
**CITY OF KELOWNA
MEMORANDUM**

DATE: May 30, 2008
TO: CITY MANAGER
FROM: PLANNING & DEVELOPMENT SERVICES DEPARTMENT

APPLICATION NO. DP03-0160 **APPLICANT:** Bob Turik
DVP03-0161

AT: 555 Fuller Ave **OWNERS:** City of Kelowna.

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT AND DEVELOPMENT VARIANCE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW THREE STOREY BUILDING.

EXISTING ZONE: P2 – EDUCATION AND MINOR INSTITUTIONAL ZONE

PROPOSED ZONE RM5 – MULTIPLE HOUSING ZONE

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT final adoption of the zoning Bylaw 9761 be considered by Council;

THAT final adoption of Housing Agreement Bylaw 9999 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP03-0160, for Lot A, District Lot 139, ODYD, Plan KAP86241, located on Fuller Avenue, 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";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the development permit application in order for the permit to be issued;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP03-0161, for Lot A, District Lot 139, ODYD, Plan KAP86241, located on Fuller Road, Kelowna, B.C.;

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

Section 13.11.6 (b) Site Coverage (Buildings)

A variance to allow a site coverage of 44%, where the maximum allowable is 40%.

Section 13.10.6 (b) Site Coverage (Buildings and Parking)

A variance to allow a site coverage of 66% for buildings and parking, where the maximum allowable is 60%.

Section 13.11.6 (e) Side Yard Setback (south)

A variance to allow a reduction in the southerly side yard setback for portions of the building above 2 ½ storeys from 7.5 m to 4.5 m.

Section 8.3.3 Setback to Parking Next to Lane

A variance to allow a reduction in the required setback to parking next to a lane from 1.2 m to 0.5 m.

Section 6.4.1 Projections into Yards

A variance to allow a projection of 1.5 m, where the maximum allowable is 0.6 m.

2.0 SUMMARY

Having taken the housing agreement and rezoning bylaws to 3rd reading, and now meeting the requirements for adoption of those bylaws, the applicant is submitting the DP and DVP applications to Council for consideration. Although this is a City-owned property, the existing facility on site is operated by the Kelowna and District Society of Community Living (KDSCL). KDSCL is proposing to redevelop the site to allow for the construction of a new three storey building consisting of 11 units of apartment housing, with the main floor of the building continuing to allow for the operation of their various supportive programs for people with disabilities.

3.0 ADVISORY PLANNING COMMISSION

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of December 9, 2003 and the following recommendations were passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z03-0065, 1370 Bertram Street/555 Fuller Avenue, Lots 35 & 36, Plan 2271, Sec. 25, Twp. 25, ODYD to rezone from the P2-Education & Minor Institutional zone to the RM5-Medium Density Multiple Housing zone in order to allow for the development of a Group Home, Major (13 beds) and Care Centre, Major (50 students).

THAT the Advisory Planning Commission support part of Development Variance Permit Application No. DVP03-0161, 1370 Bertram Street/555 Fuller Avenue, Lots 35 & 36, Plan 2271, Sec. 25, Twp. 25, ODYD, to obtain a development variance permit to allow for the following variances:

- side yard setback of 4.6 metres where 7.5 metres is required for portions of a building in excess of 2.5 storeys;
- site coverage of 41% where 40% is permitted; and
- site coverage including buildings, driveways, and parking of 64% where 60% is permitted.

And not support the following variances:

- side yard setback of 0.68 metres to parking where 3.0 metres is required;
- rear yard setback of 0.46 metres to parking where 1.5 metres is required; and
- 18 parking spaces where 19 parking spaces are required.

At the same meeting the following recommendation was defeated:

THAT the Advisory Planning Commission support Development Permit Application No. DP03-0160, 1370 Bertram Street/555 Fuller Avenue, Lots 35 & 36, Plan 2271, Sec. 25, Twp. 25, ODYD to obtain a Development Permit to allow for the construction of a new four storey building for use as a care centre, major (50 students) and group home, major (13 beds).

Note: The APC had concerns with the amount of parking being provided. It should also be noted that the variances have been reduced from those initially considered and not supported by APC.

4.0 BACKGROUND

The proposed building is to be three storeys in height. A care centre (major) for 50 students will be located on the main floor of the development. The care centre consists of a dining hall/kitchen, an activity room, a workshop, and washroom facilities. Eight offices for the care centre staff, a board room, an activity room, and 3 dwelling units are located at the second storey level. An additional 8 dwelling units will be located on the third level. The proposed dwelling units each consist of one or two bedrooms, a bathroom, a living/dining room, a kitchenette, and a balcony.

The proposed building exterior has been revised from the original version, with the major change being to eliminate all stucco siding. Cultured stone will be used at the base of the building, with Hardi-Plank above. Exposed wood beam elements have been added as well.. The main entrance has been improved with the addition of a curved wood beam element, supported by wood beam columns with a base detail finished with cultured stone. This feature ties-in to a pergola structure that extends from the main entrance to the Bertram Street side of the lot. The proposed roofing material is fibreglass roof shingles.

The proposed landscaping consists of planting beds at three corners of the site as well as adjacent to the main entrance on the north elevation of the building. In addition, twenty pyramid cedars line the south property line. The front yard and south side yard will be grassed. The applicant is also proposing to construct a large rooftop patio. The patio contains several planting beds, including a wheelchair accessible vegetable garden. Several seating areas are also provided. A patio, accessed from the dining area on the main floor, is also provided on the east elevation of the building.

Parking and loading for the facility is located along the north and west sides of the property, having direct access from the lane to the west and Fuller Avenue to the north.

5.0 COMPLIANCE WITH ZONING BYLAW NO. 8000

The proposed development meets the requirements of the RM5 – Multiple Housing zone, as follows; conflicts with the Zoning Bylaw requirements are detailed immediately following the table:

PROJECT DETAILS	Site area: Footprint: Net Floor Area: Gross Floor Area: Dwelling Units Number of Staff	1,489 m ² (0.37 ac) approx. 632 m ² up to 1,829 m ² 1,841 m ² 11 units up to 19 at any one time
CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,489 m ² (0.37 ac)	1400 m ²
Lot Width	30.0 m	30.0 m
Lot Depth	50.0 m	35.0 m
Development Regulations		
Floor Area Ratio	1.2	1.1 plus 0.1 for housing agreement = 1.2
Site Coverage	42% ^A 66% ^B	40% 60% for buildings and parking
Height	13.2 m / 3-storeys	15.0 m / 4-storeys
Front Yard (Bertram Ave.)	6.0 m	6.0 m
Rear Yard (west)	7.5 m	9.0 m except 7.5 m where there is a rear lane
Side Yard (north)	7.6 m	4.5 m (up to 2 ½ storeys) 7.5 m (above 2 ½ storeys)
Side Yard (south)	4.5 m ^C	4.5 m (up to 2 ½ storeys) 7.5 m (above 2 ½ storeys)
Other Regulations		
Minimum Parking Requirements	17 spaces	<u>Supportive Housing (9 units):</u> 1 per 3 dwelling units Subtotal: 3 spaces <u>Apartment Housing (2 units)</u> 1.5 per 2-bdrm dwelling Subtotal: 3 spaces <u>Care Centres:</u> 1 per 10 students 1 per 2 employees on duty Subtotal: 10 spaces Total: 16 spaces

Visitor Parking	2 spaces	Of the total required spaces above, 1 parking space shall be designated visitor parking for every 7 dwelling units.
Private Open Space	meets requirements	15 m ² per 1-bdrm unit 25 m ² per 2-bdrm unit Total: 135 m ² + 75 m ² = 210 m²
Bicycle Parking	Class I: (meets requirements) Class II: (meets requirements)	<u>Apartment Housing:</u> Class I: 0.5 per dwelling unit Class II: 0.1 per dwelling unit <u>Institutional Use:</u> Class I: 1 per 25 employees Class II: 5 per public entrance Total Class I: 7 spaces Total Class II: 7 spaces
Loading	3 car loading spaces	3 car loading spaces
Parking Using Lane for Access	Lane on West side: 6.0 m parking space plus 0.5 m additional length after required lane dedication. Lane on North side (now Fuller Avenue): 6.0 m parking space plus 1.0 m setback. ^D	Where a lane is used for aisle access, the parking spaces shall be increased a minimum of 1.2 m in length.
Projections	1.5 m projection ^E Less than 30% of exterior wall area	Cannot exceed 0.6 m Shall not comprise more than 30% of the total area of the exterior wall.

^A The applicant is applying to vary the site coverage requirement for buildings to allow 42% coverage for the proposed building, where a maximum of 40% is permitted.

^B The applicant is applying to vary the site coverage requirement for buildings and parking areas to allow 66% site coverage, where the maximum permitted is 60%.

^C The applicant is applying to vary the side yard requirement for that portion on the south side of the building above 2 ½ storeys to allow a 4.5 m setback where 7.5 m is required.

^D The applicant is applying to vary this requirement to have a minimum 1.2 m setback to parking next to the lane. This setback is to be reduced to 0.5 m next to the lane on the west side of the property, and 1.0 m to the lane on the north side (now Fuller Avenue).

^E The applicant is applying to vary this requirement to allow projections of 1.5 m, where the maximum allowable projection is 0.6 m.

6.0 SITE CONTEXT

The subject property is located on the southwest corner of the intersection of Fuller Avenue and Bertram Street. The adjacent land uses are as follows:

- North - RU6 – Two Dwelling Housing
- East - RU6 – Two Dwelling Housing
- South - P2- Educational & Minor Institutional
- West - C7 – Central Business Commercial

7.0 EXISTING DEVELOPMENT POTENTIAL

The purpose of the P2 – Education and Minor Institutional zone is to provide a zone for the development of community commercial centres to serve more than one neighbourhood.

8.0 TECHNICAL COMMENTS

8.1 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 and should determine hydrant requirements. Contact FPO for preferred locations of any new hydrants.

8.2 Fortis BC

Underground electrical service will be provided.

8.3 Inspections Department

This building contains A2, C, D and F2 occupancies. Clarification is required on the use of the activity rooms on the 2nd floor. It will determine the construction requirements (combustible versus non-combustible) for the second floor. The main floor shall be non-combustible and sprinklered. The 3rd floor may be combustible construction; no sprinklers required. More info is required for the 2nd floor.

8.4 Interior Health Authority

No comment. The dwelling units would not be considered a group home therefore would not require a license.

8.5 Parks

All entry feature signs for the proposed development to be located on private property and not on City Blvd.

Shrub beds require plastic edge beside all areas abutting a city sidewalk or city land to prevent migration of mulch.

Boulevard maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.

Irrigation system should not over-spray on City sidewalk, roadway or adjacent private properties.

8.6 Works and Utilities Department

The requirements of the Works & Utilities Department were provided in the rezoning report, and have since been met.

9.0 Current Development Policy

9.1 City of Kelowna Strategic Plan (2004)

Goal #1 – To maintain, respect, and enhance our natural environment.

Goal #2 – To foster a strong, stable, and expanding economy.

Goal #3 – To foster the social and physical well-being of residents and visitors.

9.2 Kelowna 2020 – Official Community Plan (OCP)

Future Land Use

The subject properties are designated “Multiple Unit Residential – Medium Density” in the OCP. Consequently, the proposal to rezone to the RM5 – Medium Density Multiple Housing zone is consistent with that designation.

Objectives for Residential Development

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP;
- All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction);
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community belonging, community cohesiveness);
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility);
- All development should promote safety and security of persons and property within the urban environment (CPTED);

Housing Policies:

- Housing Agreements: Support the use of housing agreements to assist in creating affordable and special needs housing;
- Affordable and Special Needs Housing: Encourage the private sector to provide housing that is innovative and affordable and that is targeted to groups identified in the Housing Study, a Housing Reserve Fund Bylaw, or a list published by the City;

Objectives for Development within Urban Centres (Chapter 6)

- All development within Urban Centres and Village Centres should contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).

10.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

Variances to Site Coverage, Side Yard Setback, Setback to Parking Next to Lane, and Maximum Projection:

Staff have no concerns with the following relaxations:

- site coverage for buildings of 44%, where a maximum of 40% is allowed;

- site coverage for building/parking of 66%, where a maximum of 60% is allowed;
- side yard setback of 4.5 m, where a minimum of 7.5 m is required above 2 ½ - storeys;
- projection for balcony and roof above balcony of 1.5 m, where the maximum allowable projection is 0.6 m;
- setback to parking of 0.5 m on the west side (after 0.75 m dedication for lane widening), and 1.0 m on the north side, where the minimum setback distance is 1.2 m.

The above variances do not appear to negatively impact the neighbouring properties, nor do they affect the usability of the site. Staff is also sympathetic to the economic limitations of this non-profit society and their ability to secure additional land for this project that would eliminate the need for these variances.

Comments on Design:

The applicant has revised the landscaping plan to address Staff concerns with regards to the quantity and quality of landscaping and private open space. A roof top patio provides seating areas as well as landscaping in the form of planters, including a raised, wheelchair accessible, vegetable garden. The front and west side of the property in to be grassed. Planting beds are proposed at the front of the property as well as along the north side of the site, bookending the parking area.

Substantial improvements have also been made to the building design, finishing materials, etc.

Conclusion:

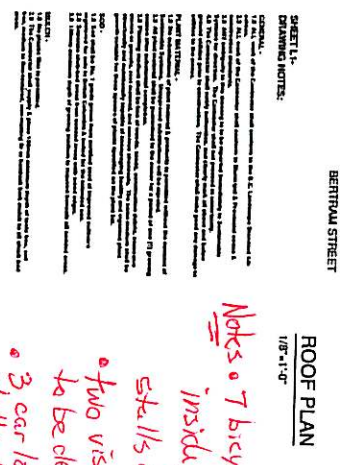
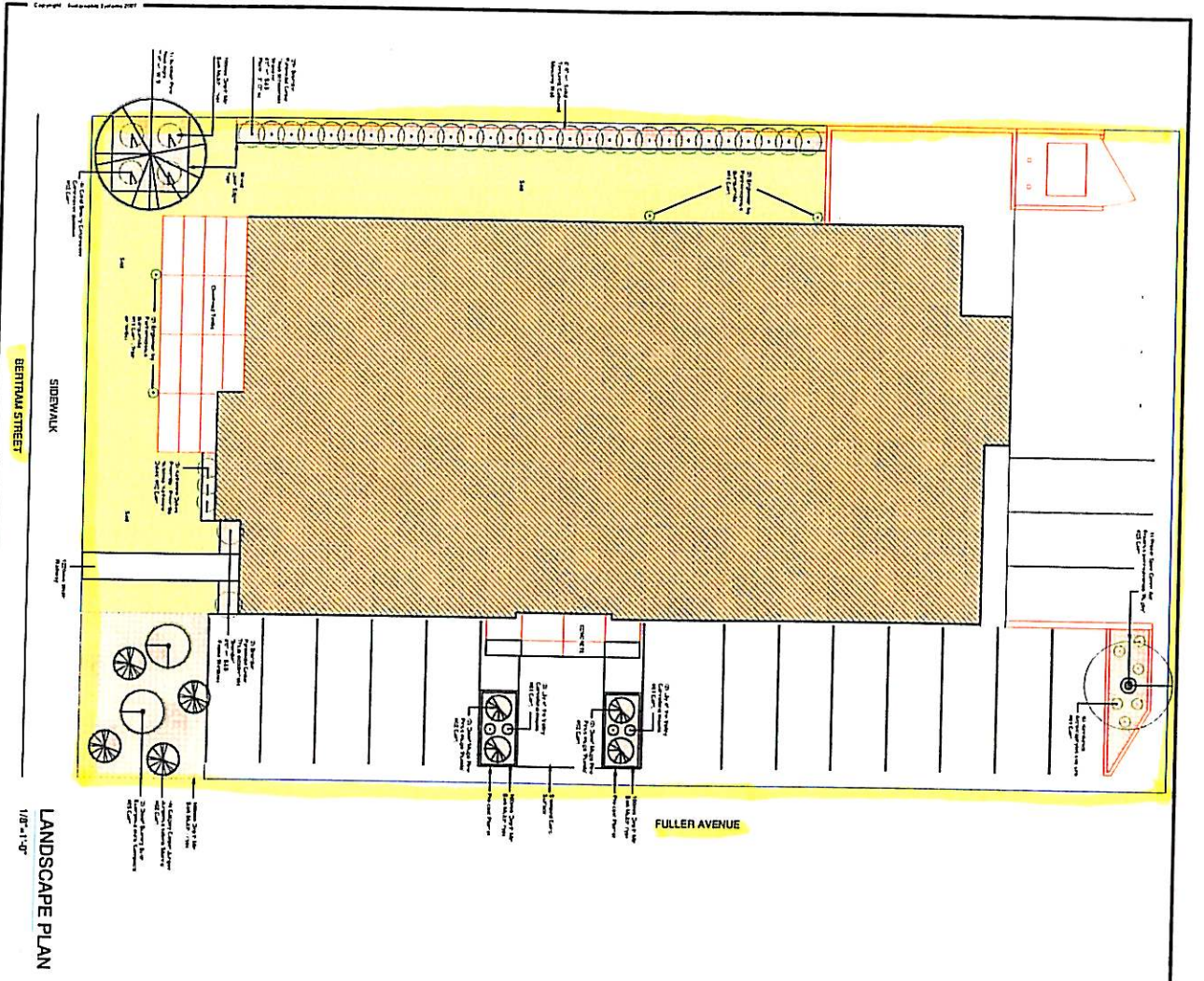
Staff have no concerns with the proposal, and recommend the DP and DVP applications be approved by Council.



Shelley Gambacort
Current Planning Supervisor
NW/nw

ATTACHMENTS

Location of subject property
Site Plan /Roof Plan / Landscape Plan
Second Floor Plan / Third Floor Plan
Elevations
Air Photo

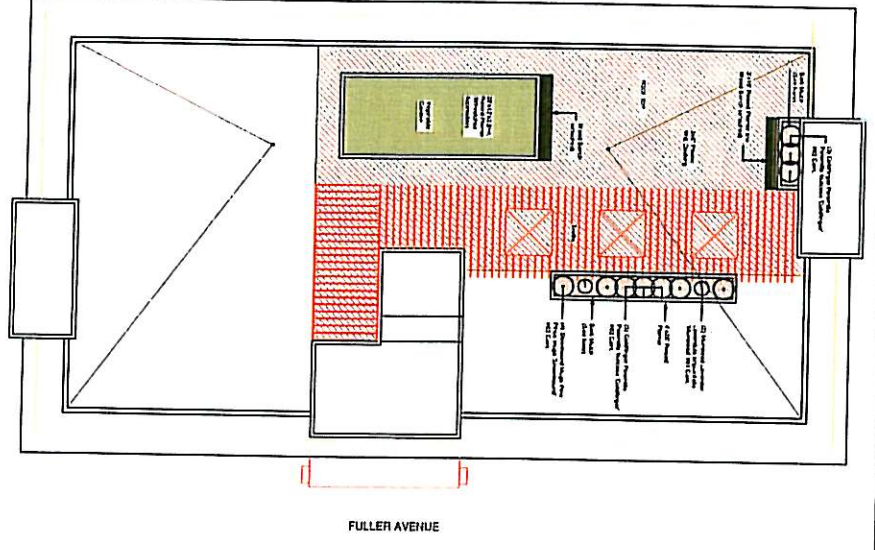


Notes:

- 7 bicycle stalls inside / 7 bicycle stalls outside
- two visitor stalls to be designated
- 3 car loading stalls to be identified

COMMUNITY PLANTING
A City of Kelowna City Department

Project Title: Community living centre
Client: Kelowna, B.C.
Scale: 1/8" = 1'-0"



Project Title: Community living centre
Client: Kelowna, B.C.
Scale: 1/8" = 1'-0"

Project No.: 2007
Sheet No.: L-11.1

DATE: 2007
DESIGNER: [Name]
CHECKED: [Name]

City of Kelowna

PLANNING DEPT.

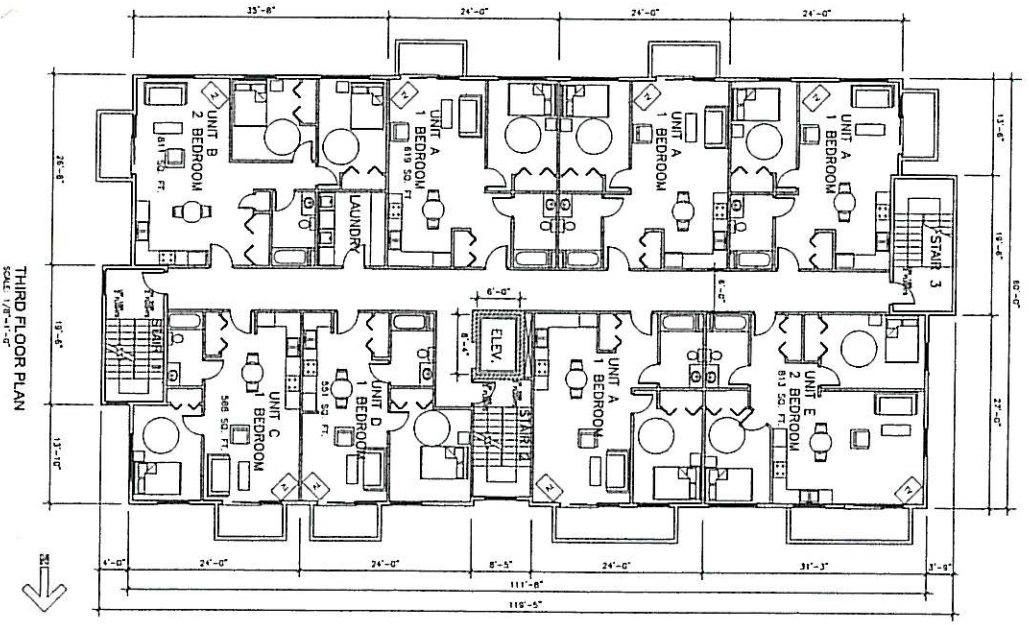
REVISED PLANS

JAN 27 2007

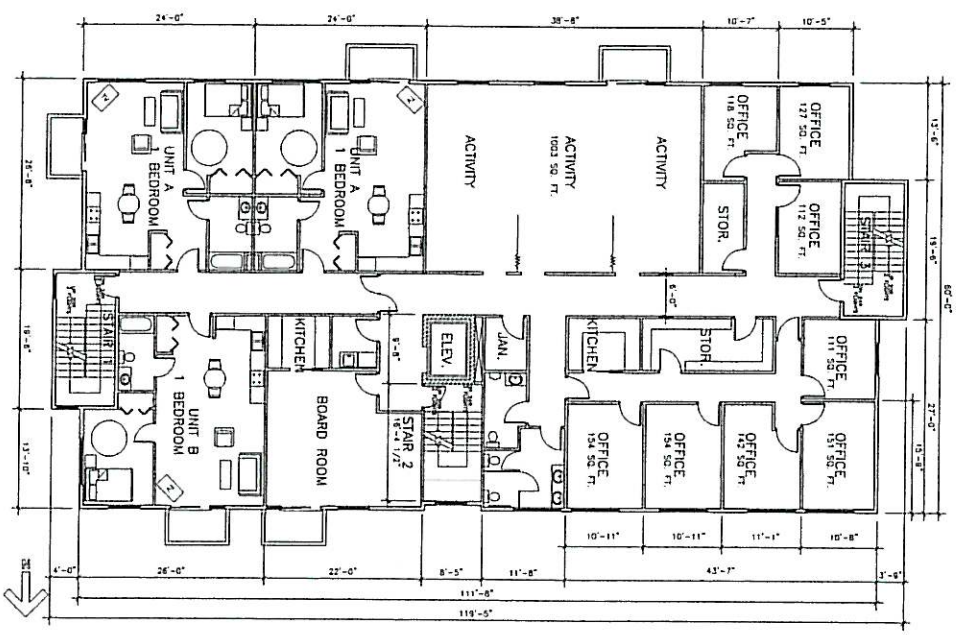
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L-11.1

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 CITY OF KELOWNA
 PLANNING DEPT.



THIRD FLOOR PLAN
 SCALE: 1/8"=1'-0"



SECOND FLOOR PLAN
 SCALE: 1/8"=1'-0"

REVISED PLANS

NO.	DATE	DESCRIPTION
1		
2		
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4		
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10		

DEWE & CRAWFORD ARCHITECTS INC.
 1111 BROADVIEW AVENUE
 KELOWNA, B.C. V1Y 9S1
 TEL: 250-868-1111
 FAX: 250-868-1112

SECOND FLOOR PLAN
 THIRD FLOOR PLAN

A1.3

KELOWNA & DISTRICT SOCIETY
 FOR COMMUNITY LIVING CENTRE
 KELOWNA, B.C.

NOTES
 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. FINISHES TO BE DETERMINED BY THE ARCHITECT.
 3. ALL WORK TO BE IN ACCORDANCE WITH THE BC BUILDING CODE.
 4. ALL WORK TO BE IN ACCORDANCE WITH THE NATIONAL BUILDING CODE.
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NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

2. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ARCHITECT AND THE CITY OF KELOWNA.

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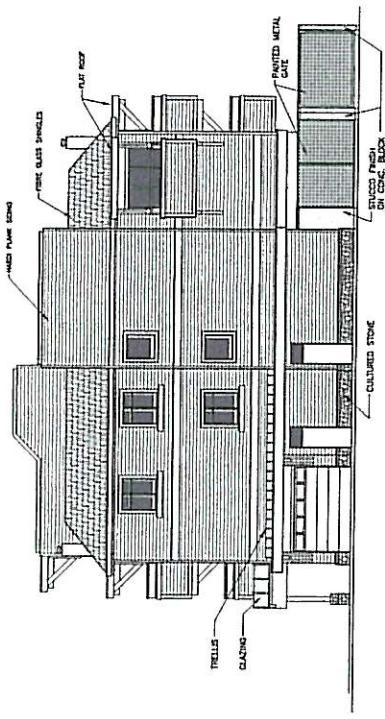
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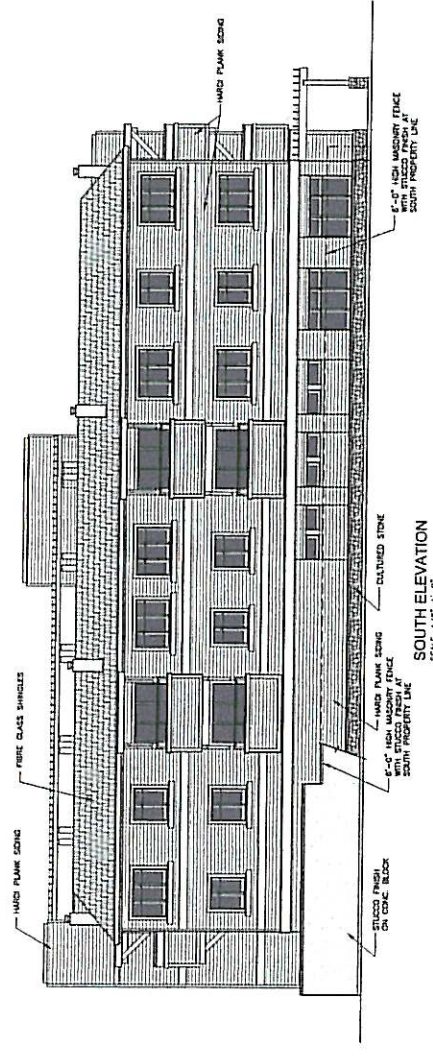
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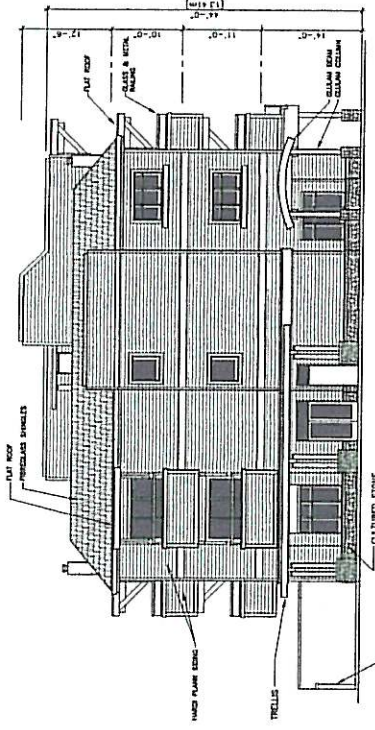
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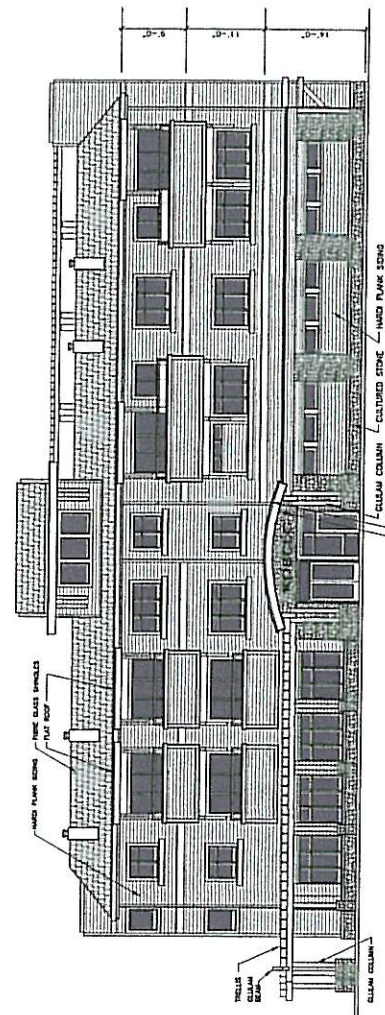
WEST ELEVATION
SCALE: 1/8"=1'-0"



SOUTH ELEVATION
SCALE: 1/8"=1'-0"



EAST ELEVATION
SCALE: 1/8"=1'-0"



NORTH ELEVATION
SCALE: 1/8"=1'-0"

KELOWNA & DISTRICT SOCIETY
FOR COMMUNITY LIVING CENTRE
KELOWNA, B.C.

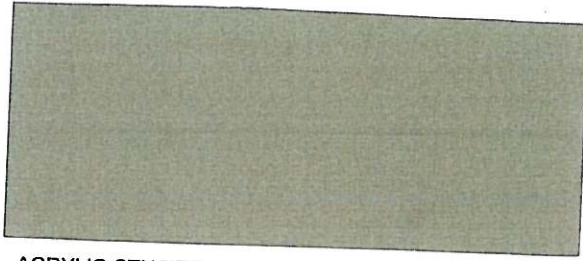
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DATE: REVISED PLANS

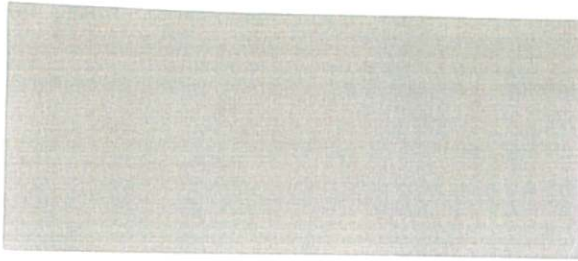
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ACRYLIC STUCCO-
 DECKS AND EXTERIOR TRIM
 ICI Brown Tone
 415



FIBERGLASS ROOF SHINGLES
 Timberline
 Weather Wood Blend



HARDY PLANK
 HORIZONTAL SIDING
 Khaki Brown

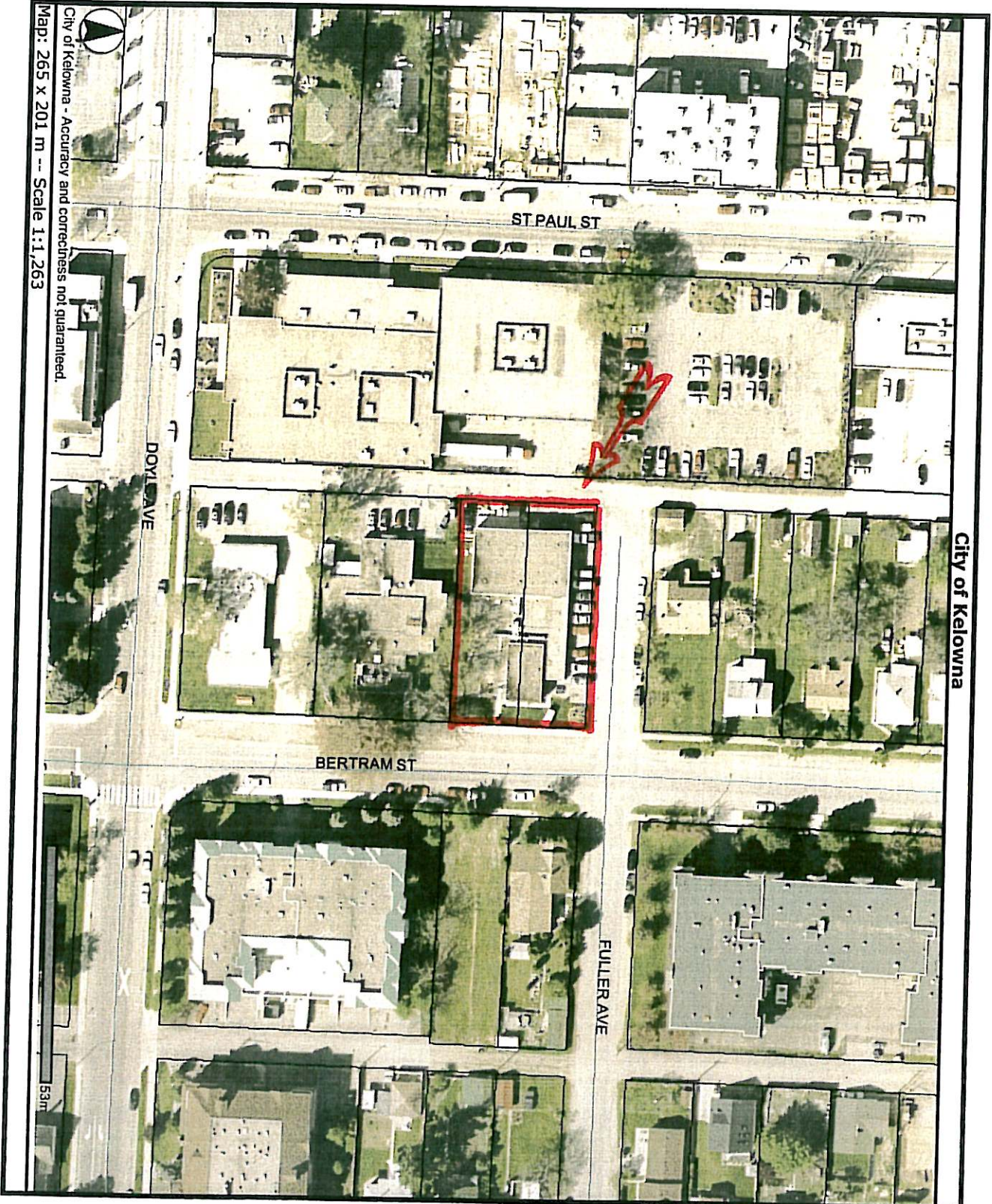


METAL GUTTERS
 BROWN

METAL RAILING
 White



ACRYLIC STUCCO-
 BUILDING BASE COLOUR
 ICI Chestnut
 204



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