
**CITY OF KELOWNA
MEMORANDUM**

Date: August 19, 2004
File No.: DVP04-0048
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DVP04-0048 **OWNER:** The Roman Catholic Bishop of Nelson

AT: 1077 Fuller Ave. **APPLICANT:** Protech Consultants Ltd.

PURPOSE: VARY THE FRONT YARD SETBACK FROM 6.0 M REQUIRED TO 4.0 M PROPOSED;

VARY THE SIDE YARD SETBACK TO A FLANKING STREET FROM 6.0 M REQUIRED TO 4.5 M PROPOSED;

VARY THE NUMBER OF PARKING SPACES FROM 84 STALLS REQUIRED TO 71 STALLS PROPOSED;

VARY THE SITE COVERAGE FOR BUILDINGS, PARKING, AND ROADS FROM 60% REQUIRED TO 77% PROPOSED;

VARY THE LANDSCAPE BUFFER NEXT TO PARKING FROM 2.0 M AND 1.5 M REQUIRED TO 0.0 M PROPOSED.

VARY THE SETBACK TO PARKING ABUTTING A RESIDENTIAL ZONE FROM 1.5 M REQUIRED TO 0.0 M PROPOSED.

VARY THE SETBACK TO PARKING ABUTTING A STREET FROM 2.0 M REQUIRED TO 0.0 M PROPOSED.

EXISTING ZONE: P2 - Education and Minor Institutional

REPORT PREPARED BY: NELSON WIGHT

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP04-0048 for Lot A, D.L. 138, O.D.Y.D. Plan 27070, located 1077 Fuller Ave., Kelowna, B.C.,

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

Section 16.2.5 (e) – Development Regulations

Vary the minimum side yard setback from a flanking street from 6.0 m required to 4.5 m proposed.

Section 8.1.2 – Number of Off-Street Vehicle Parking Spaces

Vary the number of spaces required, from 84 stalls required to 71 stalls proposed.

Section 16.2.5 (b) – Development Regulations

Vary the site coverage for buildings, parking, and roads from 60% required to 77% proposed.

Section 7.1.1 – Required Landscaping

Vary the minimum levels of landscaping for portions of the site where it is required within the setback to parking areas, from 1.5 m required to 0.0 m proposed and 2.0 m required to 0.0 m proposed.

Section 8.1.10 (d) – Location of Off-Street Parking

Vary the minimum setback to parking abutting a residential zone, from 1.5 m required to 0.0 m proposed.

Section 8.1.10 (c) – Location of Off-Street Parking

Vary the minimum setback to parking abutting a street, from 2.0 m required to 0.0 m proposed.

AND THAT variances to the following sections of Zoning Bylaw No. 8000 NOT be granted:

Section 16.2.5 (d) – Development Regulations

Vary the minimum front yard setback from 6.0 m required to 4.0 m proposed.

2.0 SUMMARY

The Applicant is proposing an addition to the existing St. Pius X Catholic Church building, located at 1077 Fuller Avenue, in order to relocate existing seating capacity from the second floor balcony to the ground floor. Variances to Zoning Bylaw No. 8000 are requested to complete the addition as originally designed.

This application seeks to (a) vary the front yard setback from 6.0 m required to 4.0 m proposed; (b) vary the side yard setback to a flanking street from 6.0 m required to 4.5 m proposed; (c) vary the number of parking spaces required from 84 stalls required to 71 stalls proposed; (d) vary the site coverage for buildings, parking, and roads from 60% required to 77% proposed; and (e) vary the landscape buffer next to parking from 2.0 m (next to front property line and property line abutting a street), and 1.5 m required (next to a side or rear property line abutting a residential zone) to 0.0 m proposed.

3.0 ADVISORY PLANNING COMMISSION

THAT the application was reviewed by the Advisory Planning Commission (APC) at the meeting of July 6, 2004, and the APC has no objections to this Development Variance Permit application.

4.0 BACKGROUND

4.1 The Proposal

The Applicant desires to make an addition to the front of the existing church building in order to accommodate the existing seating capacity entirely on the ground floor. There is currently some seating in a second-floor balcony area that is under-utilized due to the reduced mobility of many of the church members.

The application meets the requirements of the P2 - Education and Minor Institutional zone as follows:

CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Site Area	688 m ²	min. 660 m ²
Lot Width	15.24 m	min. 18.0 m
Lot Depth	36.6 m	min. 30.0 m
Site Coverage	35% (buildings) 77% (combined) ⁱ	max. 40% for buildings max. 60% for buildings, parking areas and roads
Total Floor Area	1,283 m ²	n/a
F.A.R.	0.4	max. 1.0
Height	7.0 m, 2-storeys	max. 13.5 m or 3 storeys
SETBACKS		
Front	4.0 m ² ⁱⁱ	6.0 m
Side (north)	7.5 m	4.5 m
Side (south)	4.6 m ² ⁱⁱⁱ	6.0 m
Rear	10.7 m	7.5 m
Setback to parking	Does not meet requirements. ^{iv}	No off-street parking shall be located within 1.5 m of any side or rear property line abutting residential zones. No parking within 2.0 m of front property line or property line abutting a street
OTHER REQUIREMENTS		
Parking Stalls (#)	71 existing parking stalls ^v	1 per 5 seats or 10 per 100 m ² G.F.A., whichever is greater: 416 seats / 5 = 84 10 x (666 m ² /100) = 67 ^{vi}
Bicycle Stalls (#)	Class I: to be accommodated within the building as required; Class II: 0 stalls ^{vii}	Class I: 1 per 25 employees min. 1 stall Class II: 5 per building public entrance min. 30 stalls
Loading Stalls (#)	1 stall 3.7 m x 9.1 m = 28 m ² ^{viii}	1 stall per 2800 m ² GFA min. 3 m wide, 28 m ² in area

Landscaping	Does not meet requirements ^{ix}	Level 2 – min. 3.0 m landscape buffer consisting of vegetation. Level 3 – min. 3.0 m landscape buffer is required, consisting of vegetative buffer or a continuous opaque barrier ^x
-------------	--	---

ⁱ The Applicant is requesting that the site coverage requirement for buildings, parking areas and roads be varied from 60% required to 77% proposed.

ⁱⁱ The Applicant is requesting that the front yard setback requirement be varied from 6.0 m required to 4.0 m proposed.

ⁱⁱⁱ The Applicant is requesting that the side yard setback to a flanking street be varied from 6.0 m required to 4.5 m proposed.

^{iv} The Applicant is requesting that (a) the setback to parking abutting a residential zone be reduced from 1.5 m required to 0.0 m proposed, and (b) the setback to parking abutting a street be reduced from 2.0 m required to 0.0 m proposed.

^v The Applicant is requesting that the parking requirement for this development be varied from 84 stalls required to 71 proposed.

^{vi} Instead of using G.F.A., this 666 m² represents the approximate floor area of the sanctuary and the church hall only. Using G.F.A., there would be 129 parking stalls required.

^{vii} The Applicant will be required to provide adequate bicycle parking for this site.

^{viii} The Applicant will be required to provide one loading space.

^{ix} The Applicant is requesting that the requirements for landscaping be reduced on portions of the site where it is required within the setback to parking areas.

^x Notwithstanding paragraph 7.6.1, buffer widths between a building or structure and the property line may be reduced to the width of the required yard if the required yard is narrower than the buffer specified in that section, with the exception of level 5 buffering.

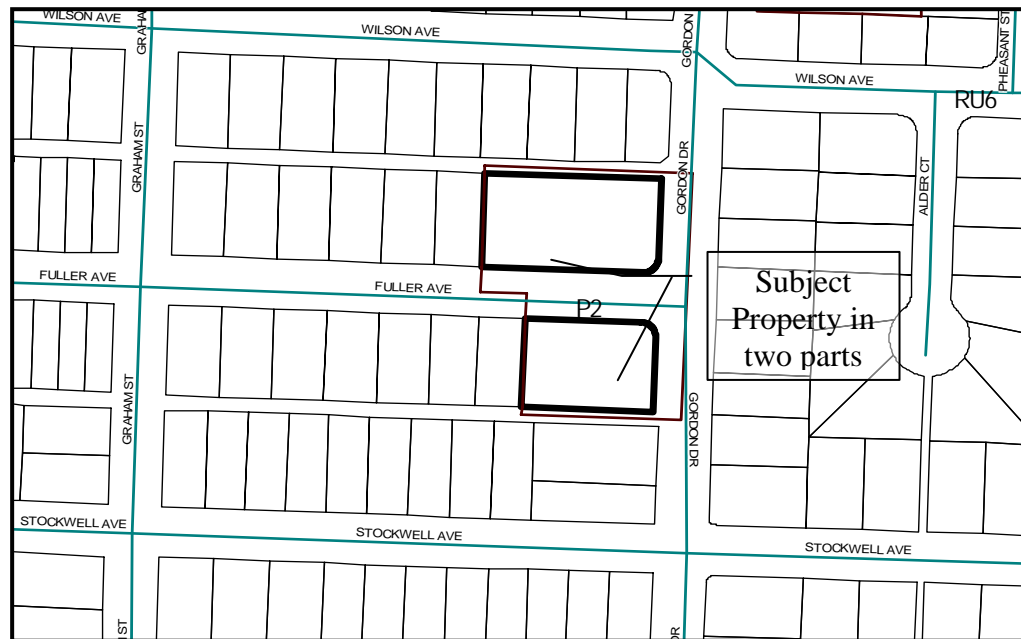
4.2 Site Context

The subject property is located in a predominantly residential area, on the corner of Gordon Drive and Fuller Avenue. Adjacent land uses are as follows:

North	RU6 – Two Dwelling Housing zone
East	RU6 – Two Dwelling Housing zone
South	RU6 – Two Dwelling Housing zone
West	RU6 – Two Dwelling Housing zone

Site Map

Subject Property: 1077 Fuller Avenue



4.3 Development Potential

The property is zoned P2 - Education and Minor Institutional. The purpose of this zone is to provide a zone for private and public educational, residential and recreational uses and religious assemblies.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan (Section 18.1 Institutional Policies)

Location and Places of Worship – Encourage places of worship to locate within the City Centre, Town Centres, Highway Centre, or Village Centres.

5.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

There are some existing non-conforming elements to this site, and the proposed development adds more to it. However, because there has been no public opposition to this proposal to date, and because many of the non-conformities are pre-existing, Staff is supportive of all but one of the variances listed: the variance to the front yard setback requirement:

Along Gordon Drive, the Applicant proposes an addition that would leave a 4.0 m setback, where 6.0 m is required. Upon the future expansion of Gordon Drive, this setback could be further reduced to 1.2 m (4-feet). Besides the inconsistency with the Bylaw, this reduction could pose safety concerns, given the possible conflict of vehicular and pedestrian movement within such a confined area. The sightline triangle at the intersection of Fuller and Gordon could also be compromised with the proposed building expansion. Furthermore, the increased development presents challenges when the City seeks to acquire additional land for an expanded right-of-way for Gordon Drive.

For the reasons listed above, Staff is not supportive of a variance to the front yard setback requirement. However, Staff has no concerns with the other six listed variances. An alternate recommendation is also provided below for Council's consideration.

6.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP04-0048 for Lot A, D.L. 138, O.D.Y.D. Plan 27070, located 1077 Fuller Ave., Kelowna, B.C.,

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

Section 16.2.5 (d) – Development Regulations

Vary the minimum front yard setback from 6.0 m required to 4.0 m proposed.

Section 16.2.5 (e) – Development Regulations

Vary the minimum side yard setback from a flanking street from 6.0 m required to 4.5 m proposed.

Section 8.1.2 – Number of Off-Street Vehicle Parking Spaces

Vary the number of spaces required, from 84 stalls required to 71 stalls proposed.

Section 16.2.5 (b) – Development Regulations

Vary the site coverage for buildings, parking, and roads from 60% required to 77% proposed.

Section 7.1.1 – Required Landscaping

Vary the minimum levels of landscaping for portions of the site where it is required within the setback to parking areas, from 1.5 m required to 0.0 m proposed and 2.0 m required to 0.0 m proposed.

Section 8.1.10 (c) – Location of Off-Street Parking

Vary the minimum setback to parking abutting a residential zone, from 1.5 m required to 0.0 m proposed.

Section 8.1.10 (c) – Location of Off-Street Parking

Vary the minimum setback to parking abutting a street, from 2.0 m required to 0.0 m proposed.

Andrew Bruce

Development Services Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP

Director of Planning & Corporate Services

NW

FACT SHEET

1. APPLICATION NO.:	DVP04-0048
2. APPLICATION TYPE:	Development Variance Permit
3. OWNER:	The Roman Catholic Bishop of Nelson
ADDRESS	
• CITY	Nelson, BC
• POSTAL CODE	
4. APPLICANT/CONTACT PERSON:	Protech Consultants Ltd. (Grant Maddock)
• ADDRESS	200 1449 St. Paul Street
• CITY	Kelowna, BC
• POSTAL CODE	V1Y 2E4
• TELEPHONE/FAX NO.:	(250) 860-1771
5. APPLICATION PROGRESS:	
Date of Application:	April 27, 2004
Date Application Complete:	June 14, 2004
Servicing Agreement Forwarded to	N/A
Servicing Agreement Concluded:	N/A
APC Meeting:	July 6, 2004
Staff Report to Council:	July 30, 2004
6. LEGAL DESCRIPTION:	Lot A, D.L. 138, O.D.Y.D. Plan 27070
7. SITE LOCATION:	The subject property is located at the corner of Fuller Avenue and Gordon Drive
8. CIVIC ADDRESS:	1077 Fuller Avenue
9. AREA OF SUBJECT PROPERTY:	688 m ²
10. EXISTING ZONE CATEGORY:	P2 - Education and Minor Institutional
11. TYPE OF DEVELOPMENT PERMIT AREA:	none

13. PURPOSE OF THE APPLICATION:	<p>VARY THE FRONT YARD SETBACK FROM 6.0 M REQUIRED TO 4.0 M PROPOSED;</p> <p>VARY THE SIDE YARD SETBACK TO A FLANKING STREET FROM 6.0 M REQUIRED TO 4.5 M PROPOSED;</p> <p>VARY THE NUMBER OF PARKING SPACES FROM 84 STALLS REQUIRED TO 71 STALLS PROPOSED;</p> <p>VARY THE SITE COVERAGE FOR BUILDINGS, PARKING, AND ROADS FROM 60% REQUIRED TO 77% PROPOSED;</p> <p>VARY THE LANDSCAPE BUFFER NEXT TO PARKING FROM 2.0 M AND 1.5 M REQUIRED TO 0.0 M PROPOSED.</p> <p>VARY THE SETBACK TO PARKING ABUTTING A RESIDENTIAL ZONE FROM 1.5 M REQUIRED TO 0.0 M PROPOSED</p> <p>VARY THE SETBACK TO PARKING ABUTTING A STREET FROM 2.0 M REQUIRED TO 0.0 M PROPOSED</p>
14. MIN. OF TRANS./HIGHWAYS FILES NO.: NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY	<p>n/a</p>
15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS	<p>n/a</p>

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- State of Title
- Site Plan
- Floor Plan
- Elevations
- Landscaping