

REPORT TO COUNCIL



Date: October 18, 2012

To: City Manager

From: Land Use Management, Community Sustainability (BD)

Application: DVP12-0159 Owner: Green Projects Ltd. Inc. No. BC0879731

Address: 570 - 600 Sarsons Road Applicant: Green Projects Ltd. (Attn. A. Gaucher)

Subject: Development Variance Permit

Existing OCP Designation: MRL- Multiple Family Residential (Low Density)

Existing Zone: RM3 - Low Density Multiple Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0159, for lot A, District Lot 167, ODYD Plan KAP78531 except Strata Plan KAS3313 (Phases 1 and 2), located on Sarsons Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted (as per schedule "A"):

Section 13.9.6(e): Development Regulations (RM3 zone)

To vary the west side yard setback from 4.5m permitted to 1.5m proposed;

Section 13.9.6(e): Development Regulations

To vary the north side yard setback from 4.5m permitted to 4.47m proposed;

Section 13.9.6(d): Development Regulations

To vary the front yard setback from 4.5m permitted to 2.2m proposed;

Section 7.6(b): Minimum Landscape Buffer

To vary the required minimum landscape buffer from 3.0m to 2.2m proposed for the east side yard.

AND FURTHER THAT the Development Variance Permit issuance be withheld pending a revised phasing plan to the satisfaction of the Subdivision Approving Officer.

2.0 Purpose

This application seeks to reduce the west, east and north setbacks of this portion of a phased development to facilitate the construction of a four unit townhouse development as part of the overall Southwinds development.

3.0 Land Use Management

Construction of this phased multi-building development began in 2005. Due to market demand changes, the applicant is revising the plan for this phase of the project and is proposing a 4 unit townhouse building with smaller unit sizes to replace the original 3 units.

The applicant seeks to vary two side yards reducing the west yard from 4.5m to 1.5m and the north from 4.5m required to 4.48m proposed. Neither of these variances are considered substantial as the location of the siting of these buildings is not a change to the existing streetscape. Further, the west side yard variance only affects the existing development on the site.

The reduction in the front yard setback from 4.5m required to 2.2m proposed and the subsequent reduction of the landscape buffer has a greater impact on the community, however currently an ample boulevard is provided on Lakeshore Road. Future road plans for Lakeshore Road include a multi-modal corridor on the west side which when constructed, is anticipated to mitigate the reduced front yard setback. At this time no construction date is set for the corridor.

The completion of this comprehensive site will be critical to achieve the original vision of this development. The streetscape for this section of Lakeshore Road will be enhanced with these buildings being constructed.

4.0 Proposal

4.1 Project Description

A multi-family project consisting of semi-detached units in 12 buildings and 3 apartment buildings was approved in 2005. An increase in the number of townhouse units for this phase from 3 to 4 is planned, therefore variances are sought to facilitate the construction. The addition of one unit to this phase is in character with the overall project.

It is noteworthy that the original project was planned with the maximum permitted floor area ratio (FAR). Future buildings proposed to complete the comprehensive build out of the site will need to be re-evaluated to ensure that the total maximum allowed density is not exceeded through Development Permit amendments such as this one. Notably, the applicant was not able to secure support from all impacted property owners but did submit one letter of support from a property owner across the site on Lakeshore Road.

4.2 Site Context

The subject property is located on the northwest corner of Lakeshore Road and Sarsons Road in the Mission area of Kelowna. The surrounding properties are zoned as follows:

Orientation	Zoning	Land Use
North	RU1- Large Lot Housing	Residential - Single Family Dwelling
East	RU6 - Two Dwelling Housing RU1 - Large Lot Housing	Single Family Dwelling
South	RU1- Large Lot Housing P2 - Major Institutional	Residential - Single Family Dwelling Mission Hall and Tennis club
West	RU1- Large Lot Housing	Residential - Single Family Dwelling

4.4 Subject Property Map: 570 - 600 Sarsons Road



4.3 Zoning Table

The proposed application meets the requirements of RM3 - Low Density Multiple Housing zone as follows:

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Lot Area	30,454 m ²	
Floor Area Ratio	0.7 FAR	0.7
Maximum total living area (all phases)	21,194 m ²	21,194 m ²
Floor Area for Phase 3		1,494 m ²
Remaining floor area to be built		0.21
Height	9.5 m / 2.5 storeys	7.3m / 2 storeys
Side Yard (west)	4.5 m	1.5 m ①
Side Yard (north)	4.5m	4.7m ②
Front Yard	4.5 m except 6.0m to a garage	2.2m ③
Landscape Buffer requirement	Level 2 - 3.0m landscape buffer	2.2m ④
① & ② variances requested to reduce both north and west side yard.		
③ & ④ variance requested to reduce front yard and related landscape buffer.		

5.0 Technical Comments

5.1 Building & Permitting Department

1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction

2) A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces including parking and storage space or 600mm above high water table level (u/s footings)

per the requirements of the British Columbia Building Code. A geotechnical engineer may be required at time of foundation excavation to determine a safe building elevation. This may affect the form and character of the structure if a full basement is required and the building is raised to accommodate.

3) During the large rainfall in the fall of 2011 the city received multiple complaints that the on site storm system had issues with on site water containment resulting in damage to the existing units. Clarification of on site storm water management should be addressed prior to release of this next phase of construction (at the Building Permit stage).

4) With the connected roof system as depicted this proposed phase 3 building is may be treated as one building as per the building code. There are potential spatial issues between interior units that may affect the form and character of this building (unprotected opening / second story windows). This spatial concern will need to be addressed at time of building permit application.

5) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

5.2 Development Engineering Branch

This development variance permit application to vary the side yard setback does not compromise any municipal services.

5.3 Fire Department

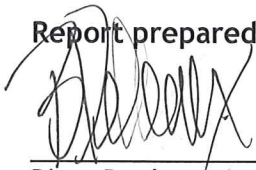
No Concerns.

6.0 Application Chronology

Date of Application Received: August 22, 2012

Application Refinement: October 4, 2012

Report prepared by:



Birte Decloux, Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

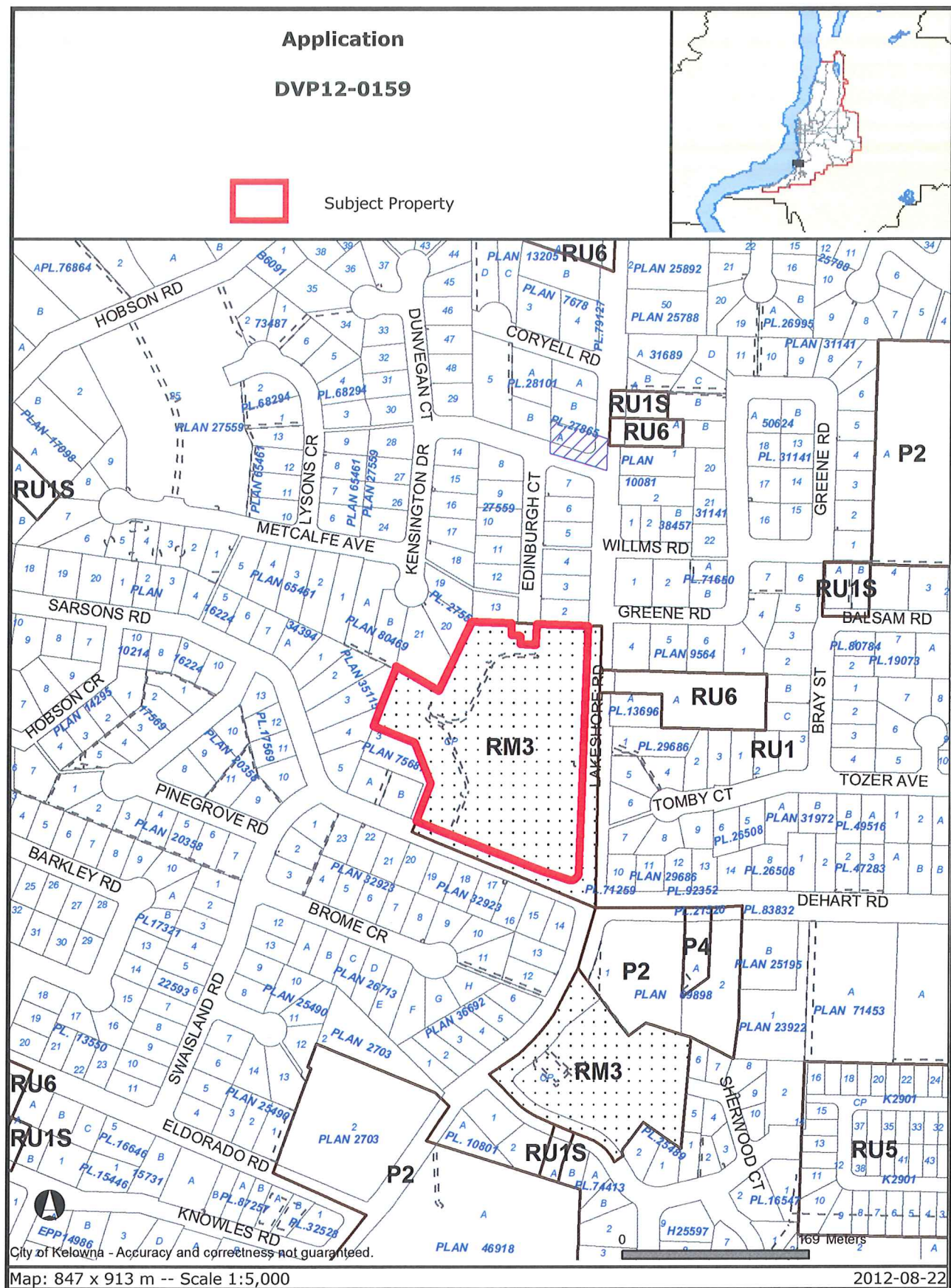
Site Plan

Schedule A

Conceptual Elevations

Landscape plan

Original Site Plan



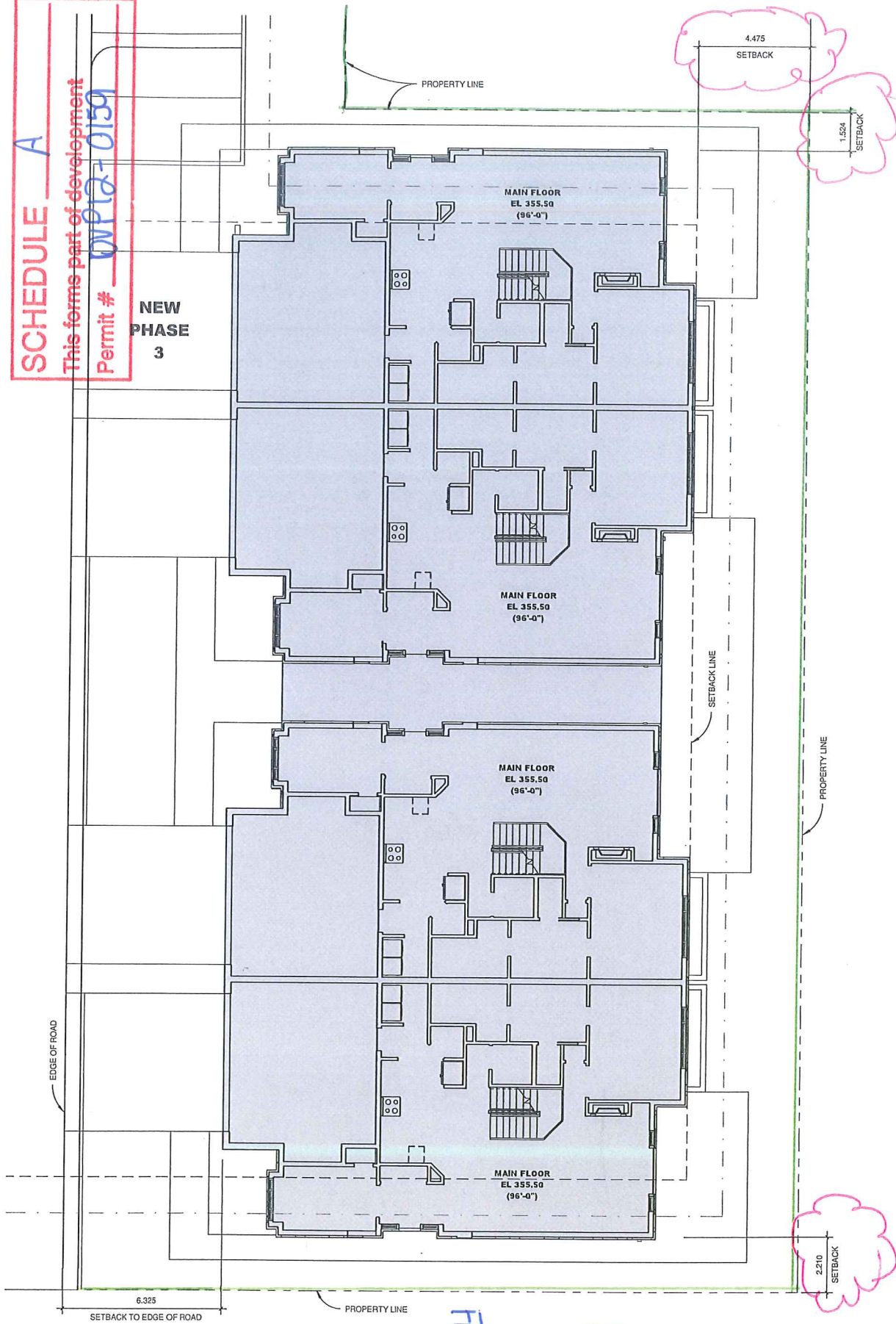
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

SCHEDULE A

This forms part of development

Permit # DVP 12-0159

NEW
PHASE
3



1 DETAIL SITE PLAN
1/8" = 1'-0"



Front of
site
Lakeshore
Rd.

MQN
ARCHITECTS
#102, 3301 - 24 Avenue, Vernon, BC V1T 5S9
250.542.1189 www.mqnarchitects.com

SEAL

CONSULTANT

NO.	DESCRIPTION	DATE
1.	Issued for Client's Review/Comments	Sept. 10/12
2.	Issued for Building Permit	Sept. 18/12
2.	Issued for Client Review	Sept. 28/12

PROJECT TITLE

SOUTHWIND AT
SARSONS PHASE 3A
TOWNHOMES

DRAWING TITLE:

DETAIL SITE PLAN

PROJECT: 12714

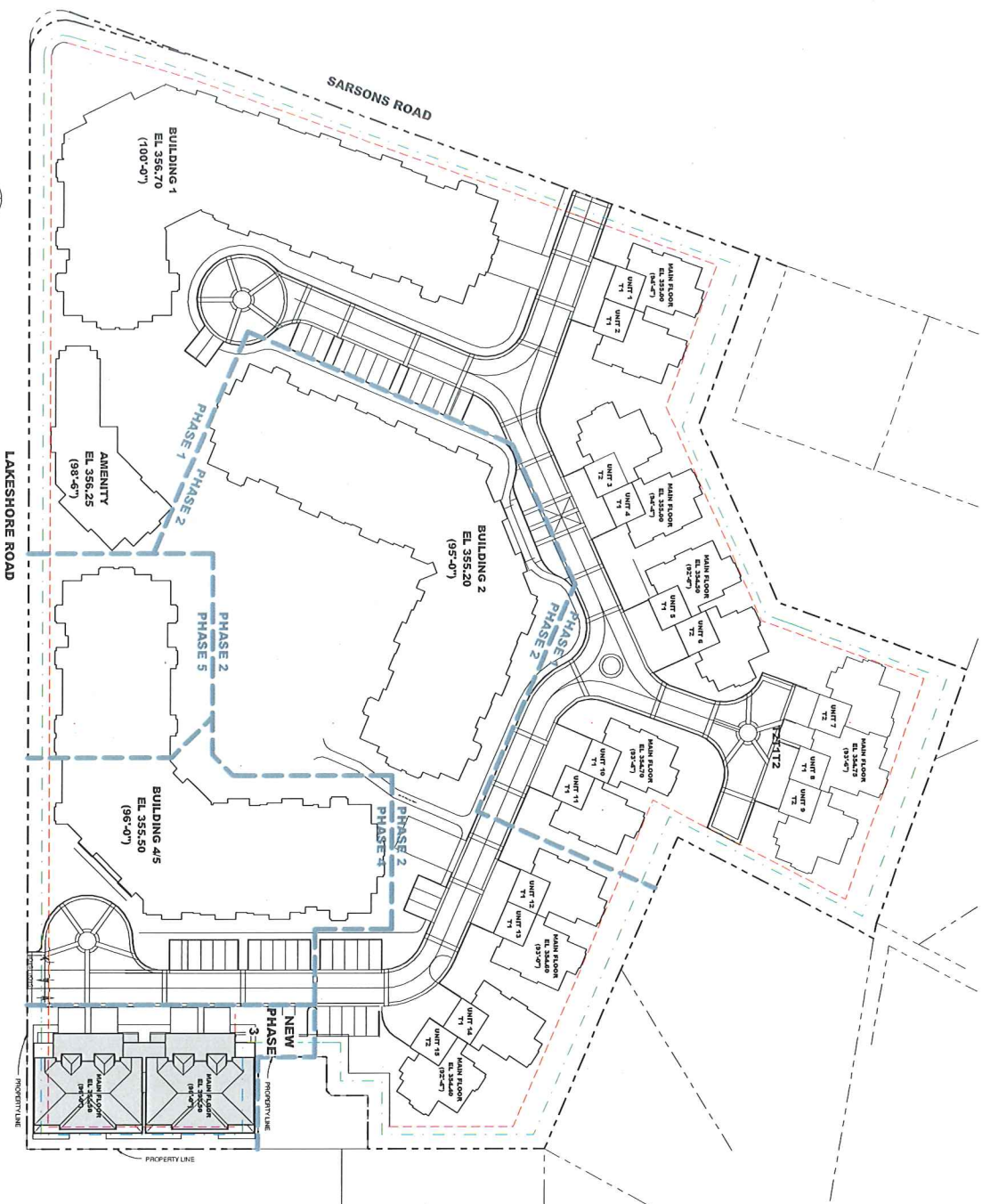
SCALE: 1/8" = 1'-0"

DRAWN BY: PVZ

DRAWING:

A-101a

SITE PLAN
SCALE: 1/32" = 1'-0"



LEGAL DESCRIPTION

Lot 1, Plan KAP75507, D.L. 167, O.D. Y.D. and Lot 2, Plan KAP75007, D.L. 167, O.D. Y.D.

CIVIC ADDRESS

ZONING

ZONING

[illegible]

FLOOR AREA RATIO

BUILDING	WQFS	LYRNO AREA
CONCRETE	22	46 sq. ft.
BUILDING - 2	6	12.50 sq. ft.
BUILDING - 44 (PAVING)	42	— sq. ft.
CONCRETE TOTAL	70	58.50 sq. ft.
TOWNSHIPS	11	22.18 sq. ft.
PRICE 1	4	8.04 sq. ft.
PRICE 2	3	6.09 sq. ft.
PRICE 43 (PAVING)	1	— sq. ft.
TOWNSHIPS TOTAL	19	36.31 sq. ft.
LYRNO AREA		222.22 sq. ft.
CONCRETE AND TOWNSHIPS		94.81 sq. ft.
TOWNSHIP (LYRNO AREA)		31.59 sq. ft.
TOTAL LYRNO AREA		155.93 sq. ft.
LYRNO AREA (LYRNO AREA)	4.3	155.93 sq. ft.

BUILDING SITE COVERAGE

[illegible]

SITE COVERAGE

TOTAL BUILDING COVERAGE	87,669 sq. ft.
TOTAL DRIVEWAY AND PARKING COVERAGE	42,395 sq. ft.
TOTAL:	130,064 sq. ft.
SITE COVERAGE CALCULATION	
130,394 sq. ft. TOTAL BUILDING AREA THRU 3RD FL. TOTAL BUILDING AREA THRU 3RD FL. TOTAL BUILDING AREA THRU 3RD FL.	PERMITTED MAX. 50% 50%

PARKING - TOWNHOMES - PHASE 3

TYPE OF UNIT	No.	STALLS REQUIRED	STALLS PROVIDED
3 BEDROOM UNIT	4	2 1/2 BED = 8 Pkgs	8
TOTAL PARKING		8 STALLS REQUIRED	8 STALLS PROVIDED

PARKING - VISITOR - PHASE 3

NO. OF DWELLING UNITS	STALLS REQUIRED	STALLS PROVIDED
4	1 1/7 DWELLINGS = 1 Stall	0
TOTAL PARKING	1 STALLS REQUIRED	0 STALLS PROVIDED

How Propose

NOTE:
THE PROPOSED PLANTING LIST REPRESENTS 1
PHASES OF THE DEVELOPMENT, WITH THE INT
SCHEME. FINAL SELECTION TO IS BE CONFIRM

PROPOSED PLANTING LIST

BOTANICAL NAME

TREES:

AG ACER GINNALA
PI PINUS NIGRA
AF ACER FREEMANI JEFFERSON
FN FRAXINUS NIGRA 'FALLOLD'
PA PLATANUS ACERIFOLIA 'BLOODGOLD'
PP PRUNUS PADUS ETHEL

SHRUBS:

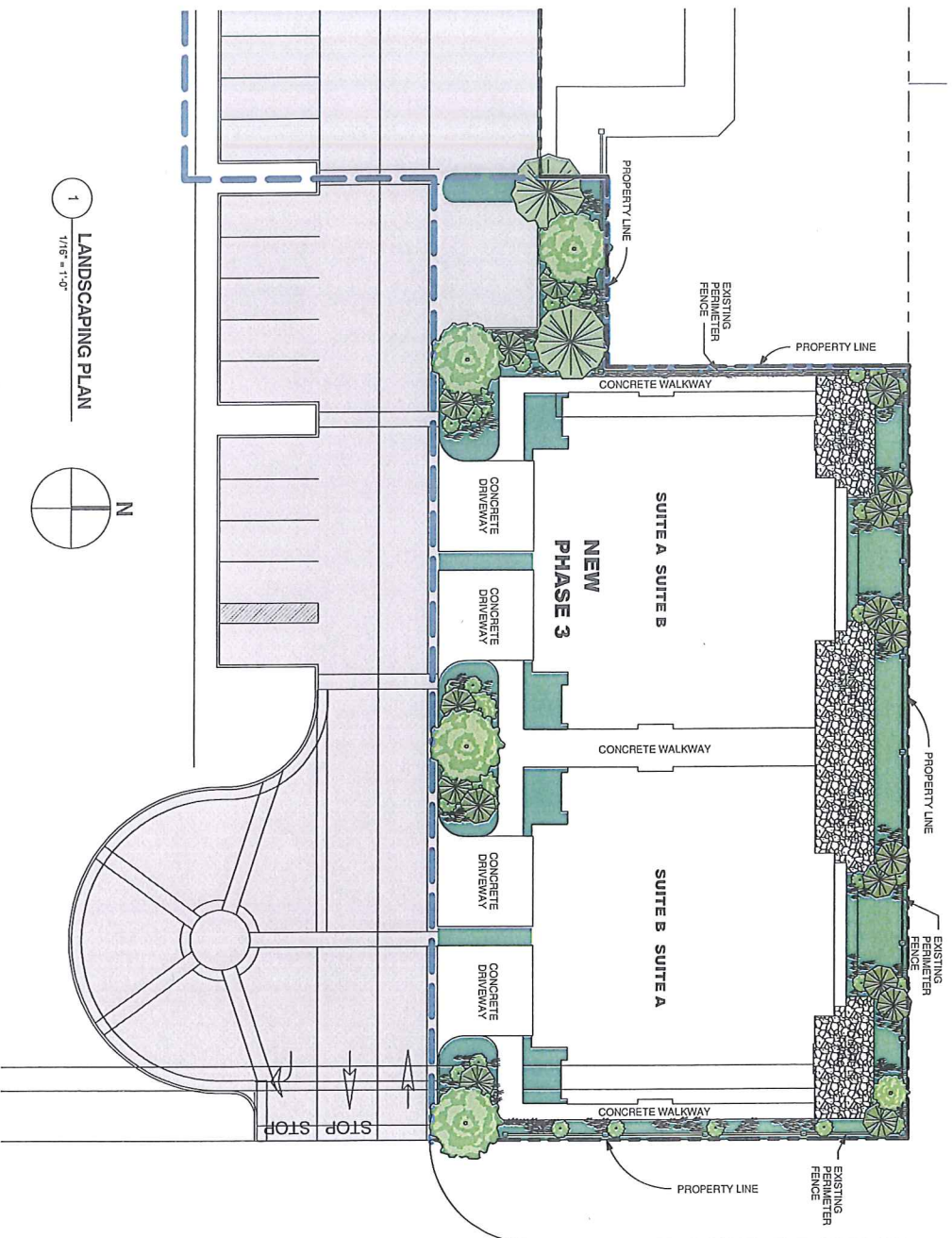
BT BERBERIS THUNBERGI 'ROSE GLOW'
CP CHAMAECYPARIS NISPERA 'MOPS'
CK CORNUS ALBA 'KESSELEIN'
CS CORNUS SERICEA 'SILVER & GOLD'
CC CORNUS COGONIGRA 'GRACE'
HM HEDERA HELIX 'MIDNIGHT SUMMER'
HM HEDERA HELIX 'MIDNIGHT SUMMER'
JM JUNIPERUS HORIZONTALIS 'HUGHES'
JD JUNIPERUS STAEPA 'MONARD'
PM PINUS MICO 'PUMLO'
PS PINUS SYLVESTRIS 'GLAUCOA NANA'
RM ROSA 'MOOREN BLUSH'
RP ROSA 'POLSTAR'
SC SAMBUCUS CANADENSIS 'ADAMS'
SN SAMBUCUS NIGRA 'BLACK BEAUTY'
WA WEIGELA ALEXANDRA

GRASSES:

AN ANDROPOGON GERARDII
CF CALAMAGROSTIS ACUTIFLORA 'OVERDAW'
PE PENNISTYL ALOPECUROIDES
CL CHASMANTHIUM LATIFOLIUM
EA ELYMUS ARENARIUS 'GLAUCUS'
SB STIPA BRACHYTRICHA

PERENNIALS & VINES:

AJ ALUGA REPTANS 'CHOCOLATE CHIP'
AC ALLIUM CHRISTOPHII
CB CAMPANULA BIRCH HYBRID
CG CAMPANULA GLOMERATA 'ALBA'
CR CIMICIFUGA RAMOSA 'ATROPURPUREA'
EP ECHINACEA PURPUREA
HU HOSTA UNDULATA
HA HOSTA 'ANTIOCH'
LO LILIU 'ORANGE PIKE'
PL PLEISTYLIS
PN PAPAYER NUDICALE
PR PAPAYER ORIENTALE 'PRINCESS VICTORIA LOUISE'
VM VINCA MINOR 'VARIEGATA'
RH RUBERICA HIRTA 'RUSTIC COLOURS'



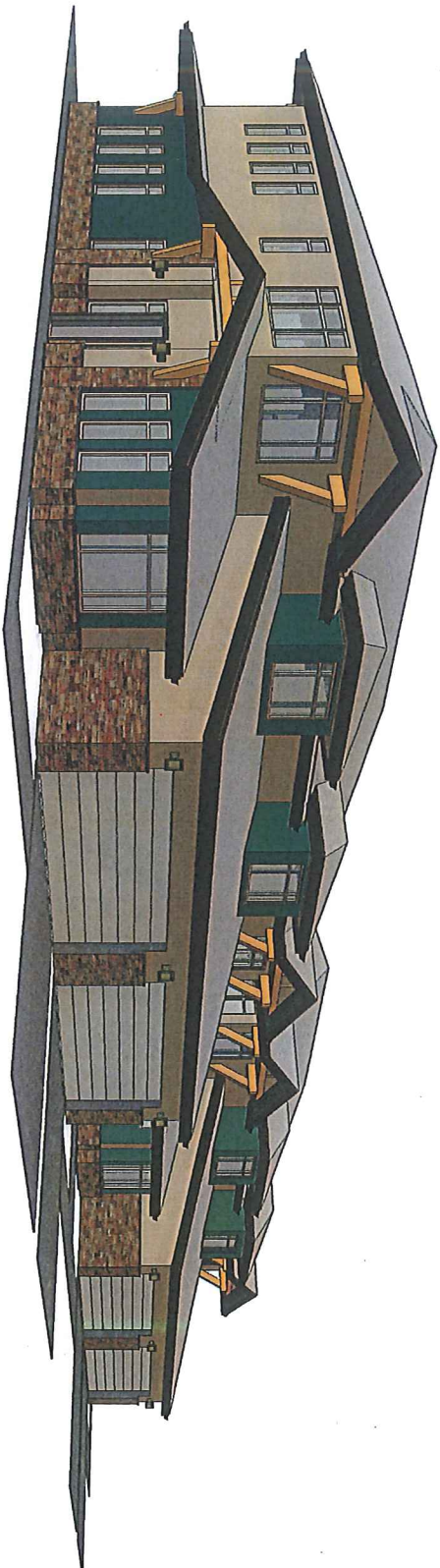
1 LANDSCAPING PLAN
1/8\"/>



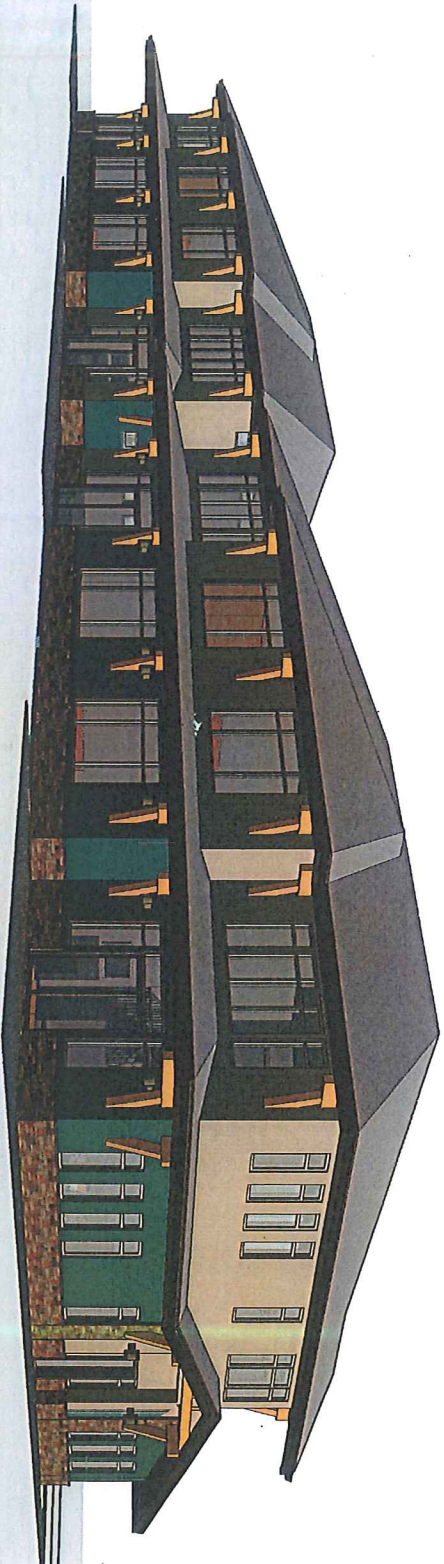
REVISED PLANS

OCT 22 2012

LANDSCAPE MANAGEMENT



PERSPECTIVE NO. 1 - VIEW FROM SOUTH-WEST



PERSPECTIVE NO. 2 - VIEW FROM NORTH-WEST

A-001
Project
Drawing

SOUTHWIND AT SARSONS PHASE 3A TOWNHOMES
PERSPECTIVES

570 SARSONS ROAD & 4388
LAKE SHORE ROAD
KELOWNA, BRITISH COLUMBIA

Project No.
Scale 1:2714

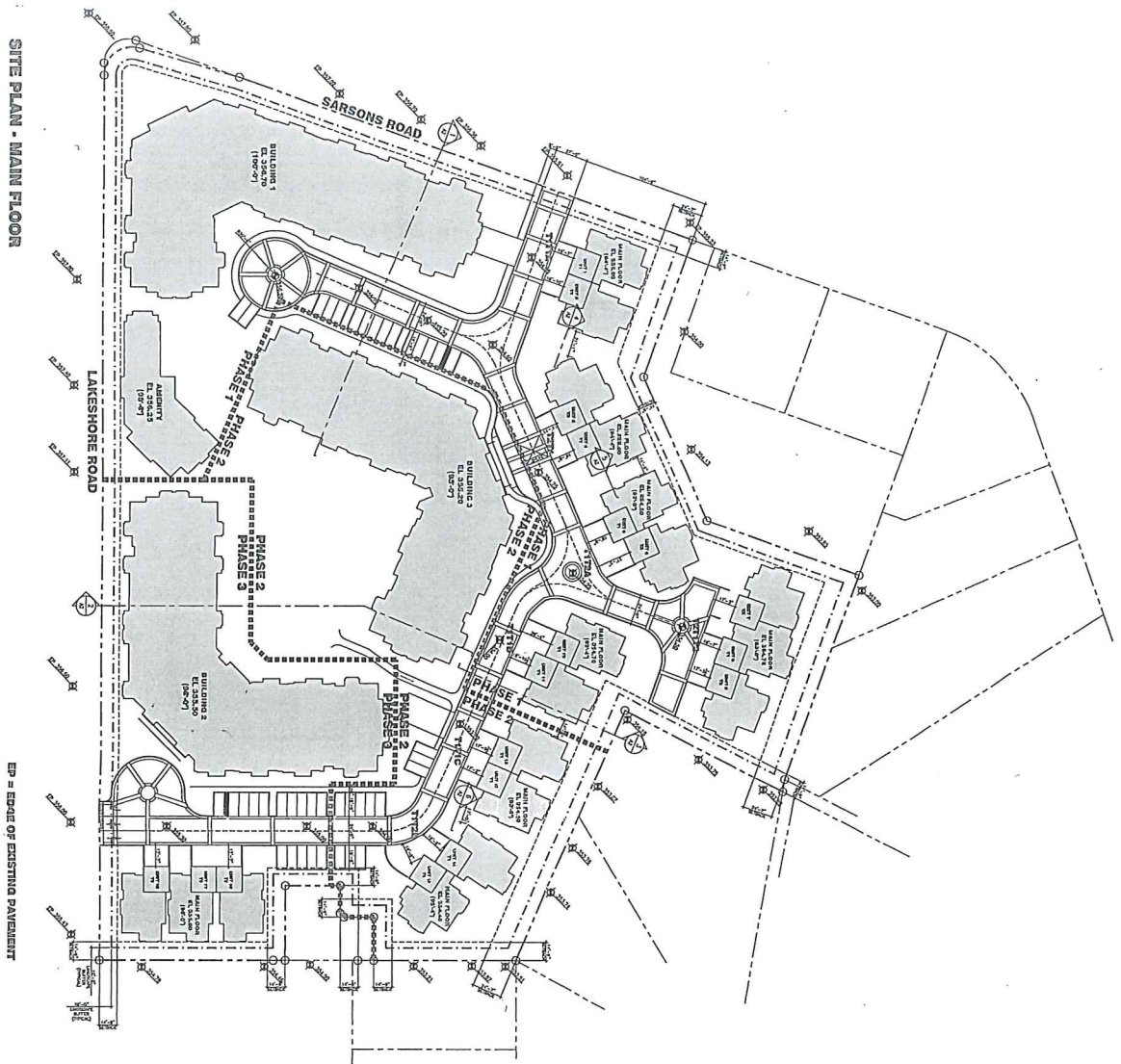
Date
Issue Date

Design Development



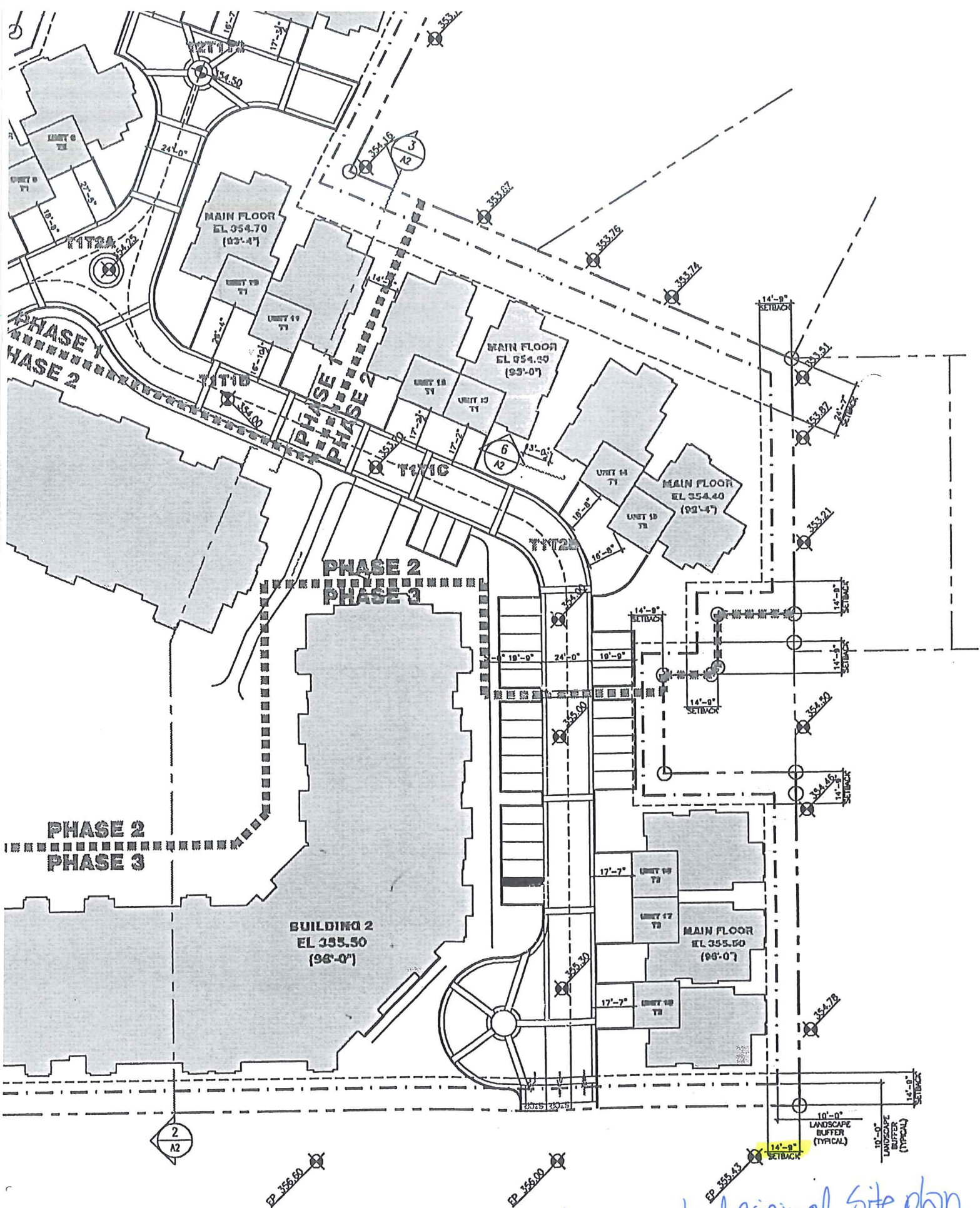
New Proposal

Original Site Plan



SCHEDULE "A"
 This forms part of development
 Permit # **DPO2.0022**
 Date **SEPT 9/05**
 Signature _____

LOCAL JURISDICTION		ZONING	
SOUTH WIND AT SARSONS		COMMERCIAL	
10000 SARSONS ROAD, SUITE 100, WINDY HILL, VT 05691		10000 SARSONS ROAD, SUITE 100, WINDY HILL, VT 05691	
OWNER: SARSONS ROAD, SUITE 100, WINDY HILL, VT 05691		OWNER: SARSONS ROAD, SUITE 100, WINDY HILL, VT 05691	
DESIGNER: SARSONS ROAD, SUITE 100, WINDY HILL, VT 05691		DESIGNER: SARSONS ROAD, SUITE 100, WINDY HILL, VT 05691	
DATE: 09/05/05		DATE: 09/05/05	
PROJECT NO: 0022		PROJECT NO: 0022	
SHEET NO: 1		SHEET NO: 1	
TOTAL SHEETS: 1		TOTAL SHEETS: 1	



Enlargement of original site plan

EP = EDGE OF EXISTING PAVEMENT

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP12-0159

EXISTING ZONING DESIGNATION:	RM3 - Low Density Multiple Housing
DEVELOPMENT VARIANCE:	To vary the following sections from the Development Regulations: Section 13.9.6(e): Development Regulations (<i>RM3 zone</i>); Section 13.9.6(e): Development Regulations; Section 13.9.6(d): Development Regulations; Section 7.6(b): Minimum Landscape Buffer

ISSUED TO:	Green Projects Ltd. Inc. No. BC0879731 (Grant Gaucher)
LOCATION OF SUBJECT SITE:	570 - 600 Sarsons Road

	LOT	SECTION	TOWNSHIP	DIV & DIST	PLAN
LEGAL DESCRIPTION:	A, (DL 167)			ODYD	KAP78531 except Strata Plan KAS3313 (Phases 1 and 2)

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted (as per schedule "A"):

Section 13.9.6(e): Development Regulations (*RM3 zone*)

To vary the west side yard setback from 4.5m permitted to 1.5m proposed;

Section 13.9.6(e): Development Regulations

To vary the north side yard setback from 4.5m permitted to 4.47m proposed;

Section 13.9.6(d): Development Regulations

To vary the front yard setback from 4.5m permitted to 2.2m proposed;

Section 7.6(b): Minimum Landscape Buffer

To vary the required minimum landscape buffer from 3.0m to 2.2m proposed for the east side yard.

AND FURTHER THAT the Development Variance Permit issuance be withheld pending a revised phasing plan to the satisfaction of the Subdivision Approving Officer.

2. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ N/A.
- (b) A Certified Cheque in the amount of \$ N/A.
- (c) An Irrevocable Letter of Credit in the amount of \$ N/A.

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

4. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and the Director of Land Use Management.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY MUNICIPAL COUNCIL THE _____ DAY OF _____, 2012.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE _____ DAY OF _____ 2012, BY THE DIRECTOR OF LAND USE MANAGEMENT.

Shelley Gambacort
Director, Land Use Management