
CITY OF KELOWNA

MEMORANDUM

Date: December 31, 2004
File No.: (3090-20) **DVP02-0023**

To: City Manager

From: Planning & Corporate Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP02-0023

OWNERS: GAZELLE ENTERPRISES
INC. & GREEN PROJECTS

AT: 570 SARSONS ROAD /
4388 LAKESHORE ROAD

APPLICANT: GAZELLE ENTERPRISES
INC./ MR. G. GAUCHER

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE MAXIMUM PERMITTED RESIDENTIAL BUILDING HEIGHT FROM 2 ½ STOREYS PERMITTED TO 4 STOREYS PROPOSED FOR THE INTERNAL APARTMENT BUILDING, AND 3 STOREYS PROPOSED FOR A PORTION OF THE APARTMENT BUILDING LOCATED ADJACENT TO LAKESHORE ROAD NEAR THE NORTH BOUNDARY OF THE DEVELOPMENT SITE.

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP02-0023; Lots 1 & 2, DL 167, O.D.Y.D., Plan KAP75687, located on Sarsons Road and Lakeshore Road, Kelowna, B.C.;

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

Section 13.9.6 (c) – **Development Regulations**, be varied from maximum building height 2 ½ storeys or 9.5 m permitted to 4 storeys or 14.4 m proposed.

2.0 SUMMARY

The applicant has an application to rezone the subject properties (Z04-0063) to the RM3 – Low Density Multiple Housing zone in stream which is currently at 3rd reading, after a successful public hearing held on November 16, 2004. Second and third readings were given to the zone amending bylaw on November 22, 2004. Now that the applicant has

addressed the outstanding issues related to the rezoning application, it is now appropriate for Council to consider final adoption of the zone amending bylaw as well as the associated Development Permit and Development Variance Permit applications for the proposed 4 storey building height for the internal apartment building.

This current application for a Development Variance Permit seeks permission to vary the maximum building height of the proposed project to 4 storeys for the internal building, and to 3 storeys for the other 2 apartment buildings, where the zone limits the building height to a maximum of 2 ½ storeys.

The associated Development Permit proposes to develop 12 semi-detached 1½ storey residential units along the west and northern boundaries of the subject properties, and 3 apartment buildings ranging in height from 2 storeys facing Sarsons Road, 2½ and 3 storeys facing Lakeshore Road, and 4 storeys for the internal building. The portion of the site occupied by the apartment buildings is anticipated to include a large parking structure located entirely below ground. The associated Development Permit (DP02-0022) will be forwarded to Council under a separate report for consideration at the same meeting.

2.1 Advisory Planning Commission

The above noted applications (DP02-0022/DVP02-0023) were reviewed by the Advisory Planning Commission at the meeting of September 21, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP02-10,022, for 4388 Lakeshore Road and 570 Sarsons Road, Lots 1 & 2, DL 167, O.D.Y.D., Plan KAP75687 by Gazelle Enterprises Inc. (Grant Gaucher), to seek a development permit to authorize construction of the proposed multiple unit low-density (RM3 zone) residential development comprised of 28 semi-detached units in 14 buildings, and 152 apartment units in a 3 - 3 storey buildings;

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP02-10,023, for 4388 Lakeshore Road and 570 Sarsons Road, Lots 1 & 2, DL 167, O.D.Y.D., Plan KAP75687 by Gazelle Enterprises Inc. (Grant Gaucher), to seek a Development Variance Permit to vary the maximum permitted residential building height in the RM3 zone from the 2½ storeys permitted to the 3 storeys proposed for a portion of the proposed apartment buildings.

Please note that the applicant has revised the proposed development plan in order to reduce the building height of the building located along the Sarsons Road and Lakeshore Road frontages to 2 ½ storeys in height, had have increased the height to the internal apartment building to a 4 storey (14.4 m) building height.

3.0 BACKGROUND

3.1 The Proposal

The subject properties are located at the northwest corner of the intersection of Lakeshore Road and Sarsons Road, a location that falls within the North Mission /

Crawford Sector Plan area. The proposed development site has had a technical subdivision to realign the property lines to create a separate lot for the existing single unit dwelling located on Sarsons Road, as well as to create 2 lots that were configured for the previous mixed-use development proposal. That application for commercial development received substantial opposition, and was subsequently defeated by Council on August 9th, 2004.

The applicant has submitted a new application (Z04-0063) to rezone the entire development site to the RM3 – Low Density Multiple Housing zone. The concept plans submitted at the time of the Public Hearing proposed the development of the site with 24 semi-detached units in 12 buildings, and 123 apartment units in 3 apartment buildings, for a total unit yield of 147 residential dwelling units.

The semi-detached units are proposed to be located adjacent to the west and north boundaries of the site, and are designed as 1½ storey, 3 bedroom units, with a double garage for each unit attached to the main building level.

Each of the proposed apartment buildings are designed in a “V” shape configuration with the apex truncated. This Development Variance Permit application has been made in conjunction with the Development Permit and Rezoning applications to address the proposed building height of 3 storeys for a portion of the apartment building located adjacent to Lakeshore Road, and for the proposed building height of 4 storeys for the internal apartment building, as the proposed RM3 – Low Density Multiple Housing zone limits the maximum building height to 2 ½ storeys.

The intent of the variance in building height for the apartment buildings is to relocate some of the potential building floor space from the perimeter semi-detached units which are only 1½ storeys high where the zone permits a 2½ storey building height. The reduction in building height for the perimeter semi-detached units was provided to minimize impact on the existing surrounding single family residential development, while providing a measure of buffering of the existing residential development from the proposed 3 and 4 storey apartment buildings.

This application for Development Variance Permit has been circulated to Council separately from the associated Development Permit application in order to allow for the applicant to finalize several technical issues related to the application, while allowing staff to meet advertising dead-lines for the Development Variance Permit legal notices.

Council will have an opportunity to consider the associated Development Permit application (DP02-0022) under a separate report to be considered at the same meeting as this Development Variance Permit.

The proposal as compared to the RM3 zone requirements is as follows:

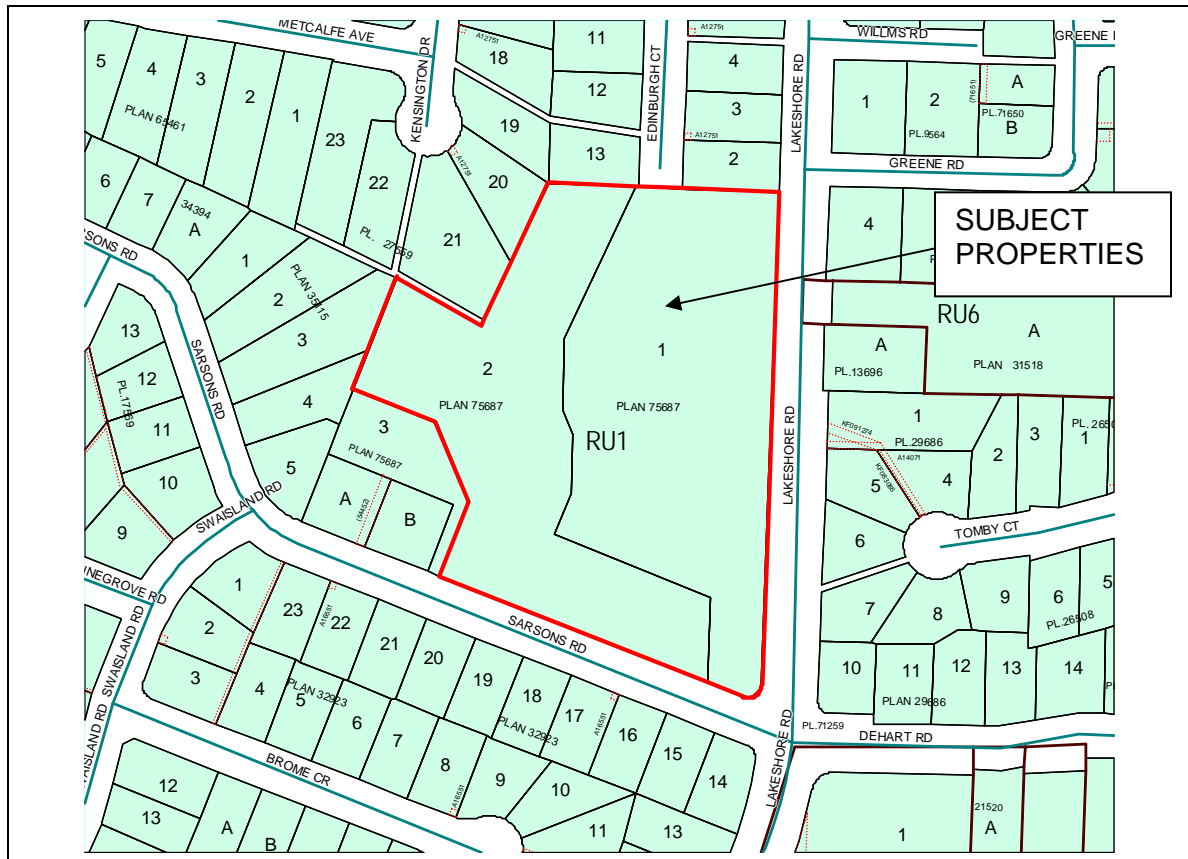
CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Storeys (#)	4 storeys (14.4 m) ❶	2½ storeys (9.5m)

NOTE;

❶ DVP02-0023 has been made to vary the maximum permitted building height of the apartment buildings from the 2 ½ storeys permitted in the RM3 zone to the 4 storey building height proposed.

3.2 Site Context

Subject Property Map



The subject properties were created with the registration of a plan of subdivision in June 2004, which created Lots 1 & 2, Plan 75687 as the proposed development site, and Lot 3, Plan 75687 which is the location of the existing single unit home. The portion of the development site that was the former Lot A Plan 9000 was developed with one single family dwelling, a mobile home, and out buildings, and the former Lot C, Plan 54451 was developed with one single family dwelling and an old barn. The former Lot C was created in 1995, when there were two single family residential lots subdivided off of the parent property. The former Lot 1, Plan 27559 was currently developed with a single family dwelling and an artist's studio. The development site is generally level, and are bounded by Lakeshore Rd. to the east and Sarsons Rd. to the south. The surrounding neighbourhood consists of established single family homes on large lots.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing/ Single Unit housing
- East - RU1 – Large Lot Housing/ Lakeshore Rd, Single Unit housing
- South - RU1 – Large Lot Housing/ Sarsons Road, Single Unit housing
- West - RU1 – Large Lot Housing/ Single Unit housing

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

This proposal to rezone the subject properties to the “RM3 – Low Density Multiple Housing zone is consistent with the "Multiple Unit Residential - Low Density" future land use designation of the City of Kelowna Official Community Plan.

3.3.2 City of Kelowna Strategic Plan (1992)

The Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban area.

4.0 TECHNICAL COMMENTS

The development application has been circulated to various technical agencies and City departments. Those technical requirements have been addressed as part of the associated Rezoning application (Z04-0063). There will be an opportunity to review comments related to the Development Permit application when that separate report is considered. There were no comments made specific to the Development Variance Permit application.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The associated rezoning application (Z04-0063) which proposes the rezoning of the subject properties to the RM3 – Low Density Multiple Housing zone in order to develop the subject properties with a low density multi-unit residential development comprised of 3 apartment buildings and 12 semi-detached buildings is currently at 3rd reading. This proposed zone is consistent with the current Future Land Use designation in the Official Community Plan which designates the subject properties for Multiple Unit Residential - Low Density.

The developer's intent with this variance application is to authorize the development of the potential floor area permitted by the zone by locating some of the floor area in 3rd and 4th storey areas of an internal building, away from the perimeter of the development site. In this manner, the proposed floor area (density) that is permitted in the RM3 zone is achieved, while reducing the building height and massing of the 12 semi-detached buildings located adjacent to the existing single family development in order to minimize the impact of the site development on the existing neighbourhood.

The applicant has worked extensively with the residents of the neighbourhood with a view to minimize the potential impacts of the proposed development on the existing residents. However, there still remains a strong group of Mission Residents that are opposed to this proposed development in this location.

The Planning and Corporate Services Department recognizes that the applicant has tried to limit the height variances to portions of the site that will have the least impact to

the existing residential uses in the immediate area. Although there are no other buildings in the area that will relate to the over-height portion of the proposed development, this proposal does allow the applicant to reduce the built form to a more compatible form of development on it's closest interface with existing single detached housing. The Planning and Corporate Services Department is therefore recommending support for the height variances consistent with the current proposal.

Council will have an opportunity to review the form and character of the proposed development as part of the Development Permit application DP02-0022, which will be presented to Council at the same meeting as this Development Variance Permit application, under a separate report.

Andrew Bruce
Manager of Development Services

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning and Corporate Services

PMc/pmc
Attach.

Attachments

(Not attached to the electronic copy of the report)

Subject Property Map

4 pages of site plan, and cross-sections / diagrams