGROUND

3.1 The Proposal

The subject property was created in 1993 as part of the development that formed the new Overwaitea Store and associated development. Since that time, the subject property has remained vacant. The property to the south, 3330 Richter was rezoned from the C-3a zone to the C-3 in 1996, and a 2,981 m², three storey building was

constructed on that site in 1999. As a result of the adoption of the zoning bylaw #8000 in 1998, the subject property became zoned C4 – Town Centre Commercial. The site had been zoned C3 – Community Commercial under the previous zoning bylaw #4500.

In the year 2000, there had been a application for a development permit (DP00-10,072) which proposed the construction of a 4,535 m², four storey office building which was configured in an “L” shape. That proposed site plan located the building adjacent to the north east corner of the subject property. As part of the site development, there was a pedestrian plaza proposed for the corner as an pedestrian entry feature to the site. The main pedestrian entry point to the building is located within the “L”, adjacent to the plaza. The parking areas are located to the south and to the west of the proposed building, with vehicle access from both Lanfranco Road and Richter Street. The parking area also has a drop off area adjacent to the plaza and the main pedestrian entrance to the building. The subject property has a major WKP powerline along the Richter Street frontage. The landscape plans submitted with the Development Permit application show a substantial amount of landscaping around the perimeter of the site, with the provision of a number of landscaped islands within the parking lot area. The corner of the site, adjacent to Richter Street and Lanfranco Road is finished with a concrete paved surface and landscaped nodes. The area adjacent to the main pedestrian entrance is also finished with concrete paving and landscaping.

The proposed building authorized by DP00-10,072 was designed as a 4,535 m², four storey building in an “L” shape. The exterior of the building is designed to be finished with a blend of precast concrete panels and glazed curtain wall units. The precast concrete panels located on the first floor are a “dark tan” colour, while the remainder of the panels are a “light tan” colour. The separation between the first and second floors is accentuated with a horizontal cornice feature in a “grey” concrete tone. The top of the walls project above the roof level by 1 m to form a parapet feature. There is a painted metal shade structure located at the ceiling level of the fourth floor. The parapets around the stair structures project 2.2 m above the roof level, and are finished off with a cornice feature similar to the cornice that is located at the first storey. These parapets also form screen structures for the roof top mounted mechanical air handling equipment.

There had also been a Development Variance Permit (DVP00-10,082) issued to address the proposed building height which exceeded the maximum permitted building height of 15 m by 4.4m. That proposed building height conformed to the maximum number of 4 storeys, as permitted in the C4 zone. Those Development Permit and Development Variance Permit were issued in June 2002.

As a result of marketing and design review, the proposed building design was amended by the addition of 2 residential dwelling units to the roof top area to create a mixed use building. The general configuration of the commercial component of the proposed building remains the same as the original Development Permit application (DP00-10,072), except that the overall building height has been increased to 5 storeys and 21.56 m in building height. As the C4 zone limits building height in the South Pandosy area to a maximum of 4 storeys or 15 m, a Development Variance Permit application (DVP02-0061) has been made to vary the maximum permitted building height to 5 storeys or 21.56 m building height. As well, owing to the addition of the 2 residential units to the roof area, the general form and character of the proposed building remains the same as the approved Development Permit, with the exception of the roofline and a change in the cornice detail of the upper storeys of the proposed building.

The revised building façade is proposed to be finished with precast concrete panels located on the first floor are a “dark tan” colour, while the remainder of the panels above

the ground floor are a “grey” colour. The separation between the first and second floors is accentuated with a horizontal cornice feature in a “grey” concrete tone. The revised window colour is a blue tone, where the original proposed a green tone.

The change in façade details occurs at the roof edge, where the colour of the cornice feature has been changed from the original “amber” colour to the “light grey” colour which has been used for the window framing. As well, where the original design proposed some dramatic height differences between the main parapet height and the parapet height located in accent locations, the revised application proposes a diminished cornice element located around the top of the four storey portion of the building and around the top of the two residential units located on the roof. Another detail element that differs from the original proposal is the removal of the sunshade element that was located at the top of the wall below the parapet.

The proposal as compared to the C4 zone requirements is as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)	5,428 m ²	460.0 m ² with lane 1,300.0 m ² without lane
Site Coverage (%)	21%	75%
Total Floor Area (m ²)	4,535 m ² FAR = 0.84	Max FAR = 1.0
Storeys (#)	5 storeys / 21.56 m *	4 storeys or 15 m
Setbacks (m)		
- Front (Lanfranco)	1.8 m	0.0 m min.
- Rear	39 m	0.0 m min.
- West Side	18 m	0.0 m min.
- East Side (flanking)	10.5 m	2.0 m min.
Parking Stalls (#)	100 stalls provided (120% of required)	1.5 stalls per 2 BR unit = 3 stalls 1.75 stall per 100 m ² = 80 stalls total required = 83 stalls
Loading Stalls (#)	2 provided	1 stall per 1,900 m ²

* DVP application has been made concurrently with the DP to vary the proposed building height – 4.4m variance required from 15 m permitted to 19.4 m proposed

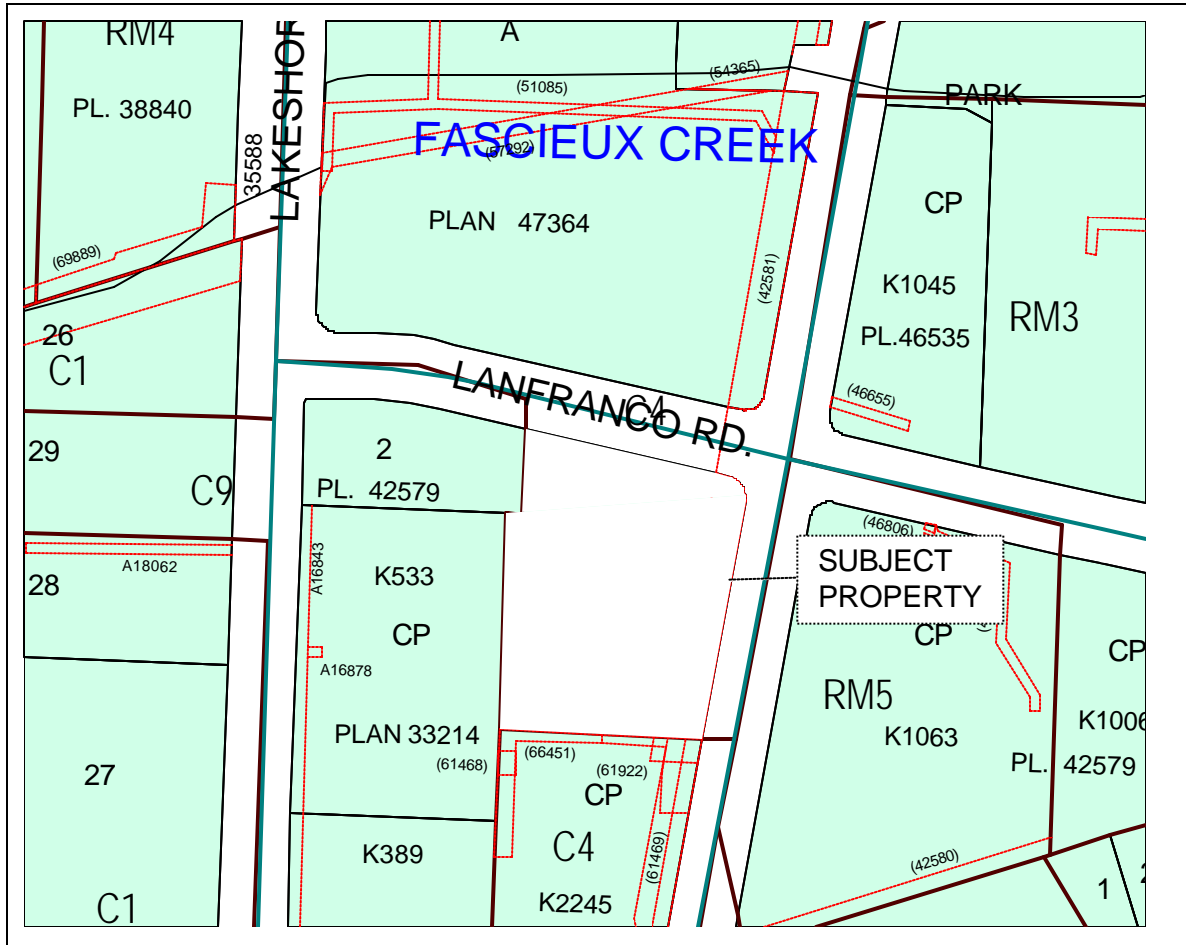
3.2 Site Context

The subject property is located on the south west corner of Lanfranco Rd. and Richter St., and is generally flat and level. The property to the south has recently been developed with a new office building.

Adjacent zones and uses are, to the:

- North - C4 – Town Centre Commercial / Lanfranco Rd. – Commercial uses
- East - RM5 – Medium Density Multiple Housing / Richter St. – apartment uses
- South - C4 – Town Centre Commercial – Commercial uses
- West - C9 – Tourist Commercial – Motel uses

SUBJECT PROPERTY MAP



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

This proposal is consistent with the Official Community Plan future land use designation of “Commercial”. The OCP also supports a maximum building height of 4 storeys in the South Pandosy Urban Town Centre.

The proposal is inconsistent with the maximum height projected for the Town Centre area. The applicant has submitted a Development Variance Permit application to address this change in building height.

3.3.2 City of Kelowna Strategic Plan (1992)

The application is consistent with the Strategic Plan, as follows:

“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

This proposal is consistent with the “Commercial” future land use designation of the South Pandosy/KLO Sector Plan.

3.3.4 Crime Prevention Through Environmental Design

The City of Kelowna Crime Prevention Through Environmental Design guidelines include the following suggestions for Commercial Developments;

Territorial Reinforcement

- property boundaries, where possible, should be marked with hedges, low fences or gates;
- private and semi-private areas should be easily distinguishable from public areas;
- lanes should be well-maintained with pavement treatment and landscaping, wherever possible;
- entrances onto lanes and use of the space in the lane (e.g. shopping entrances or outdoor cafes), increases public ownership and safety of the lane;
- blank walls should be avoided, but can be improved by the installation of windows, vertical landscaping (e.g. ivy), non-paint-able surfaces, or the use of mural art; which all discourage graffiti;
- all public and semi-private areas should be well-maintained to convey pride and ownership, which discourage negative activity;
- benches should be placed in public spaces and along paths or sidewalks to provide a resting place, particularly for seniors or those with disabilities; elevated seating positions allow for broad observation and give users a greater sense of control.

Natural Access Control

- public paths should be clearly marked;
- signs should direct patrons to parking and entrances;
- there should be no easy access to the roof;

- entrances to dwellings within a commercial building should be separate from the commercial entrance to enable distinction of residential visitors from those frequenting businesses;
- wall treatments, such as climbing plants or trellises, should not provide a means to climb the wall;

Management

- operating hours should coincide with those of other neighbouring businesses;
- pay phones should be call-out only and under surveillance at all times;
- interior space should be well-lit.

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 Aquila Networks Canada

ANC will provide underground electrical service.

4.2 B.C. Gas

Gas is available to this development from Richter Street. An application is required.

4.5 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.

4.6 Inspection Services Department

No Concerns

4.7 Parks Manager

1. Landscape plan does not key plant material to location.
2. All entry feature signs for the proposed development to be located on private property and not on city Blvd. This includes any landscape treatment.

Landscape Plan Requirements:

3. The following applies for all boulevard (BLVD) landscape on city ROW and is standard information required on a landscape plan:
 - A. Planting plan to include a plant materials list:
 - i) Latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - v) indicate existing trees
 - vi) indicate existing trees to be removed
 - B. Minimum plant material specifications for blvds. as follows:
 - i) Deciduous Tree – caliper @300mm above rootball (min. 60mm)

- ii) Deciduous Shrub - spread (min. 450mm)
- ii) Coniferous Tree - height (min. 2.5m)
- iv) Coniferous Shrub - spread (min. 450mm)
- v) Seed/Sod Mix according to location and proposed activity use.
- C. Shrub beds require plastic edge beside all areas abutting a city sidewalk or city land to prevent migration of mulch.
- D. Scale of plan and north arrow clearly indicated on plan.
- E. Planting plan to include all u/g utility locations in BLVD.
- 4. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
- 5. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
- 6. BLVD tree maintenance is responsibility of Parks Division.
- 7. Planting plan to include all u/g utility locations in BLVD.
- 8. All trees planted in sidewalk and not in grass Blvd will require a vault and grate and/or root shield barriers. All trees in grass Blvd to use root shield barriers beside concrete infrastructure.

4.8 Shaw Cable

Contractor/developer to supply and install conduit system as per Shaw specifications & drawings

4.9 Telus

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

4.10 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application are as follows:

Development Permit and Site Related Issues

The variance permit application to increase the height from 4 floors to 5 floors does not compromise Works and Utilities servicing requirements.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with this proposed Development Permit and associated Development Variance Permit for the building height.

The original issued Development Permit and Development Variance Permit (DP00-10,072, DVP00-10,082) permitted a building with virtually the same footprint, but instead of 4 storeys or 19.53 m, this revised proposal contemplates a 5 storey building that is designed with a 21.56 m building height.

The addition of the two residential dwelling units will convert the proposed development into a mixed-use building, as supported by the Official Community Plan and the South Pandosy/KLO Sector Plan.

The changes to the building facades attributed to the addition of the residential units to the top storey does not significantly alter the form and character of the building from what was originally approved, with the exception of the change in the roof line, and the removal of the sunshade elements located above the top row of windows.

The change in window colour from the previously approved green tint to a blue tint is not anticipated to have a negative effect on the building façade. The change in colour has been reviewed by the City of Kelowna Urban Planner, and he does not have concerns with the change in window colour.

There is still the outstanding issue of access to the property from Richter Street. The previously approved Development Permit (DP00-10,072) which authorized construction, was approved on the basis of a right in only access from Richter Street, with a reciprocal access point located at the south west corner of the property to provide for a shared cross access point with the property to the south (3320 Richter Street) to provide for an exit from the subject property back on to Richter Street. For the purpose of this application, the site plans have been noted that access provision shall remain as approved through the previously issued Development Permit.

The owner has approached City staff to seek approval of a two-way access located in the centre of the Richter Street frontage, while maintaining the cross-access with the property to the south. At this time, the Transportation section of the Works and Utilities Department will not willing to approve of this layout owing to perceived potential of traffic conflicts owing to anticipated traffic movements. Additional review will be required by Transportation engineering staff in order to make a decision regarding the location of the access driveway from Richter Street.

There is an existing Landscaping bond and agreement in place, as part of the previously issued development permit.

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

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

- | | |
|---|--|
| 1. APPLICATION NO.: | DP02-0060 |
| 2. APPLICATION TYPE: | DVP02-0061
Development Permit
Development Variance Permit |
| 3. OWNER: | R604 Holdings Ltd (inc. no. 512031) |
| . ADDRESS | 306 Gibraltar Ct. |
| . CITY | Kamloops, BC |
| . POSTAL CODE | V2C 1P2 |
| 4. APPLICANT/CONTACT PERSON: | Turik McKenzie Architects Inc |
| . ADDRESS | Clive McKenzie |
| . CITY | 2263 Leckie Rd. |
| . POSTAL CODE | Kelowna, BC |
| . TELEPHONE/FAX NO.: | V1X 6Y5
762-4407/762-7033 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | June 26, 2002 |
| Date Application Complete: | June 26, 2002 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | October 30, 2002 |
| 6. LEGAL DESCRIPTION: | Lot 3, DL 14 & 135, O.D.Y.D., Plan 42579 |
| 7. SITE LOCATION: | South East Corner of Lanfranco Rd. and Richter St. |
| 8. CIVIC ADDRESS: | 3320 Richter Street |
| 9. AREA OF SUBJECT PROPERTY: | 5,428 m ² |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | Urban Town Centre – South Pandosy |
| 11. EXISTING ZONE CATEGORY: | C4 – Town Centre Commercial |
| 12. PURPOSE OF THE APPLICATION: | To authorize construction of a 1134.0 m ² , four storey office building |
| 13. DEVELOPMENT VARIANCE PERMIT VARIANCES: | That variances to the following sections of Zoning Bylaw No. 8000 be granted:
Section 14.4.5(c) Development Regulations be varied from the lesser of 4 storeys or 15.0 m maximum building height permitted to the 5 storey, 21.56 m building height proposed. |
| 14. VARIANCE UNDER DEVELOPMENT PERMIT: | N/A |

**15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS**

N/A

Attachments

Subject Property Map
Schedule A, B & C (5 pages)
5 pages of floor plan diagrams & cross section