
CITY OF KELOWNA
MEMORANDUM

Date: November 5, 2003
File No.: (3090-20) **DVP03-0122**

To: City Manager

From: Planning & Corporate Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT OWNER: SIMPLE PURSUITS INC.
APPLICATION NO. DVP03-0122

AT: 1007 RUTLAND ROAD NORTH APPLICANT: AS ABOVE

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW FOR A
1.5 M ROOF OVERHANG TO PROJECT INTO FRONT AND SIDE YARD
SETBACKS WHERE THE ZONING BYLAW ALLOWS A MAXIMUM
PROJECTION OF 0.6 M

EXISTING ZONE: C2 – NEIGHBOURHOOD COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP03-0122; Simple Pursuits; Lot 1, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP65904, located on Rutland Road North, Kelowna, B.C.;

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

Vary Section 6.4.1 **Projections into Yards**, from maximum projection of 0.6 m permitted to 1.5 m proposed for the roof overhangs

2.0 SUMMARY

The applicant seeks permission to construct a 311 m² building on the subject property for use as a convenience store. This associated application for a Development Variance Permit is to authorize a 1.5 m roof overhang to project into the required front and flanking side yards, where the zoning bylaw limits projections into the yards to a maximum of 0.6 m (600 mm).

2.1 Advisory Planning Commission

The above noted application (DVP03-0122) was reviewed by the Advisory Planning Commission at the meeting of October 21, 2003 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DP03-0121, 1007 Rutland Road North, Lot 1 Plan 65904, Sec. 26, Twp. 26, ODYD, by Simple Pursuits Inc. to obtain a Development Variance Permit to allow for a 1.5 m roof overhang to project into front and side yard setbacks where the Zoning Bylaw allows a maximum projection of 0.6 m

3.0 BACKGROUND

3.1 The Proposal

The subject property was rezoned to the C2 - Community Commercial zone (Z95-1006) in 1996. The subject property was created in 1999 as part of the “gateway” to the access route to the proposed Tower Ranch Golf Resort development. At the time the lot was created, there was a Building Scheme registered on title to control the form of development to include residential uses on the second floor of the proposed commercial development in order to create a mixed-use development.

The proposed building under application is the first phase of development of the subject property. The site plan for this development proposal is laid out with the proposed building located in the south west corner of the property, with a paved parking area located to the north and west of the proposed building. The remaining area of the site is proposed to be seeded with a grass mix until there is an application for the future phases of construction made.

The proposed form and character of the building is designed to replicate a 1900's railway station. The building is sited on the subject property adjacent to the south west corner of the property adjacent to both Rutland and McCurdy Roads. The South west corner of the building is beveled at a 45 deg. angle. The roof overhangs project over a 1.5 m wide sidewalk which is located around the perimeter of the proposed building to provide pedestrian access to the building entry, located on the north side of the building, adjacent to the parking lot.

The exterior of the building is designed with timber bracket details and “eyebrow” dormers on the north and south sides of the roof, details that are reminiscent of 1900's railroad station architecture. There are also heavy timber details included around the window and door openings, as well as to the remaining wall areas to enhance the notion of an old time railroad station. The wall finish of the building is proposed to be acrylic stucco in a “Brick Red” colour. The wood trim elements are proposed to be a medium brown colour, as is the soffits and gutters. The roof is proposed to be a dark gray “mottled” asphalt shingle product.

The roof is designed to provide a 1.5 m overhang to provide weather protection to the sidewalk that surrounds the proposed building. The intent of the wide sidewalk around the building is to provide a readily useable pedestrian link around the building to connect the main access to the convenience store facing the parking lot to the surrounding pedestrian routes.

This application for a Development Variance Permit has been made to allow the 1.5 m roof overhang to project into the front and flanking side yards, as the bylaw limits roof projections into yards to a maximum of 600mm.

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

CRITERIA	PROPOSAL	C2 ZONE REQUIREMENTS
Site Area (m ²)	4,011 M ²	1,500 M ²
Site Width (m)	55 M	40 M
Site Coverage (%)	8 %	40%
Total Floor Area (m ²)	311 M ²	1,203 M ² max @ FAR = 0.3
F.A.R.	.08	FAR = 0.3
Storeys (#)	1 storey	2 ½ Stories (10.5 M) Max
Setbacks (m)		
- Front (Rutland Rd)	4.5 m	4.5 M
- Rear	45.7 m	6.0 M adj. to residential
- North Side	36 m	2.0 M for 1 or 1 ½ Storey
- South Side (Flanking)	4.5 m	4.5 M
Parking Stalls (#)	8 stalls provided	2 per 100 M ² GFA
Loading Stalls (#)	1 stall provided	1 per 1,900 M ² GFA

3.2 Site Context

The subject property is currently vacant, and is generally flat and level. The site was the former location of the “Greenery” nursery. The subject property was created in 1999 as part of the road dedication to provide for the access route to the pending Tower Ranch Golf Resort. At the time that the lot was created, there was a building scheme registered on title to control the form of building permitted on the site.

The adjacent zone uses are as follows:

- North - A1 – Agriculture 1 / Church
RU1 – Large Lot Housing / Single Family Dwelling units
- East - RM1 – Four Plex Housing / Vacant
- South - RM1 – Four Plex Housing / Four Plex housing units, McCurdy Rd. E.
- West - A1 – Agriculture 1 / Knights of Columbus church hall



This proposal is consistent with the Official Community Plan future land use designation of “Commercial”.

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 Pandosy 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 consistent with the Rutland Sector Plan future land use designation of “Commercial”.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

There have been no comments specific to the requested Development Variance Permit application. However, Council will have an opportunity to review the technical comments as part of the associated Development Permit, which has been circulated to Council separately.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Corporate Services Department does not have concerns with this Development Variance Permit application to authorize a 1.5 m projection into the required front yard and flanking side yard setbacks. The 1.5 m roof overhang is a major component of the building design.

Council will have an opportunity to review the associated Development Permit application, which has been circulated to Council separately.

In light of the above, the Planning and Corporate 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 Community and Corporate Services

PMc/pmc
Attach.

FACT SHEET

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|--|---|
| 1. APPLICATION NO.: | DVP03-0122 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER:
· ADDRESS
· CITY/POSTAL CODE | Simple Pursuits Inc. (Inc.No. 449611)
PO Box 20123
Kelowna, BC V1Y 9H2 |
| 4. APPLICANT/CONTACT PERSON:
· ADDRESS
· CITY/POSTAL CODE
· TELEPHONE/FAX NO.: | Mr. Shane Worman
Simple Pursuits Inc. (Inc.No. 449611)
PO Box 20123
Kelowna, BC V1Y 9H2
762-0040/762-0550 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | October 2, 2003
October 2, 2003
N/A
N/A
November 5, 2003 |
| 6. LEGAL DESCRIPTION: | Lot 1, Sec. 26, Twp. 26, O.D.Y.D.,
Plan KAP65904 |
| 7. SITE LOCATION: | North East Corner Rutland Road
North and McCurdy Road East |
| 8. CIVIC ADDRESS: | 1007 Rutland Road N |
| 9. AREA OF SUBJECT PROPERTY: | 4,011 m ² |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | General Commercial |
| 11. EXISTING ZONE CATEGORY: | C2 – Neighbourhood Commercial |
| 12. PURPOSE OF THE APPLICATION: | To obtain a Development Variance Permit to allow for a 1.5 m roof overhang to project into front and side yard setbacks where the Zoning Bylaw allows a maximum projection of 0.6 m |
| 13. DEVELOPMENT VARIANCE PERMIT VARIANCES: | Vary Section 6.4.1 Projections into Yards , from maximum projection of 0.6 m permitted to 1.5 m proposed for the roof overhangs |
| 14. VARIANCE UNDER DEVELOPMENT PERMIT: | N/A |

**15. DEVELOPMENT PERMIT MAP 6.2
IMPLICATIONS**

N/A

Attachments

Subject Property Map

2 pages of site plan / cross section diagram