

development, the Post Mountain House pub, is located on Highway 33 East within the Rutland Town Centre.

3.0 ADVISORY PLANNING COMMISSION

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of April 27, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Application No. DP04-0029, 230 Hwy 33 E/Lot 8, Plan 25529, Sec. 26, Twp. 26, ODYD, by 676698 BC Ltd. (David Low), to obtain a Development Permit to allow for the renovation of an existing commercial building for use as a liquor primary establishment, minor, subject to the provision of a solid fence along the north and east property lines.

4.0 BACKGROUND

4.1 The Proposal

The applicant is seeking a development permit to allow the renovation of the existing commercial building for use as a liquor primary establishment, minor. The applicant is proposing to create an Alpine German style pub seating 64 people inside with a patio providing seating for 34 people. The renovation will include an addition to the rear of the building as well as the construction of a patio at the front of the building. In addition, a new roof is proposed along with extensive renovations of the building façade.

The proposed building façade is to be taupe stucco with stained cedar fascia and beams. Windows on the front of the building will be accented with dark brown shutters. Cedar will also be used for the trellis and beam structure covering the patio at the front of the building. Stone veneer will also be used on posts and wall defining the patio enclosure. A stucco fireplace with stone veneer accents will be located within the patio enclosure. The new roof will consist of sable wood coloured asphalt shingles.

Parking for the proposed development is to be located in front of the building and east side of the building. A handicap parking stall will be provided near the entrance to the building. Bicycle parking will be provided adjacent to the main entrance. The sidewalk at the front entry will consist of stamped coloured concrete. The garbage containers, located at the rear of the property, will be screened by a 5'0" stucco garbage enclosure.

The applicant is proposing to buffer the proposed development with a 6'6" opaque fence on the rear and side property lines. In addition, ten foot high cedar hedging will run along the north and east property lines. Numerous trees will also be planted adjacent to the property lines. The landscaping plan also incorporates planting beds and trees within the parking areas and adjacent to the building frontage. The proposed landscaped will serve to help screen the development from the adjacent residential uses. The application is currently surrounded by low density multiple dwelling housing to the east and south of the property. The adjacent properties to the west and north are zoned RU6 – Two dwelling housing.

The application meets the requirements of the proposed C3 – Community Commercial zone as follows:

CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Site Area (m ²)	2142m ²	460.0 m ²
Site Width (m)	42.17m	40.0m
Site Depth (m)	80.86m	30.0m
Site Coverage (%)	11.0%	50.0%
Total Floor Area (m ²)	265.3m ²	
F.A.R.	0.11	1.0
Height (m)	5.9m	15.0 m
Storeys (#)	1	4
Setbacks (m)		
- Front	28.0m	3.0 m
- Rear	9.9m	6.0 m
- Side	4.9m	4.5 m
- Side	21.0m	4.5 m
Parking Stalls (#)	25	1 per 4 seats (25)
Setbacks to Parking		
- Front	3.0m	2.0m
- Rear	2.9m	1.5m
- Side	1.5m	1.5m
- Side	2.0m	1.5m
Driving Aisle Width	7.3m	7.0m
Bicycle Stalls (#)	3	3 Total (0.2 per 100 m ² GLA Class I; 0.6 per 100 m ² GLA Class II
Loading Stalls (#)	1stall 30+m ²	1 stall per 1900 m ² GFA 28m ²

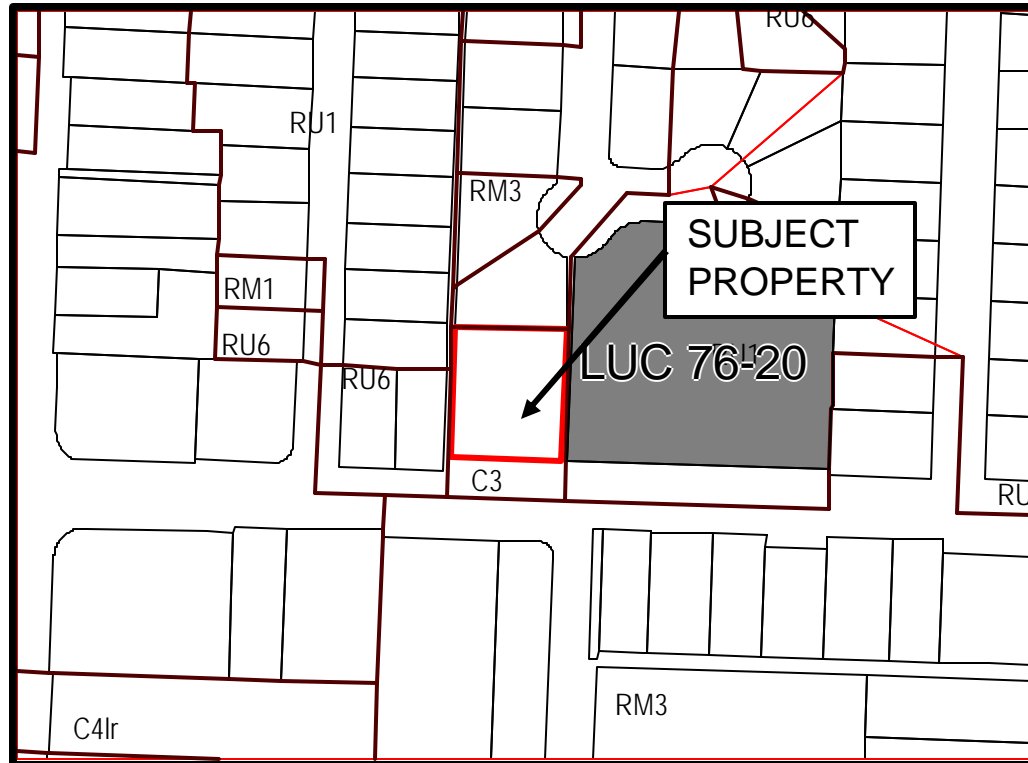
4.2 Site Context

The subject property is located on

Adjacent zones and uses are, to the:

- North - RU6 – Two Dwelling Housing
- East - LUC 76-20 – Multiple Dwelling Housing
- South - RM3 – Low Density Multiple Housing
- West - RU6 – Two Dwelling Housing
- RU1 – Large Lot Housing

Site Location Map



4.3 Development Potential

The purpose of the C3 – Community Commercial zone is to provide a zone for the development of community commercial centres to serve more than one neighbourhood. Liquor primary establishment, minor is a permitted use within the zone.

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (1992)

The Strategic plan calls for the efficient use of service land within existing urban areas through infill and redevelopment. It also outlines the need for closer integration of land uses with more emphasis on neighbourhood sector planning to prevent land use conflicts.

4.4.2 Kelowna Official Community Plan

The subject property is zoned as Community Commercial (C3) in the Current Zoning Bylaw and is designated for Commercial uses in the Rutland Sector Plan. The OCP designates the future land use of the subject property as Institutional. The proposed commercial use is not consistent with the direction of this policy document, however, it is acknowledged that the property is currently zoned commercial and the applicant will therefore not need to file an OCP amendment application to address this issue. This property is subject to the OCP Urban Center DP Guidelines and the Rutland Urban Town Centre Commercial Design Guidelines. The application is promising in that it serves to increase the density

of commercial development within the Rutland Urban Center as supported in the overall policies of the OCP and Rutland Sector Plan.

4.4.3 Rutland Sector Plan

The objective of development permits within the Rutland Town Centre is to implement the use of design guidelines for commercial development within the Rutland Town Centre and all multiple family developments within the Rutland Sector Plan area. Developments should incorporate the Rutland Town Centre Commercial Development Design Guidelines with regards to form and appearance of buildings, site circulation, parking & servicing, lighting, landscaping, and signage.

4.4.4 Mayor's Entertainment District Task Force

The proposal meets the liquor primary requirements set forth in the Mayor's Entertainment District Task Force recommendations adopted by Council. There are other liquor related establishments in the area however this is not an issue as the proposed development would have a capacity of only 99 persons. While the proposed liquor establishment may not be located adjacent to another liquor establishment, no further location limitations under those guidelines are applicable to the development as proposed.

4.4.5 Liquor Control and Licensing Branch Criteria

4.4.5.1 Location

The liquor primary establishment is located on Hwy 33 within the Rutland Town Centre.

4.4.5.2 Capacity and Hours of Operation

Council supports the Mayor's Entertainment Task Force recommendation that the hours of operation for liquor primary establishments not exceed 2 am. The proposed hours of operation are 11:00am to 12:00 am.

4.4.5.3 Traffic, Noise, Parking and Zoning

The subject property is located on Highway 33. The subject property is currently zone C3- Community Commercial zone which permits liquor primary (minor) establishments as a principal use. The proposed development meets both the Ministry of Highways and City of Kelowna parking requirement.

The property is surrounded by residential developments. The applicants seek to mitigate noise from the development by buffering the development with opaque fencing and landscaping. The location of the patio, as well as the proposed landscaping, should mitigate disturbance to nearby residential properties. In addition to the hedge, it is recommended that a solid fence be added to prevent trespass onto the neighbour's property as well as further decrease the effect of noise associated with motor vehicles and people. It is further recommended that this fence be continued down the east side of the site to provide separation from the residential to the east. This development is currently buffered by a pedestrian right of way and has a hedge. The fence would serve to better protect the residential privacy on this site.

4.4.5.3 Population, Population density and Population trends

The proposed development is located in the Rutland Town Center, an area in transition and is attracting some commercial and multi-dwelling redevelopment.

4.4.5.4 Potential Impact on the Community

The intent of the proposed development is to provide a high end pub for the surrounding community. As subject property is surrounded by residential uses, noise from the patio may impact the residents of the adjacent properties.

4.4.6 Crime Prevention Through Environmental Design (CPTED)

The Department does note that the lack of windows on the side and rear elevations of the proposed building are inconsistent with CPTED principles of natural surveillance. This could be improved by adding windows to the portion of the pub area adjacent to the parking lot on the east side of the building and by using plantings and building materials on the other walls to discourage or prevent vandalism and graffiti. Proper lighting of the parking lot as well as the rear and west sides of the building would also improve safety of the design, particularly given the fact that the use will be a pub and there will be considerable use of the property outside daylight hours. Landscaping of the site should not impede visibility of the parking lot from the street, nor provide hiding opportunities for would-be assailants.

5.0 CIRCULATION COMMENTS

5.1 Fire Department, Inspection Services, RCMP, Telus, Terasen, Shaw Cable, School District No. 23, FortisBC
No comment.

5.2 Rutland Water Works
No response.

5.3 Ministry of Transportation
The Ministry is prepared to accept the parking as presented, i.e. 24 stalls provided.

5.4 Parks Department
All entry feature signs for the proposed development will be located on private property and not on City boulevard.

Minimum plant material specifications as follows:
i) Deciduous Trees minimum calipre 60 mm @ 300mm above rootball
ii) Evergreen Trees - minimum height 2500 mm

Shrub and flower beds will require plastic edging beside all areas abutting a city sidewalk, boulevard, or city land to prevent migration of mulch.

Tree Planting to conform with Master Municipal Specifications (MMCD) Section 02950 and British Columbia Landscape Standard (1997) Section 9.3.

Trees to have a single, straight leader, upright form, free from crooks, forks or defects.

Install two stakes, located on opposing sides of the tree. Install guy wires as high as possible. Stake ties shall be made of non-abrasive materials such as

ArborTie(www.deeproot.com). The contractor will be responsible for removal of stakes after the first full growing season.

Maximum depth of mulch to be 100 mm. Keep mulch at least 50 mm away from tree trunk. Trunk flare must be visible.

Root shield barriers must be installed for all trees in and adjacent to City BLVD including City sidewalks, roads, curbs and gutters as per manufacturer instructions min. 18 depth. The root barrier top edge must be at least 13mm above grade: see www.deeproot.com for specifications.

5.5 Interior Health

Food service requires approval and permit from Public Health Inspections, Interior Health.

5.6 Works & Utilities

The Works & utilities Department comments and requirements regarding this development permit application are as follows:

5.6.1 General

Requirements of the rezoning application no. Z03-0014 must be satisfied before approval of this application.

5.6.2 On-site

- a) The amount of parking stalls provided exceed the maximum permitted, however, in the long term it will prevent patrons parking within the adjacent residential areas if and when the proposed facility hosts some popular activity.
- b) Circulation and access appears to adequately accommodate an SU-9 delivery vehicle.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The proposed development meets the requirements of a principal use in the C3 zone and serves to increase the density of commercial uses within the Rutland Urban Centre as supported in the OCP and Rutland Sector Plan. As the proposed development is a renovation of an existing building, the options for providing a development more consistent with the Development Permit Guidelines are limited, particularly as they apply to making the site less vehicle-oriented and more pedestrian-oriented. Nevertheless it is recommended that a pedestrian path of travel be provided from the sidewalk along Highway 33 East to the main entrance of the building. This pathway should be in a contrasting and distinct material from the parking lot surface to identify it as a pedestrian route of access.

A handicap parking stall is to be provided near the front of the building. Provision for a formalized passenger loading area near the building entrance is also recommended to accommodate both clients with disabilities who are being dropped off or picked up, as well as taxi passengers. Bicycle parking is to be located adjacent to the main entrance of the building. One identification sign will be permitted on the gate post entry feature as shown provided it does not exceed 0.5m². If the applicant is proposing additional signage, further information as to the design, location, and size of all signage on-site is required. All proposed signage must conform to Sign Bylaw No. 8235.

The south-facing patio, setback from both the road and from parking spaces, is positive in terms of its practical use and enjoyment. The proposed landscape plan includes a hedge of 10 feet high cedar trees buffering the single family dwelling to the north of the site. The location of the patio, as well as the proposed landscaping, should mitigate disturbance to nearby residential properties. In addition to the hedge, a solid fence is to be provided to prevent trespass onto the

neighbouring properties as well as further decrease the effect of noise associated with motor vehicles and people. The fence is to continue down the north, east, and west sides of the site to provide separation from the existing residential development. This development is currently buffered by a pedestrian right of way (east) and undeveloped lane (west). The fence, in addition to the landscaping, serves to better protect the residential privacy.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

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Attach.

FACT SHEET

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| 1. | APPLICATION NO.: | DP04-0029 |
| 2. | APPLICATION TYPE: | Development Permit |
| 3. | OWNER: | R 243 Enterprises Ltd. |
| | . ADDRESS | 200 -1636 Pandosy St |
| | . CITY | Kelowna, BC |
| | . POSTAL CODE | V1Y 1P7 |
| 4. | APPLICANT/CONTACT PERSON: | David Low / Keith Wilson |
| | . ADDRESS | 676698 BC Ltd. |
| | . CITY | 200- 270 Hwy 33 E, Kelowna, BC |
| | . POSTAL CODE | V1X 2A3 |
| | . TELEPHONE/FAX NO.: | 491-0206 / 878-7354 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application: | March 5, 2004 |
| | Date Application Complete: | June 15, 2004 |
| | Servicing Agreement Forwarded to Applicant: | n/a |
| | Servicing Agreement Concluded: | n/a |
| | Staff Report to APC: | May 20, 2004 |
| | Staff Report to Council: | June 16, 2004 |
| 6. | LEGAL DESCRIPTION: | Lot 8, Section 26, Township 26, ODYD, Plan 25529 |
| 7. | SITE LOCATION: | On Highway 33 between Sadler Road and Gibbs Rd W |
| 8. | CIVIC ADDRESS: | 230 Hwy 33 East |
| 9. | AREA OF SUBJECT PROPERTY: | 2142m ² |
| 10. | AREA OF PROPOSED REZONING: | n/a |
| 11. | EXISTING ZONE CATEGORY: | C3 – Community Commercial |
| 12. | PROPOSED ZONE: | n/a |
| 13. | PURPOSE OF THE APPLICATION: | TO OBTAIN A DEVELOPMENT PERMIT TO RENOVATE AN EXISTING COMMERCIAL BUILDING FOR USE AS A LIQUOR PRIMARY ESTABLISHMEN, MINOR. |
| 14. | MIN. OF TRANS./HIGHWAYS FILES NO.: | n/a |
| 15. | NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | n/a |

ATTACHMENTS

(not attached to the electronic version of the report)

- **Location of subject property**
- **Air Photo**
- **Site plan**
- **Elevations**
- **Landscaping Plan**