
CITY OF KELOWNA
MEMORANDUM

Date: July 24, 2001
File No.: (3060-20) **DP01-10,035**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION OWNER: 544805 BC LTD
NO. DP01-10,035

AT: 120 LEATHEAD ROAD APPLICANT: MICHAEL CULOS

PURPOSE: TO SEEK PERMISSION TO CONSTRUCT A 2 STOREY,
908.9M² MIXED USE COMMERCIAL AND RESIDENTIAL
DEVELOPMENT CONSTRUCTED ON AN UNDERGROUND
PARKING STRUCTURE

EXISTING ZONE: RU1 – LARGE LOT HOUSING /
RU6 – TWO DWELLING HOUSING

PROPOSED ZONE: C2 – NEIGHBOURHOOD COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 8480 be considered by the Municipal Council;

THAT Municipal Council authorize the issuance of Development Permit No. DP01-10,035; for Lot 1, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP64894, located on Rutland Road North, 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 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 seeks permission to construct a 2 storey, 908.9 m² mixed-use building on the subject property.

The applicant has applied to rezone the subject properties from the existing RU1 – Large Lot Housing zone and RU6 – Two Dwelling Housing zone to the C2 – Neighbourhood Commercial zone in 1999. The zone amending bylaw has received a positive public hearing, and currently sits at 3rd reading. Now that the outstanding issues of the Works and Utilities Department have been addressed, it is now appropriate for this Development Permit application to proceed to Council for consideration.

2.1 Advisory Planning Commission

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of June 26, 2001 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP01-10,035 by Mike Culos for the construction of a 909 m² ± mixed use commercial / residential development.

3.0 BACKGROUND

3.1 The Proposal

The applicant originally made application to rezone the subject property to the C2 – Neighbourhood Commercial zone in June 1999. At that time, the Planning and Development Services Department did not support the application as the proposed land use was not consistent with the future land use designation of the OCP. However, Council supported the application, and on November 16, 1999, the application received a favourable Public Hearing, and Council gave the Zone Amending Bylaw (#8480) 2nd and 3rd readings.

This current application seeks permission to construct a 908.9 m² two storey mixed-use building on the subject property. The proposed building is designed to consist of 506.5 m² of commercial space on the ground floor and three dwelling units on the upper floor of the proposed building. The dwelling units consist of two - two bedroom residential units and one three bedroom residential unit. The upper floor residential units have their access from a common elevated deck area which has stair access to grade and elevator access to the underground parking structure. The upper floor area has been incorporated into the roof of the proposed building, giving the building a single storey appearance. The second storey development is located within a number of dormer features constructed on the roof, further reinforcing the residential character of the proposed building.

The proposed building is designed with exterior finishes and details that are similar to a two storey bungalow style of dwelling. The proposed building design includes such

features as a steep roof slopes with dormers, and a blend of cultured stone in brown tones and light tan coloured horizontal siding for the wall finishes. The exterior finish details also incorporate broad painted wood fascia and eave trims painted white. The roof area is proposed to be finished with asphalt shingles which are coloured with a blend of black, brown and green flecks.

The site plan shows surface parking for a total of 13 vehicles arranged in two areas, accessed off of the existing lane. There are also 2 loading stalls, also accessed off of the lane. The proposed building layout includes 18 below grade parking stalls located beneath the proposed building, with access off of the lane through the surface parking area.

The landscape plan indicates a substantial level of perimeter landscape plantings and brick paver surfacing. The plan shows a 600 mm high retaining wall around the perimeter of the site incorporated into the landscape planters. The landscaping around the surface parking area includes dense hedge plantings to buffer the parking area from the surrounding neighbourhood, as well as grassed area adjacent to the sidewalk. The plan also indicates substantial planting beds on the south west corner of Leathead Road and Rutland Road North (northeast corner of the lot).

The proposal as compared to the C2 zone requirements is as follows:

CRITERIA	PROPOSAL	C2 ZONE REQUIREMENTS
Site Area (m ²)	1,837.3m ²	1500 m ²
Site Width (m)	42.055m	40m
Site Coverage (%)	30%	40%
Total Floor Area (m ²)	908m ²	
F.A.R.	Comm. 0.27 Res. 0.2 Total 0.47	0.3 commercial 0.2 residential
Storeys (#)	2 storeys	2 ½ storeys
Setbacks (m)		
- Front (Montgomery Rd.)	24.3m	4.5m
- Front (Rutland Rd. N.)	4.5m	4.5m
- North Side (Leathead Rd.)	4.5m	2.0m for 1 or 1 ½ storey portion 3.0m for 2 or 2 ½ storey portion 4.5m flanking street
- South Side	7.5m	2.0m for 1 or 1 ½ storey portion 3.0m for 2 or 2 ½ storey portion
Parking Stalls (#)	31 stalls provided Surface – 13 stalls Underground – 18 stalls	Residential – 1.5 stall per 2 br unit 2 stalls per 3 br unit Health Services – 5 stalls per 100m ² GFA (31 stalls required)

Parking calculations: Residential – 2-2br units @ 1.5 stalls ea. = 3 stalls required
1 – 3br unit @ 2 stalls = 2 stalls required
Commercial – 506.5m² @ 2.0 stalls per 100m² = 26 stalls required
Total required **31 stalls**

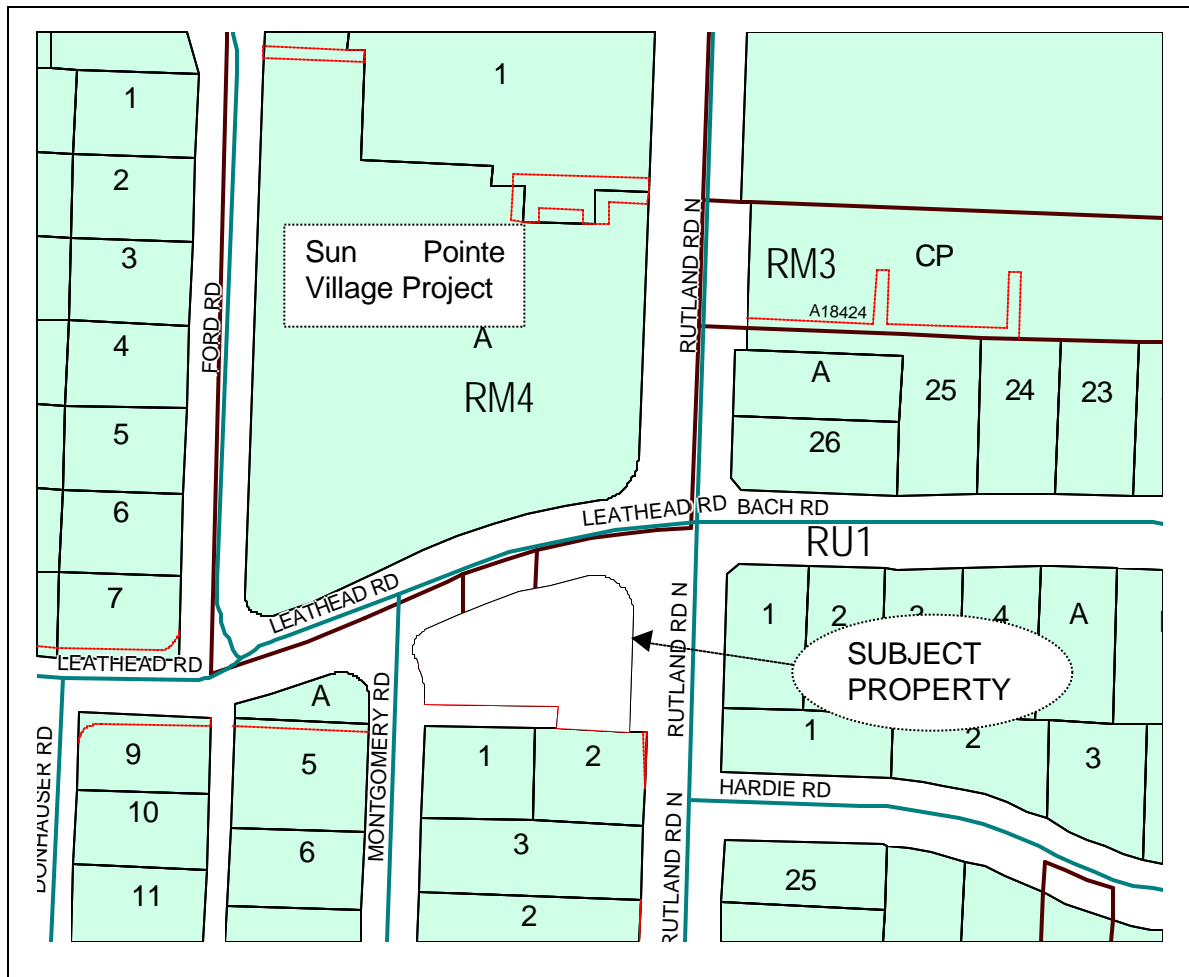
3.2 Site Context

The subject property is located in an older established neighbourhood of single and two family dwellings, near St. Theresa's Catholic Church and Rutland Middle School. The subject property is also close to both the Athans Pool and the Rutland Seniors Activity Centre, and the recently completed "Sun Pointe Village" Seniors care and congregate housing facility.

Adjacent zones and uses are, to the:

- North - RM4 – Transitional Low Density Housing / Leathead Rd., care facility
- East - RU1 – Large Lot Housing / Rutland Rd. N., single family residential
- South - RU1 – Large Lot Housing / single family residential uses
- West - RU1 – Large Lot Housing / Montgomery Rd., single family residential

Subject Property Map



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

This proposal is **not** consistent with the "Multiple Family Residential - Low Density" designation of the Official Community Plan.

An application for an OCP Amendment to change the designation of the subject property to the "Commercial" designation has been made. The OCP amendment application has been supported by Council after a Public Hearing held on November 16, 1999.

The proposed building form and character is consistent with the Official Community Plan Commercial Development Permit Guidelines. The proposal is generally consistent with the following guidelines;

- All buildings, structures, and additions thereto shall be designed in a manner which gives consideration to the relationship with adjacent building and open areas, the efficiency of the circulation system, and the design and siting compatibility with surrounding development,
- All facades of commercial buildings shall be designed in a manner which appropriately addresses adjacent uses and structures,
- External lighting shall enhance the safety of persons on the site after dark but shall not be of an intensity or cast in such a way which would interfere with nearby residential properties.

3.3.2 City of Kelowna Strategic Plan (1992)

The application is consistent with the Strategic Plan, as follows:

"The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill and will provide for an increased density of development within established urban areas through redevelopment of areas which are in transition. Urban areas which are targeted include the Central City area with emphasis on the waterfront and north end, Rutland, and South Padosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor."

3.3.3 Rutland Sector Plan

This proposal is **not** consistent with the "Multiple Family Residential - Low Density" designation of the Rutland Sector Plan. However, the OCP amendment application has been supported by Council after a Public Hearing held on November 16, 1999

3.3.4 Crime Prevention Through Environmental Design

The proposed development generally conforms to the following CPTED guidelines;

- Parking areas are clearly visible from the building,

- The proposed development contains a mix of uses, which encourage an increase in the natural surveillance at different times of the day, through the placement of residential uses above the commercial,
- Windows face rear parking lot for increased visibility,
- Public and semi-public area are well landscaped to convey a sense of pride and ownership to discourage negative activity,
- Entrances to the dwelling units are separate from the commercial entrances to enable a distinction of residential visitors from those frequenting businesses,

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 B.C. Gas

There is a 60mm gas main running through the south end of the property. Locates are required to ensure safety prior to development beginning.

4.2 Fire Department

Fire department access and hydrants as per the BCBC and City of Kelowna Subdivision By-law. Hydrant required to be located within 45m of the fire department siamese connection and be unobstructed. Contact F.P.O. for preferred location(s) of new hydrant(s).

4.3 Inspection Services Department

Exit into lobby should be redesigned. Door required at top of main stair to second storey. Note; These issues will be reviewed as part of the building permit approval process.

4.4 Irrigation District (BMID)

BMID has no objections subject to the following: Payment of Capital charges, connection fee and cost of service connection depending on size required. All other items such as right of ways have been attended to.

4.5 Parks Manager

1. Landscape plan does not key type of plant to location on the plan.
2. Plan indicates two trees may or may not be removed. What species and what caliper size are they? They appear to be large shade trees. Why are they subject to removal?
3. The following applies for all boulevard (BLVD) landscape and is standard information required on a landscape plan:
 - A. Planting plan to include a proper plant materials list:
 - i) Latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - iv) indicate existing trees
 - B. Plant material specifications are as follows:
 - i) Deciduous Tree - caliper @300mm above rootball (min. 60mm)
 - ii) Deciduous Shrub - spread (min. 450mm)

- iii) Coniferous Tree - height (min. 2.5m)
- iv) Coniferous Shrub - spread (min. 450mm)
- v) Seed/Sod Mix according to location and proposed activity use.
- C. Shrub beds require plastic edge beside all areas abutting a city sidewalk of city land to prevent migration of mulch.
- D. Scale of plan and north arrow clearly indicated on plan.
- E. All plant materials (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
- 4. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
- 5. BLVD maintenance (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
- 6. All BLVD tree maintenance is responsibility of Parks Division.
- 7. Planting plan to include all u/g utility locations in BLVD.

4.6 School District #23

Pleased to see no access (vehicular) off Rutland or Leathead Roads. Additional traffic congestion is not desirable at this intersection.

4.7 Shaw Cable

Owner/Contractor to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

4.8 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus policy.

4.9 West Kootenay Power

WKP will provide underground electrical service. Overhead line on Rutland Road and through lot will remain.

4.10 Works and Utilities Department

1. General

The requirements for this application were addressed in our report dated August 26, 1999 under file Z99-1043 and must be satisfied prior to the issuance of this Development Permit application.

2. Access

The single access point to the proposed development off Montgomery Road is acceptable as proposed by the developer.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The application to rezone the subject property was made in June 1999. While the proposal was not consistent with the future land use designation of the OCP and not supported by the Planning and Development Services Department, Council supported both the OCP amendment and the change in zoning from the existing zones of RU1 – Large Lot Housing and RU6 – Two Dwelling Housing to the C2 – Neighbourhood Commercial zone after a favourable Public Hearing held on November 16, 1999. As this application contains some residential uses in a mixed use type of project, it could be considered a minor increase in intensity of use. The Urban Town Centre component of the OCP contains a policy statement supporting mixed use developments.

This application for a Development Permit has been made to facilitate the final adoption of the zone amending bylaw.

The original application contemplated the use of the commercial space for “Health Services” related uses. However, there is no indication on the current proposal that the proposed building is limited to “Health Services” uses. The proposed building could be used for other permitted uses in the C2 – Neighbourhood Commercial uses. However, it is interesting to note that the parking provided for the current application is supplied at a level consistent with “health services” uses.

The issues of the BMID water main and the natural gas pipeline that were identified at the time of the original rezoning application have been dealt with, and the new subdivision plan indicates that the former individual lots have been consolidated and appropriate statutory rights of ways have been registered on title.

The proposed building form and character creates a residential looking structure that is not an intrusion into the neighbourhood. The proposed architectural design incorporates a substantial number of design elements that complement the recently constructed Sun Pointe Village congregate housing and care facility which is located across Leathead Road to the north. As Council has provided direction of support to the commercial land used designation, the Planning and Development Services Department considers the proposed building a good design that meets many of the objectives of the Official Community Plan for a mixed use building. Furthermore, the architectural design is complementary to the recent Sun Pointe development to the north.

In light of the above, the Planning and Development Services Department recommends for Council's positive consideration.

Andrew Bruce
Current Planning Manager

Approved for inclusion

☐

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

PMc/pmc
Attach.

FACT SHEET

- | | |
|---|---|
| 1. APPLICATION NO.: | DP01-10,035 |
| 2. APPLICATION TYPE: | Development Permit |
| 3. OWNER: | 544805 BC Ltd. (Fred Marin) |
| . ADDRESS | #106 – 1449 St. Paul St. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 2E5 |
| 4. APPLICANT/CONTACT PERSON: | Mr. Michael Culos |
| . ADDRESS | #106 – 1449 St. Paul St. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 2E5 |
| . TELEPHONE/FAX NO.: | 763-7806/763-7807 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | May 25, 2001 |
| Date Application Complete: | June 5, 2001 |
| Servicing Agreement Forwarded to Applicant: | December 9, 1999 |
| Servicing Agreement Concluded: | May 25, 2001 |
| Staff Report to Council: | July 24, 2001 |
| 6. LEGAL DESCRIPTION: | Lot 1, Sec. 26, Twp. 26, O.D.Y.D.,
Plan KAP64894 |
| 7. SITE LOCATION: | Southwest corner of Rutland Road N.
and Leathead Road |
| 8. CIVIC ADDRESS: | 120 Leathead Road |
| 9. AREA OF SUBJECT PROPERTY: | 1,837.3m ² |
| 10. AREA OF PROPOSED REZONING: | 1,837.3m ² |
| 11. EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing
RU6 – Two Dwelling Housing |
| 12. PROPOSED ZONE: | C2 – Neighbourhood Commercial |
| 13. PURPOSE OF THE APPLICATION: | To Seek Permission to Construct a 2
Storey, 506 m ² Mixed Use
Commercial and Residential
Development Constructed on an
Underground Parking Structure |
| 14. DEVELOPMENT VARIANCE PERMIT
VARIANCES: | N/A |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | General Commercial; notify GIS of
addition |

Attachments

Subject Property Map
Schedule A, B & C (pages)
3 pages of site elevations / diagrams