
CITY OF KELOWNA

MEMORANDUM

Date: September 15, 2005
File No.: (3090-20) **DVP05-0155**

To: City Manager

From: Planning & Corporate Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP05-0155

OWNER: UNIVERSITY OF BRITISH
COLUMBIA - OKANAGAN

AT: 3333 UNIVERSITY WAY

APPLICANT: HMA ARCHITECTS

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY
THE PROPOSED BUILDING HEIGHT FROM 3 STOREYS (13.5
m) PERMITTED TO 4 STOREYS (14.2 m) PROPOSED FOR THE
NEW STUDENT RESIDENCE BUILDINGS (BUILDINGS "L" &
"R")

EXISTING ZONE: P2 – EDUCATION AND MINOR INSTITUTIONAL

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0155; Lot A, Sections 10 & 11, Twp. 23, O.D.Y.D., Plan KAP57788, located on University Way, Kelowna, B.C.;

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

Section 16.2.5(c), Development Regulations - be varied from maximum height of 13.5 m or 3 storeys permitted to 14.2 m or 4 storeys proposed for the new student residence buildings

Subject to approval by Transport Canada to vary "Kelowna Airport Zoning Regulations" which limit building heights adjacent to the airport.

2.0 SUMMARY

The applicant has made application for a Development Variance Permit to permit the construction of two new 4 storey student residence buildings (Buildings “L” & “R”) which are associated with the building expansion program that has been commenced as part of the transition of the existing campus from the former “Okanagan University College” to the new “University of British Columbia – Okanagan”. This application has been triggered as the P2 – Education and Minor Institutional zone only permits a maximum building height of 3 storeys.

3.0 BACKGROUND

3.1 The Proposal

The original OUC north campus was developed in 1991.

In 2004, there had been an application for a Development Variance Permit (DVP04-0151) to authorize construction of 3rd storey additions to both the science building and the arts building. Owing to the building configuration prior to the addition, the addition of a 3rd storey to each of the buildings required a Development Variance Permit application, as the resulting building height for the Arts Building was 14.4 m for the Arts building and 16.3 m for the Science building. The P2 – Education and Minor Institutional zone limits the maximum permitted building height to 3 storeys, or 13.5 m.

In 2003 there had been a similar variance application (DVP03-0052) for a height variance to the library building in order to add floor area to the third floor area of that existing building. That DVP application was reviewed by Council on August 5, 2003, and authorized for issuance.

This current application for a Development Variance Permit seeks permission to construct the two new Student Residence buildings (Buildings “L” & “R”) as 4 storey building, where the existing P2 – Education and Minor Institutional zone only permits a maximum building height of 3 storeys or 13.5 m.

The proposal as compared to the P2 zone requirements is as follows:

CRITERIA		PROPOSAL	P2 ZONE REQUIREMENTS
Storeys (#)	Student Residence Buildings	4 storeys (14.2m) ❶	3 storeys or (13.5m)

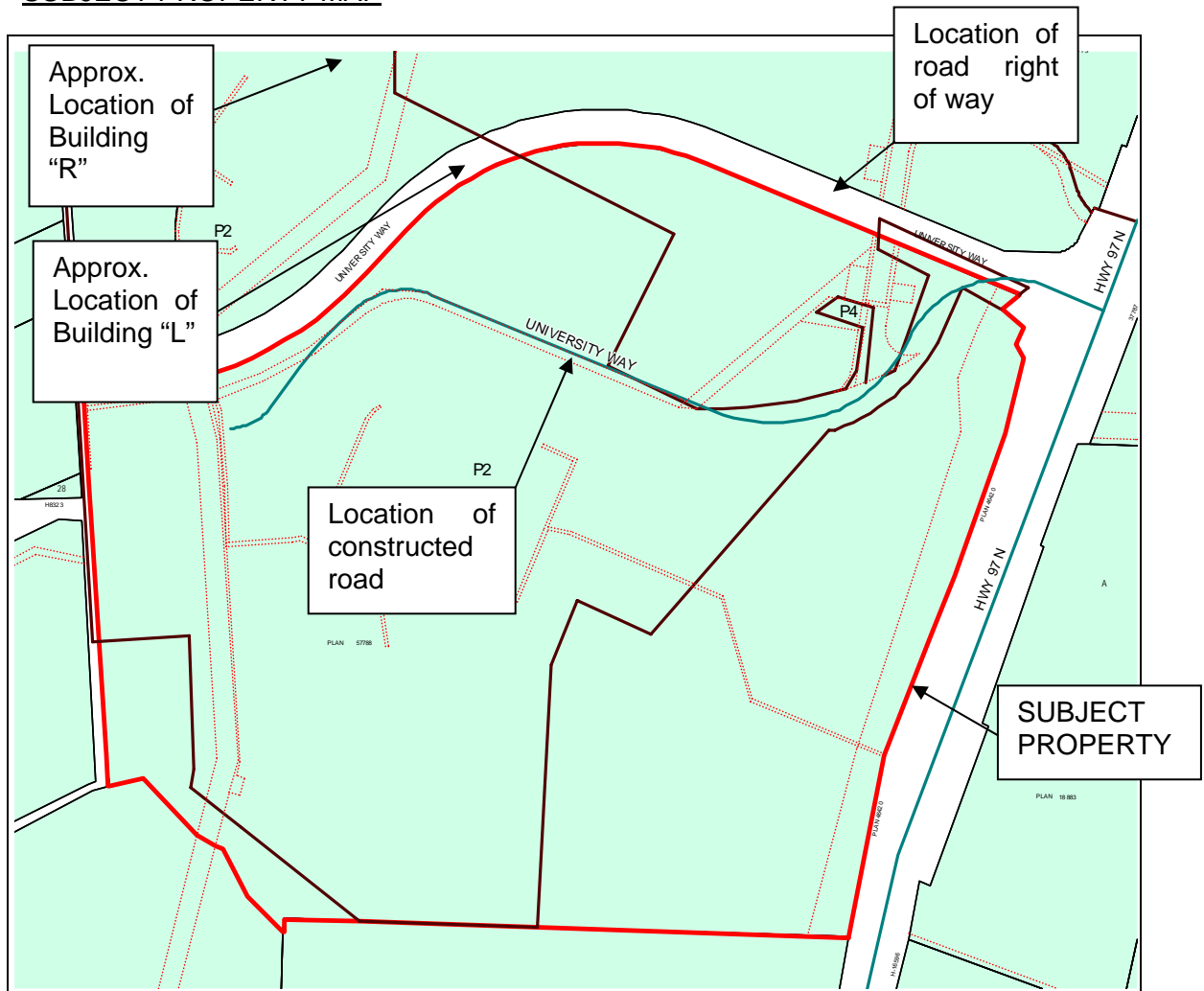
- ❶ Variance required to vary maximum building height from 3 storeys or 13.5 m maximum building height permitted to 4 storey or 14.2 m building height proposed for the new student residence buildings.

3.2 Site Context

Adjacent zones and uses are, to the:

- North - A1 – Agricultural 1 / Gravel pit
- East - A1 – Agricultural 1 / Highway 97, vacant
- South - A1 – Agricultural 1 / vacant
- West - A1 – Agricultural 1/ vacant

SUBJECT PROPERTY MAP



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The Official Community Plan designates the future land use of the subject property as "Education/Major Institutional". The proposed use of the building is consistent with the "Education/Major Institutional" land use.

3.3.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that: works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs.

The City of Kelowna Strategic Plan 2004 also states as an action statement under Goal #2, Objective #3,;

“Work with UBC Okanagan, Okanagan College and other educational institutions to develop initiatives that promote Kelowna as a knowledge centre and that help increase education levels of Kelowna’s residents”, and to

“Work with growth industries, including health care, agriculture, education, high tech, manufacturing and aerospace industries, in an effort to promote their continued growth in our region”.

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

Fire Dept access, fireflows and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements.

4.2 Inspection Services Department

The Inspection Services Department recommends that this application be supported subject to confirmation that the proposed building height will not violate airport building height regulations .

4.3 Works and Utilities Department

Prior to submitting our detailed requirements, the location of the buildings need to be revised or confirmed by the transportation division since one of the proposed buildings sits smack in the middle of a dedicated road right of way.

On the other hand the requested variance for the building height does not compromise Works and Utilities servicing requirement, it may however be affected by the Airport outer surface restrictions.

It is understood that University Way will be relocated to the southern portion of the campus. It is recommended that the City permit a temporary encroachment on the existing road right of way for a period not exceeding five years during which time the University is to dedicate a new road.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Corporate Services Department does not have concerns with this proposal. This proposed student residence buildings are an integral part of the transition from “University College” status to full “University” status. The only area of concern relating to the proposed building height is the potential impact on the “Kelowna Airport Zone Regulations”. The proponents have made application to Transport Canada for variance to these regulations, and issuance of the Development Variance Permit has been made conditional upon obtaining permission from Transport Canada for this height variance to their regulation. It appears that building “L” falls below the Maximum Elevation of the Outer Surface in the regulation of 474.46m, where the top of the building is approximately 464.12 m. Building “R” is located within an area where the height is limited to a maximum of 9 m above grade. The proposed building is 14.12 m above grade, which exceeds the limit of 9 m, and requires Transport Canada approval.

It is anticipated that there will be a submission of the UBC-O master plan document for review by City staff in the near future. With the major expansion of the UBC-O campus which is anticipated as part of the transition to University status, there will need to be a review of the development plan, and a review of the appropriate land use regulation for that proposed development. The current zone of P2 – Education and Minor Institutional zone does not appear to be an appropriate zone for the proposed development, as there have already been a number of variance applications processed for this development site. It may be necessary to create a new zone to accommodate the UBC-O campus. But that can only be determined by a review of the master plan document and discussion with the proponent.

As part of the Master Plan review, there will also have to be a major review of transportation issues associated with the ongoing functioning of the campus, as well as a determination of access and network roads to the campus. There have been ongoing discussions involving the City of Kelowna, the Ministry of Transportation, and the UBC-O board to determine the layout and construction scheduling to mitigate the worsening situation of the university access off of Highway 97.

There has been a minor rezoning application made to adjust the boundary of the P2 zone to relocate the zoning boundary line around the northerly building. As well, there has also been a temporary agreement entered into to authorize the location of the southerly building over a dedicated road, even though that road had never been constructed. This application will be forwarded to council for consideration separately from this application for a development variance permit. The applications for the DVP for the building height, and the associated rezoning application area considered to be interim solutions until the master plan is submitted, and the application of the appropriate zone to the campus lands is commenced.

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

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

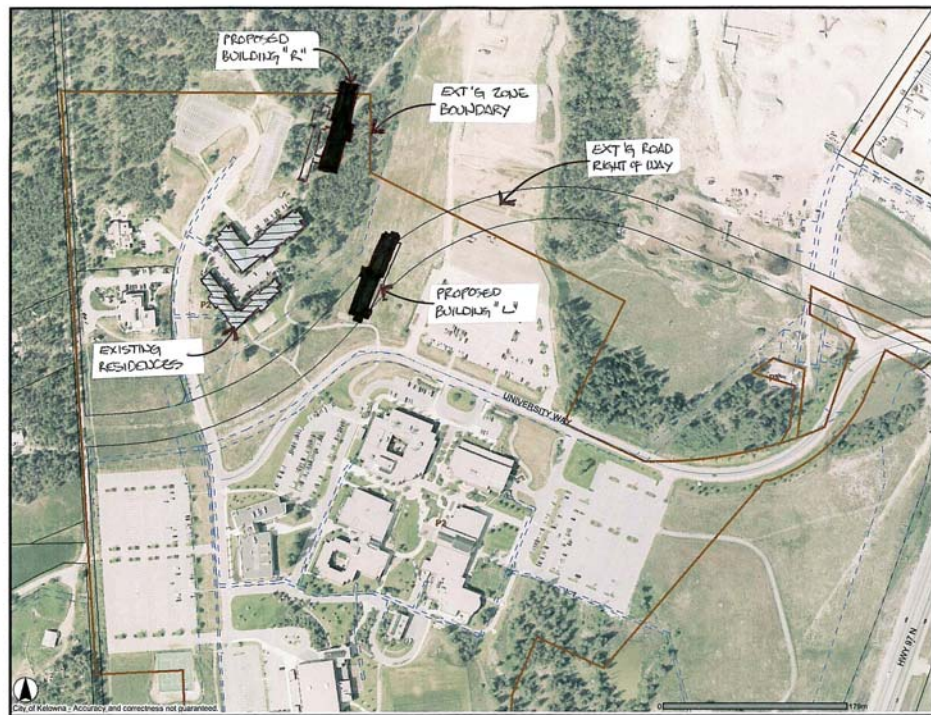
1 page of Site Plan showing building location

3 pages of building details to show building heights

AIR PHOTO – showing approximate location of student residence buildings

Map Output

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This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.