
**CITY OF KELOWNA
MEMORANDUM**

Date: March 14, 2005
File No.: DP04-0125

To: CITY MANAGER

From: PLANNING AND CORPORATE SERVICES DEPARTMENT

Subject:

APPLICATION NO. DP04-0125

OWNER: School District No. 23

AT: 780 Rutland Road N

APPLICANT: Protech Consultants Ltd.

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF 16 UNITS OF ROW HOUSING AND 128 UNITS OF APARTMENT HOUSING WITHIN NINE BUILDINGS.

EXISTING ZONE: P2- EDUCATION & MINOR INSTITUTIONAL

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING
RM5 – MEDIUM DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Final Adoption of OCP Bylaw Amendment No. 9344 be considered by Council;

AND THAT Final Adoption of Zone Amending Bylaw No. 9345 be considered by Council;

AND THAT Final Adoption of Heritage Revitalization Agreement Bylaw No. 9346 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP04-0125 for Lot 48, Section 26, Twp. 26, ODYD, Plan 426 except Parcel A (Plan B3687) and Lot 1, Section 26, Township 26, ODYD, Plan 2166, located on Rutland Road N, 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 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 is proposing to redevelop the old Rutland Elementary School site. Phase I of the proposed development consists of the northern portion of the lot and consists of sixteen townhouse units and one apartment building.

3.0 ADVISORY PLANNING COMMISSION

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of October 26, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Official Community Plan Amendment Application No. OCP04-0013 and Rezoning Application No. Z04-0053, for 770/780 Rutland Road N, Lot 1, Plan 2166 and Lot 48, Plan 426, Sec. 26, Twp. 26, ODYD, by Protech Consultants Ltd. (Grant Maddock), to amend the Official Community Plan Future Land Use from the Single/Two Unit Residential designation to the Multiple Unit Residential – Low Density and Multiple Unit Residential -Medium Density designation; and to rezone from the P2-Education and Minor Institutional zone to the RM3-Low Density Multiple Housing zone and the RM5-Medium Density Multiple Housing zone;

4.0 COMMUNITY HERITAGE COMMISSION

The above-noted application was reviewed by the Community Heritage Commission at the meeting of December 7, 2004 and the following recommendation was passed:

THAT the Community Heritage Commission supports OCP04-0013, Z04-0053, DP04-0125 and HRA04-0003 applications to rezone the subject property for multiple unit residential uses and enter into an Heritage Revitalization Agreement to adaptively re-use and rehabilitate the old brick Rutland Elementary school building for residential purposes and wish to provide the following comments:

- temporary use of the school building is encouraged;
- preservation of mature landscaping is encouraged;
- maintenance standards and schedules are encouraged to prevent further deterioration;
- sight lines of the school from Rutland Road should be preserved;
- the proposed apartment building located on the north portion of the site should be pushed further north to provide a 45 degree sightline from the school to Rutland Road;
- information about the history of the school building should be provided by the applicant in an easily accessible public location on the site.

5.0 BACKGROUND

5.1 The Proposal

The applicant is proposing to develop the former Rutland Elementary School site in two phases. The site, consisting of two legal lots, is currently under the process of being consolidated. At a later date, however, the property is to be subdivided into two new lots consistent with the two phases shown of the attached plans.

The proposed northern lot is to be split zoned with the RM3- Low Density Multi-dwelling zoning designation along the north and west property lines providing transition from the adjacent single/two dwelling neighbourhood. The eastern portion of the proposed lot, adjacent to Rutland Road, is to be zoned RM5 – Medium Density Multiple Dwelling Housing.

The proposed southern lot is to be rezoned to the RM5- Medium Density Multiple Dwelling designation. The existing brick school house will be retained on the proposed southern lot with the proposal of a future application for apartment housing. A Heritage Revitalization Agreement, to be registered on title, will ensure the preservation of the heritage building as well as facilitate the proposed future subdivision by allowing for variances to the side yard and rear yard setbacks to the existing Heritage Building. The variances to the setbacks are required only along internal portions of the lot.

One access from Rutland Road North is proposed on each lot. A driving aisle running mid-site on both lots will link the two lots internally. An access easement on each lot will therefore be required when the lot is re-subdivided. All parking for each lot is to be accessed from this internal driveway. Parking for the townhouses will be provided in double car garages with tandem parking in front. Parking for the proposed apartment buildings is to be located in both an underground parkade and surface parking spaces.

The site will be surrounded along the north, west, and south property lines with a 6' chain link fence. Connection to the existing pathway along the west side of the property will be maintained. Several existing trees are to be preserved with additional trees planted along the property lines as well as throughout the development. A large grassed area in front of the existing school building will be maintained. Planting beds are also integrated throughout the proposed development.

In addition, the existing two pedestrian linkages to the adjacent neighbourhood will be maintained. The landscaping plan proposes the planting of trees along all of the property lines. Along the rear lot line a mix of linden, spruce and pine tree will buffer the development from the adjacent properties. A variety of maple trees are to be planted throughout the interior of the site. Adjacent to the sidewalk along Rutland Road, London plane trees will line the property.

Phase I (Northern Lot)

The applicant intends on first developing the proposed lot on the north end of the site. At this time, an application for a development permit for only the townhouses and "Building A" has been submitted. Phase I of the overall development consists of 16 units of semi-detached and row housing and 56 units of apartment housing. The RM3 portion of the lot, consisting of two semi-detached and three four-plex buildings, runs along the north and west property lines. The proposed low density multiple housing buildings are to be two storeys in height at the middle of the buildings and tiered down to one storey on the ends. They thus provide a good transition from the neighbouring properties to the RM5 – Medium Density Multiple Housing portion of the proposed lot adjacent to Rutland Road N. In this location, the applicant is proposing to develop a four storey apartment building.

Architectural detailing on the proposed townhouse and apartment building facades includes dental molding at the base on the window trim and detailing within the gables of the roof. Detailing on the rear elevations of the buildings includes several different window types and finishes. The arching above the main floor windows replicates the windows on the schoolhouse building providing some continuity throughout the development. The buildings are to be finished in a neutral toned ("pebble") horizontal siding with cream ("linen") trim. Columns adjacent the front doors, and the chimneys, are to be finished with brick that coordinates with the finish of the schoolhouse building. The proposed roofing is to consist of laminate shingles in "weathered wood", a dark multi-toned material. The applicant uses sub-roofs in an attempt to break up the roofline.

Phase 2 (Southern Lot)

In order to ensure the preservation and restoration of the Rutland Elementary School heritage building, located on the southern portion of the property, a Heritage Revitalization Agreement (HRA) is to be registered on the title of the property. The HRA will allow the existing two storey building to be converted into a total of eight one bedroom apartment units. In addition, the HRA will facilitate the future subdivision of the lot by allowing for variances to the rear and side yard setbacks to the school building. The applicant will not be permitted to proceed with the second phase of the development until such time that the brick schoolhouse has received an occupancy permit for the proposed residential units. Subsequently, a new permit for any new development on the southern portion of the lot will be required. At this time only concept plans for Phase 2 have been submitted.

The application meets the requirements of the proposed RM5- Medium Density Multiple-Family Zone and RM3- Low Density Multiple Housing Zone as follows:

CRITERIA	PROPOSAL	RM5 ZONE REQUIREMENTS
Lot 1 (Northern Portion)		
Site Area (m ²)	7126.9m ² 4508.7m ²	1400m ²
Site Width (m)	121.7m	30.0m
Site Depth (m)	88.22m	35.0m
Site Coverage (%)	32%/ 49% 31%/ 60%	40% (50% with buildings, driveway, parking) RM3 40% (60% with buildings, driveway, parking) RM5
F.A.R.	0.38 1.06	0.56 RM3 1.21 RM5
Setbacks (m)	RM3/RM5	RM3/RM5
- Front (east)	4.5m/6.0m	4.5m/6.0m
- Rear (west)	7.5m/n/a	7.5m/9.0m
- Side (south)	6.1m/7.62m	4.5m/7.5m
- Side (north)	6.0m/n/a	4.5m/7.5m
Parking Stalls (#)	<u>Apartment</u> 44 underground 34 surface <u>Townhouses</u> 32 garage & 32 tandem surface =32 Total 126	<u>Apartment</u> 23 2 bedroom @ 1.50 = 48 24 1 bedroom @ 1.25 = 30 <u>Townhouses</u> 16 3 bedroom @ 2.00 = 32 Total 110
Bicycle Stalls (#)	44 spaces 16 spaces in garages 8 space min. at apartment building entrance 20 spaces remaining within underground parking area	36 stalls (0.05 per dwelling unit of Class I) 8 stalls (0.10 per dwelling unit of Class II) Total 44
Separation between principal buildings	4.0m min.	3.0m
Height (m) Apartment (RM5) Row Housing (RM3)	13.7m 6.9m	16.5m 9.5m
Storeys (#) Apartment (RM5) Row Housing (RM3)	4 storeys 2 storeys	4.0 storeys 2.5 storeys

Lot 2 (Southern Portion of Site)*		
Site Area (m ²)	7282m ²	1400m ²
Site Width (m)	104.97m	30.0m
Site Depth (m)	88.21m	35.0m

* A separate permit will be required for any new development on the southern portion (Phase II) of the property.

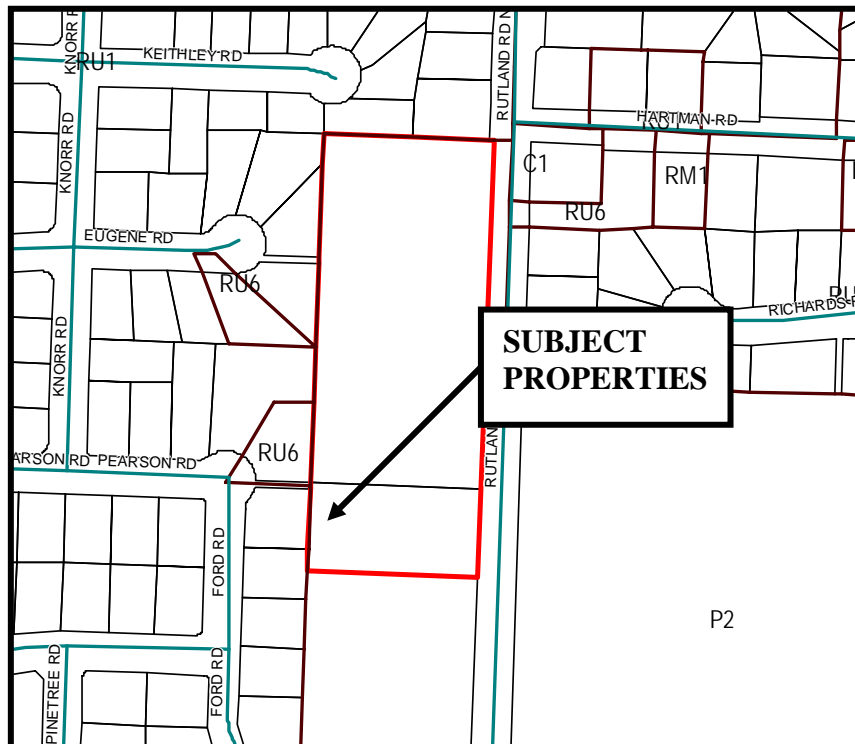
5.2 Site Context

The subject property is located on Rutland Road between McCurdy Road and Leathead Road.

Adjacent zones and uses are:

- North - RU1 - Large Lot Housing
- East - RU1 - Large Lot Housing,
- C1 - Local Commercial
- RU6 - Two Dwelling Housing
- South - P2- Education & Minor Institutional
- West - RU1 - Large Lot Housing,
- RU6 – Two Dwelling Housing

Site Location Map



5.3 Existing Development Potential

The portion of the lot containing the row housing are to be zoned RM3 – Low Density Multiple Housing. The purpose of the RM3 zone is to provide a zone for low density multiple housing on urban services. Permitted used include apartment housing, congregate housing, group home (major), row housing, semi-detached housing, stacked row housing. Secondary uses care centres (major) and home based businesses (minor).

The remaining portions of the lot are to be zoned RM5 – Medium Density Multiple Housing. The purpose of the RM5 zone is to provide a zone primarily for medium density apartments. The principal uses in this zone are apartment housing, congregate housing, group homes (major), and stacked row housing. Secondary uses include care centres (major), and home based businesses (minor).

5.4 Current Development Policy

5.4.1 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “to develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas” (Objective 1.1). The proposal is consistent with these objectives and with their accompanying strategies.

5.4.2 Kelowna Official Community Plan

The proposal is not consistent with the land use designation Education & Minor Institutional in the Official Community Plan future land use designation (OCP, Chapter 15). However, with respect to the proposed increase in densities on the site, an OCP policy does provide for more intensive uses than those envisioned in the OCP. The policy states that the City may consider supporting an OCP amendment and rezoning application for residential densities greater than those provided for in the OCP where:

- A portion of the proposed units are available for affordable, special needs or rental housing identified to be in short supply (guaranteed through a Housing Agreement); and
- Appropriately designated sites can be proven to be functionally unsuitable for the proposed housing; and
- Supporting infrastructure is sufficient to accommodate the proposed development (or the developer is prepared to upgrade the necessary infrastructure); and
- The proposed densities do not exceed the densities provided for by more than one increment.
- The project can be sensitively integrated into the surrounding neighbourhood, with no more than a one-storey height gain between the proposed development and the height permitted within land uses assigned to adjacent parcels (Where the property being proposed for redevelopment is large, consideration may be given to providing greater heights at the centre of the property provided that the new building is sensitively integrated with the surrounding neighbourhood); and
- Approval of the project will not destabilize the surrounding neighbourhood or threaten viability of existing neighbourhood facilities (e.g. schools, commercial operations etc.)

The applicant has not requested a Housing Agreement to provide affordable, special needs or rental housing at this time. In addition, the conceptual plans for the apartment buildings on the southern lot do not provide the one-storey height gain as per the OCP policies. The proposal, however, is consistent with various OCP policies, including the following:

- Develop a more compact urban form that maximizes the use of existing infrastructure, by increasing densities through development within existing areas.
- Support a land use approach where residential densities increase as proximity to the core of Urban Centres increases.
- Pursue opportunities for financial and other incentives to be administered by the City to encourage the retention, restoration and maintenance of heritage buildings.

6.0 TECHNICAL COMMENTS

6.1 Canada Post

Mail delivery equipment will be required.

6.2 Fire Department

Engineered fire flows required. Fire hydrant placement as per City of Kelowna Bylaw. 6 Meter road width required.

6.3 FortisBC

Fortis will provide underground electrical service.

6.4 Irrigation District (Black Mountain Irrigation District)

No objections subjects to the fulfillment of BMID service requirements.

6.5 Inspections Department

No comment on Zoning and OCP amendment.

6.6 Interior Health

No comment.

6.7 Parks Manager

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. All entry feature signs for the proposed development will be located on private property and not on City BLVD. BLVD maintenance including watering (manual or automated irrigation), shrubs, ground cover, sod, and seeded areas will be the responsibility of owner/occupant. In an effort to conserve water, all automated irrigation systems will be design to minimize over spraying on non-landscaped areas including City sidewalks, courtyards, parking areas, roadways, etc. Parks encourages the applicant/property owner to incorporate native plants and xeriscape vegetation into the landscape where practical.

6.8 RCMP

No comment.

6.9 School District No. 23

No response.

6.10 Shaw Cable

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

6.11 Telus

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

6.12 Terasen

No comment.

6.13 Works & Utilities

The Works & utilities Department comments and requirements regarding this application to rezone from P-2 to RM-3 and RM-5 are as follows:

6.13.1 Subdivision

- a) Consolidate the parcels.
- b) Dedicate the necessary widening along Rutland Road to provide for one half of the ultimate 30m. road right of way, measured from the road centreline.
- c) Provide easements as may be required.

6.13.2 Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyze the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays,

6.13.3 Domestic water and fire protection.

- a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID.
- b) A watermeter is mandatory as well as a sewer credit meter to measure all the irrigation water. Watermeters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

6.13.4 Sanitary Sewer.

- a) The subject property is currently serviced and connected to the municipal wastewater collection system. All the fees associated with the sanitary sewer service have been paid by the previous owners of the property. There are no connection fees associated with this application.

6.13.5 Drainage.

- a) A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. The drainage study should indicate the size and location of the detention pond(s) and provide for a positive outflow to the existing municipal storm drainage system. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

6.13.6 Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

6.13.7 Road improvements.

a) Rutland Road.

The applicant is responsible to widen Rutland along the frontage of the property, to a paved urban collector complete with curb and gutter and separate sidewalk, fillet paving, storm drainage works, landscaped and irrigated boulevard, street lighting, removal and/or relocation existing utilities as may be required, etc. The estimated cost of this work, for bonding purposes, would be \$121,000.00 and is inclusive of a bonding contingency.

6.13.8 Street lights.

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

6.13.9 Access. (To be reviewed in more detail at the DP stage)

- a) Accesses to Rutland Road are satisfactory as shown on the attached sketch.
- b) Both pedestrian accesses connecting to the existing residential area to the west are to be maintained.

6.13.10 Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer.

6.13.11 DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgradings are not identified in the current DCC schedules.

6.13.12 Bonding and Levies Summary.

- a) Performance Bonding
 - Rutland Road frontage upgrading \$121,000.00
- b) Levies N/A

7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Development Permit Guidelines for the Form and Character of Multiple Unit Development apply to the proposed development. At this time, the applicant is applying for a development permit for the northern portion of the site including the townhouses and one apartment building. The proposed project is consistent with the provisions of those guidelines which call for the provision of ground-level access for first storey units and the provision of outdoor amenity space.

In addition to meeting the guideline provisions, a prime concern of this project should be the integration of the residential buildings proposed for the site with the former Rutland Elementary School. This integration should be in a manner that gives the school building the deference it deserves by virtue of its status as a recognized heritage building within the community. The four-storey apartment buildings use similar window forms and materials to relate to the existing brick schoolhouse structure, thus somewhat achieving a dialogue between the old and the new and a sense of continuity with the past. This is illustrated through the use of brick accents, arched windows treatments, and gabled sub-roofs which duplicate architectural detailing found on the existing brick schoolhouse.

Staff notes that because of the proposed height, massing, and proximity of the flanking residential structures and their location closer to the street, the stature of the school when seen from Rutland Rd. will likely be diminished by the flanking buildings. However, staff acknowledges that the open space in front of the former school is proposed to be maintained. Staff encourages the applicant to use the space to enhance the school structure as a community focal point, as well as using it as an amenity space for the residents. Development of the space in this manner could simultaneously provide a visual amenity from the street as well as enhance the project's identity within the community. In accordance with the recommendation of the CHC, the applicant was encouraged to shift the proposed apartment building on the northern portion of the lot (Phase 1) to the north in order to provide a 45 degree sightline from the school to Rutland Road. The applicant, however, feels that an adequate sightline has been maintained.

Andrew Bruce
Development Services Manager

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

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Attach

ATTACHMENTS

(not attached to the electronic version of the report)

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