
CITY OF KELOWNA

MEMORANDUM

Date: October 18, 2005
File No.: **DVP05-0184**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT OWNER: SUNSTONE RESORT
APPLICATION NO. DVP05-0184 COMMUNITIES CORP.

AT: 1570 KLO ROAD APPLICANT: FWS CONSTRUCTION
LTD

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY:

1. THE MAXIMUM PERMITTED SITE COVERAGE FOR BUILDINGS AND PAVED AREAS FROM 60% PERMITTED TO 75% PROPOSED FOR THE RESIDENTIAL CARE BUILDING,
2. THE FRONT YARD TO THE RESIDENTIAL CARE BUILDING FROM 6.0 M REQUIRED TO 4.5 M PROPOSED,
3. THE MAXIMUM CONTINUOUS BUILDING FRONTAGE FOR A 3 STOREY BUILDING FROM 40 M PERMITTED TO 63.7 M FOR THE RESIDENTIAL CARE BUILDING AND 46.3 FOR THE APARTMENT BUILDING

EXISTING ZONE: RM4 – TRANSITIONAL LOW DENSITY HOUSING

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP05-0184; FWS Construction Ltd.; Lot 2, Plan KAP77109, DL 131, O.D.Y.D., located on KLO Road, Kelowna, B.C.;

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

1. Section 13.10.6(b) **Development Regulations**, to vary the maximum site coverage of buildings, driveways, and parking areas from 60% permitted to 75% proposed;
2. Section 13.10.6(d) **Development Regulations**, to vary the minimum front yard from 6.0 m required to 4.5 m proposed;
3. Section 13.10.7(b) **Other Regulations**, to vary the maximum continuous building frontage from 40.0 m permitted to 63.7 m. proposed for the residential care

building, and from 40.0 m permitted to 46.3 m. proposed for the apartment building;

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 applicant wishes to construct a new 90 bed residential care facility on the north half of the subject property, adjacent to the recently completed "Mountainview Village" congregate housing and care facility. As well, the applicant is also proposing to construct a 3 storey, 47 unit apartment building on the south half of the subject property. This Development Variance Permit application has been triggered to deal with the non-conforming siting and lot coverage issues.

2.1 Advisory Planning Commission

The above noted application (DP05-0154) was reviewed by the Advisory Planning Commission at the meeting of September 27, 2005 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Application No. Development Permit Application No. DP05-0154, for 1570 KLO Road, Lot 2, Plan KAP77109, DL 131, O.D.Y.D, by FWS Construction Ltd. (Brian Harrison), to obtain a Development Permit to allow for the construction of a 90 bed, 3 storey care facility.

NOTE: The issue of site coverage was discussed at the APC meeting. There was some concern raised regarding the amount of site coverage, but it was noted that the issue would be dealt with by a pending Development Variance Permit.

3.0 BACKGROUND

3.1 The Proposal

The subject property was created in 2004 as the result of a development application and associated subdivision which added land to the north of the Mountainview Village project, created the subject property, and which dedicated a portion of the Burtch Road extension which connects to KLO Road. At that time, it was anticipated that the subject property would develop with a 192 bed care facility.

At this time, the applicant has submitted an application which proposes to develop the north end of the subject property with a 90 bed residential care facility, as well as to develop the south end of the property with a 47 unit, 3 storey apartment housing complex.

The proposed residential care building is designed as a 90 bed, 3 storey building, arranged in an "H" configuration, with the four corners of the building to provide space for the sleeping accommodation of the residents. The central portion of the "H" provides for common amenities such as recreation area, dining room, living areas, laundry, and administration functions. The open ends of the "H" are landscaped to provide a secure outdoor courtyard for residents that may have diminished capacities.

This proposed residential care building is designed as a 3 storey building which includes a partial basement. The floor level of the partial basement area is actually located near the grade level of the recently constructed Burtch Road. This basement level is designed to provide space for support services for the residents, as well as storage space for the building. There is surface parking for 42 vehicles located adjacent to the care building.

The proposed apartment building is designed in a “V” configuration, with the surface parking area enclosed by the building. The intersection of the “V” on the ground floor is designed to provide for an entrance lobby, and to provide a common amenity space for the building, as well as to provide access to an patio area on the outside of the point of the “V”.

The apartment building is designed as a 3 storey building constructed on top of a parking garage that is set partially into the ground. The grade level around the building is sloped down to meet the adjacent road grade for both KLO Road and the recently constructed portion of Burtch Road.

The proposed parking garage has space for 60 vehicles, while there is surface parking additional 11 vehicles associated with the apartment building.

There is a current application for subdivision Preliminary Layout Review in progress to divide the subject property into two lots.

This application for a Development Variance Permit (DVP05-0184) has been made to address a number of variances to the residential care building. After subdivision, the road frontage for the residential care building will be Burtch Road. This variance application seeks to vary the new front yard setback to Burtch Road from what had been the previously conforming flanking side yard setback of 4.5 m proposed from the 6.0 m front yard setback required. This variance application also seeks a variance to the maximum permitted site coverage for building and paved areas from 60% permitted to 75 % proposed for the residential care building. As well, there is a request to vary the maximum continuous building frontage from the 40 m. permitted for a 3 storey building, to the 63.7 m frontage proposed for the residential care building and 46 m frontage proposed for the apartment building.

This application for a Development Variance Permit has been circulated separately from the associated Development Permit in order to provide the applicant additional time to sort out site plan design issues while the Development Variance Permit goes through the public notification process.

The proposal prior to subdivision as compared to the RM4 zone requirements is as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Site Area (m ²)	10,519 m ²	900
Site Width (m)	64.4 m	30
Site Coverage (%) care apartment	2,462 m ² 44.8% 2,259 m ² ❶ 67.8% 4,721 m ²	50% buildings 60% bldgs and paved area
Total Floor Area (m ²) Care (Net areas) Apartment Total	2,238 m ² 3,968 m ² 6,206 m ²	
F.A.R.	0.58 before subdivision	Base FAR = 0.65 With Housing Agreement = 0.75 Bonus for under building parking = 0.2
Storeys (#)	3 storeys (11.6m)	3 storeys, 13.0 m
Setbacks (m)		
- Front (KLO Road)	6.0 m	6.0 m except that it is 4.5 m for those portion not over 2 storeys
- Rear	9.0 m	7.50 m except that it is 9.0 m for those portion over 2 storeys
- East Side (Burtch Road)	4.5 m	4.5 m from flanking street
- West Side	4.5 m to apartment 10.0 m to care fac.	2.3 m for any part of building not over 2 storeys, 4.5 m for over 2 storeys
Parking Stalls (#)	113 stalls provided	Care 30 stalls + 12 staff Residential 70 stalls req'd 100 stalls required
Private Open Space	1853 m ² provided ❷	1,175 m ² + 675 m ² = 1,850 m ²

NOTE:

❶ Site Coverage for both building and paved areas will have to be varied by a Development Variance Permit application. The 67.8% figure applies to both buildings sited on the property before subdivision.

❷ Provision of Private Open Space has been reviewed amount provided does meet minimum bylaw requirements.

The proposal for the **care** component after subdivision as compared to the RM4 zone requirements is as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Site Area (m ²)	5,317	900
Site Coverage (%)	46.3% 75% bldg & pvmnt ③	50% buildings 60% bldgs and paved area
Total Floor Area (m ²) gross net	6,197 m ² 2,238 m ²	
F.A.R.	0.426	Base FAR = 0.65 With Housing Agreement = 0.75 Bonus for under building parking = 0.2
Storeys (#)	3 storeys 11.6 m	3 storeys, 13.0 m
Setbacks (m)		
- Front (Burtch Rd)	4.5 m ④	6.0 m except that it is 4.5 m for those portion not over 2 storeys
- Rear	10.0 m	7.50 m except that it is 9.0 m for those portion over 2 storeys
- North Side	9.0 m	4.5 m from flanking street
- South Side	7.9 m	2.3 m for any part of building not over 2 storeys, 4.5 m for over 2 storeys
Parking Stalls (#)	42 stalls provided	30 stalls + 12 staff
Private Open Space	675 m ² provided	90 rooms @ 7.5 m ² = 675 m ² req.
Maximum Continuous Frontage	63.7 m ⑤	40.0 m max

Note;

③ Total site coverage for both building and paved areas 75%. A variance is requested for Section 13.10.6(b) **Development Regulations**, to vary the maximum site coverage of buildings, driveways, and parking areas from 60% permitted to 75% proposed.

④ After subdivision, the only road frontage that will exist for the care building will be fronting Burtch Road. Before subdivision, the frontage was considered the flanking side yard, which required 4.5 m. setback. However, after the subdivision, this 4.5 m setback will be considered as a front yard. This front yard setback is 6.0 m. as the building height facing Burtch Road is 3 storeys. A variance is requested for Section 13.10.6(d) **Development Regulations**, to vary the minimum front yard from 6.0 m required to 4.5 m proposed.

⑤ The building frontage facing Burtch Road is a 3 storey building height. The maximum length building frontage permitted for a 3 storey building is 40 m. A variance is requested for Section 13.10.7(b) **Other Regulations**, to vary the maximum continuous building frontage from 40.0 m permitted to 63.7 m. proposed for the residential care building.

The proposal for the **apartment** housing component after subdivision as compared to the RM4 zone requirements is as follows:

CRITERIA	PROPOSAL	RM4 ZONE REQUIREMENTS
Site Area (m ²)	5273 m ²	900 m ²
Site Coverage (%) buildings Bldg & paved area	43% 60%	50% buildings 60% bldgs and paved area
Total Floor Area (m ²) gross Net	7,149 m ² 3,968 m ²	4,323.8 m ² maximum permitted net floor area.
F.A.R.	0.75	Base FAR = 0.65 Bonus for under building parking = 60/70 x 0.2 = 0.82 MAX
Storeys (#)	3 storeys 11.6 m	3 storeys, 13.0 m
Setbacks (m)		
- Front (KLO Rd.)	6.0 m	6.0 m except that it is 4.5 m for those portion not over 2 storeys
- Rear	12.0 m	7.50 m except that it is 9.0 m for those portion over 2 storeys
- East Side (Burtch Rd)	4.5 m	4.5 m from flanking street
- West Side	4.5 m	2.3 m for any part of building not over 2 storeys, 4.5 m for over 2 storeys
Parking Stalls (#)	71 stalls provided	70 stall required
Private Open Space	1,178 m ² provided	25 m ² per unit = 1175 m ² req'd
Maximum Continuous Frontage	46.3 m ⑥	40.0 m max

Note;

FAR calculation for residential building

base far =	0.65
underbuilding parking bonus = .857 x 0.2 =	0.171
resulting maximum permitted FAR =	0.82

⑥ The building frontage facing Burtch Road is a 3 storey building height. The maximum length building frontage permitted for a 3 storey building is 40 m. A variance is requested for Section 13.10.7(b) **Other Regulations**, to vary the maximum continuous building frontage from 40.0 m permitted to 46.3 m. proposed for the apartment building.

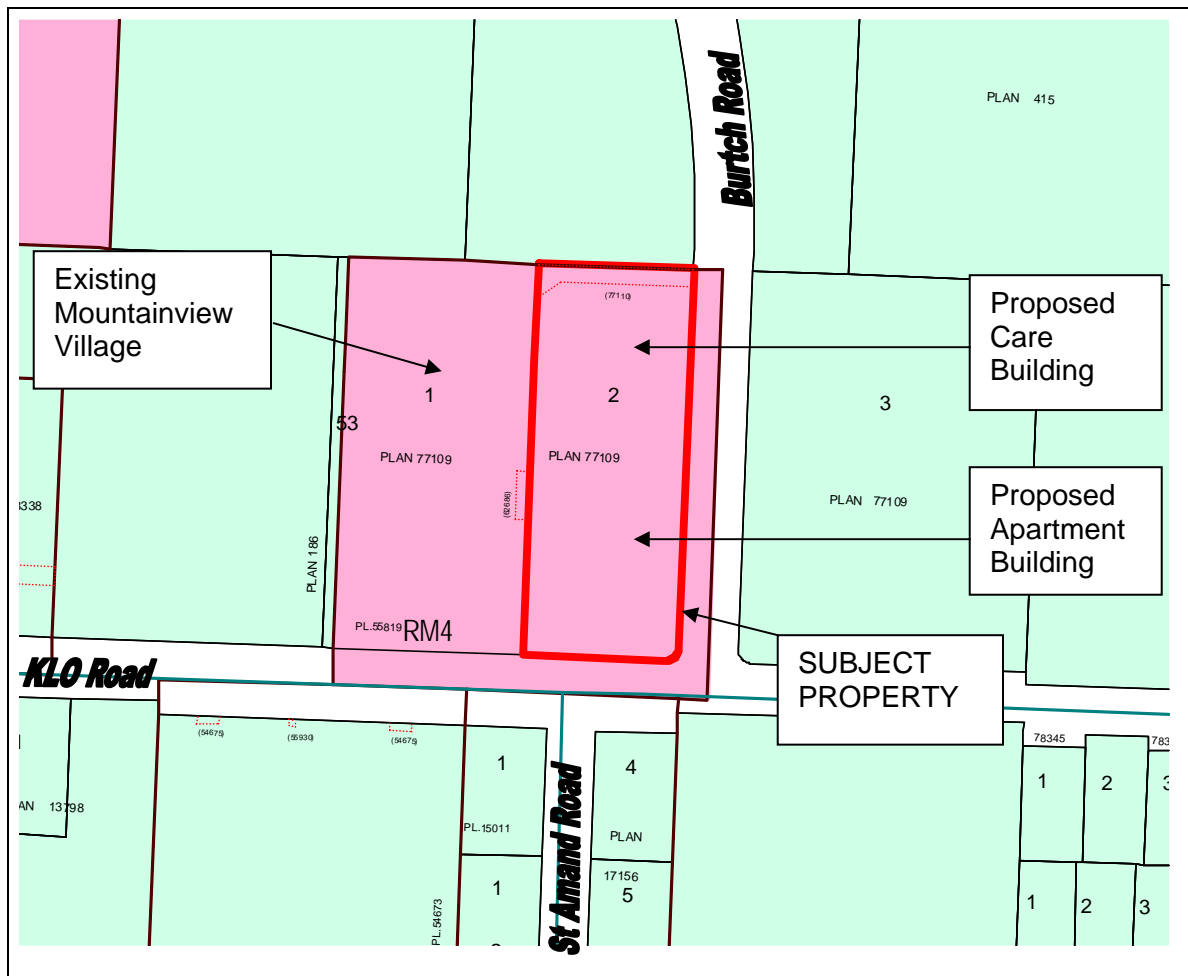
3.2 Site Context

The subject property is a vacant lot which is located on the north side of KLO Road, and to the west of the recently constructed Burtch Road. The neighbourhood is developed with existing single family residential uses south of KLO Road along St. Amand Road, and Agricultural uses on the lands to the north and east of the subject property. The property located to the west of the subject property has recently been rezoned to the RM4 – Transitional Low Density Housing zone which has permitted the development of a Congregate Care facility on that site (Mountainview Village – Phases I & II)

Adjacent zones and uses are, to the:

- North - A1 – Agricultural 1, vacant – agricultural uses
- East - A1 – Agricultural 1, vacant – Burtch Road, agricultural uses
- South - P2 – Education and Minor Institutional / Immaculata High School
RU1 – Large Lot Housing, SFD uses / St. Amand Rd.
- West - RM4 – Transitional Low Density Housing, Existing congregate housing
("Mountainview Village" Phases 1&2)

SUBJECT PROPERTY MAP



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the subject property that is located west of the new Burtch Road as “Multiple Unit Residential – Medium Density” future land use, a designation which is consistent with the existing RM4 – Transitional Low Density Housing zone.

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:

- Embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decision made by the City.

The City of Kelowna Strategic Plan 2004 also states as Goal 3;
“To foster the social and physical well-being of residents and visitors.”

The City of Kelowna Strategic Plan 2004 also states as Objectives for Goal 3;

1. Promote health and wellness initiative.
 - a. Develop or support programs that address the needs and engage the energies of seniors.
2. Ensure the availability of fiscal and human resources to provide quality services.
3. Realize construction of housing forms and prices that meet the needs of Kelowna residents.
 - a. Work in partnership with housing organizations and finance institutions to monitor the range of housing options required in the City.
 - b. Identify ways to establish partnerships with builders, developers and other levels of government in an effort and legislative tools to influence the supply and diversity of housing and to increase the supply of affordable housing.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and will be included in the associated Development Permit application which will be reviewed at the same Council meeting as this Development Variance Permit application.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

This new Development Permit application represents a change from the previously approved Development Permit DP03-0164, which had contemplated the development of a 192 bed care facility on the subject property. This current development proposal is designed to create a 90 bed care facility and a 47 unit, apartment building, which will provide for a total of 182 beds. This number of beds is comparable to the previously approved project.

This revised proposal will allow the creation of a greater choice in housing options, and allow for the development of a “Campus of Care” concept. This development will provide for housing ranging from conventional apartment housing, through to congregate housing, and ultimately to a care facility with a substantial level of care available. This range of housing options will allow for one partner to live in independent housing while the other partner, who may require substantial amount of care, to be housed in a facility that is available in the care component of the development located in the same complex.

The proposed site grading will be critical to the proposed building height. In the configuration proposed, the main slab elevation of the proposed 90 bed care facility and the existing “Mountainview Village” development will be nearly the same. However, the shared driveway between the two buildings will remain built up from the existing elevation of the KLO Road frontage. This will then substantially bury parking structure for the 47 unit apartment housing development adjacent to KLO Road. However, there will be potential grading issues for the portions of the proposed buildings facing the new Burtch Road.

This application for a Development Variance Permit has been made to deal with the non-complying issues relating to the proposed building development after the subdivision takes place, and the two buildings are situated on two separate lots.

The applicant has reviewed the submitted development drawings with a view to minimize the number of variances required after the proposed subdivision is approved. This review has resulted in the apartment building having 4 units removed from the third floor level at the ends of the proposed building, which has created a building that is reduced in building height at the ends of the building. However, the apartment building frontage facing Burtch Road still exceeds the maximum length of 40 m.

A similar situation exists for the residential care building where the building frontage facing Burtch Road is designed with a 63.7 m length. It is interesting to note, that if this building frontage was for a 2 storey building, the maximum permitted frontage would be 65 m.

This current development application represents the latest phase of development for some form of seniors housing for this property. In November 2004 there had been a Development Permit (DP03-0164) authorized for issuance which contemplated the development of this site with a 192 bed care home. This current application has amended that proposal to a 90 bed care home and a 47 unit apartment building, which results in a similar number of beds.

The variances requested do not support a greater amount of building. The variances deal with issues that relate to the concurrent subdivision, which alters how the setbacks are applied to the care building after the subdivision is registered. The issues relating to the site coverage and length of building frontage would apply whether the property was subdivided or not.

The Planning and Development Services Department does not have concerns with this application, and recommends for positive consideration by Council.

Council will have the opportunity to consider the associated Development Permit application (DP05-0154) at this same meeting under separate cover.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

PMc/pmc
Attach.

Attachments

Subject Property Map
2 pages of site plan and pending subdivision