
CITY OF KELOWNA

MEMORANDUM

Date: February 23, 2005
File No.: (3090-20) **DVP04-0122**

To: City Manager

From: Planning & Corporate Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT OWNER: SIMPLE PURSUITS INC.
APPLICATION NO. DVP04-0122

AT: 1007 RUTLAND ROAD NORTH APPLICANT: AS ABOVE

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY
THE REAR YARD SETBACK OF THE RM3 ZONE FROM 7.5 M
REQUIRED TO THE 3.0 M REAR YARD SETBACK PROPOSED

EXISTING ZONE: C2 – NEIGHBOURHOOD COMMERCIAL

PROPOSED ZONE: C2 – NEIGHBOURHOOD COMMERCIAL
RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Final Adoption of OCP Amending Bylaw No. 9349 and Zone Amending Bylaw No. 9350 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP04-0122; Lot 1, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP65904, located on Rutland Road, Kelowna, B.C.;

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

Section 13.9.6 (f) – **Low Density Multiple Housing** zone, **Development Regulations**, to vary the rear yard setback from the 7.5 m required to the 3.0 m setback proposed.

2.0 SUMMARY

The development site was zoned to the C2 – Local Commercial zone in November 1996. The lot was created in December 1999 as part of the registration of the plan of subdivision which created the McCurdy Road extension access route to the proposed Tower Ranch development.

This current application seeks to authorize development of the remainder of the subject property with a 204 m² commercial building located adjacent to the north boundary near the Rutland Road frontage of the property, and an 8 unit townhouse building proposed to be located adjacent to the east boundary of the property.

However, as the applicant also wishes to subdivide the residential portion off of the parent site it has been necessary to amend the Future Land Use Designation of this portion of the site to apply a “Multiple Unit Residential – low density” designation to that portion of the development site, and to apply the “RM3 – Low Density Multiple Housing” zone to that portion. Those applications were considered by Council on February 8, 2005, and are currently at 3rd reading.

This Development Variance Permit application seeks to reduce what will become the rear yard setback of the “RM3 – Low Density Multiple Housing” zoned portion of the development site, once the subdivision is complete. The associated Development Permit (DVP04-0122) will be forwarded to Council under a separate report for consideration at the same meeting.

2.1 Advisory Planning Commission

The above noted applications (DP04-0119/DVP04-0122) were reviewed by the Advisory Planning Commission at the meeting of October 12, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP04-0119, for 1007 Rutland Rd N , Lot 1, O.D.Y.D., Plan KAP65904, by Simple Pursuits Inc. (Shane Worman), to obtain a Development Permit to authorize construction of a new 204 m² commercial building and a new 8 unit – 2 bedroom rowhouse residential development on the subject property;

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP04-0122, for 1007 Rutland Rd N, Lot 1, O.D.Y.D., Plan KAP65904, by Simple Pursuits Inc. (Shane Worman), to obtain a Development Variance Permit to vary the rear yard setback of the RM3 zone from 7.5 m required to the 3.0 m rear yard setback proposed

3.0 BACKGROUND

3.1 The Proposal

In November 2003, Development Permit DP03-0121 was issued after Council consideration on December 2, 2003, which authorized the development of a 311 m² commercial building which has been used as a convenience store. It was anticipated at that time that future phases of development would include mixed-use components as required by the restrictive covenant building design scheme.

This current application proposes the development of the remainder of the subject property with a 204 m² commercial building proposed to be located adjacent to the north boundary of the subject property near the Rutland Road frontage, and an 8 unit townhouse building located adjacent to the east boundary of the subject property.

The proposed commercial building is designed as a single storey building that is finished with a blend of stucco and brick facing finishes, and pre-cast concrete detail elements. The south façade and a portion of the west façade include store front glazing. The business entrance is located in the centre of the south façade.

The 8 unit row house unit is designed as a 2 ½ storey building, located adjacent to the east property line of the subject property, extending from the north property line, south towards the south property line adjacent to McCurdy Road.

Council will have an opportunity to consider the associated Development Permit application (DP04-0119) to deal with the proposed form and character of the development prior to final adoption of the zone amending bylaw at this same meeting.

This application for a Development Variance Permit has been made to vary what will become the rear yard setback for the “RM3 – Low Density Multiple Housing” zoned portion of the proposed development. After the RM3 portion of the site is subdivided off of the remaining “Commercial” zoned portion of the site, the proposed 3.0 m setback to the north property line will no longer comply with the requirements of the “RM3 – Low Density Multiple Housing” zone, which requires a 7.5 m rear yard setback.

This application for Development Variance Permit has been circulated to Council separately from the associated Development Permit application in order to allow for the applicant to finalize several technical issues related to the application, while allowing staff to meet advertising dead-lines for the Development Variance Permit legal notices.

The proposal as compared to the C2 zone (before subdivision) requirements is as follows:

CRITERIA	PROPOSAL	C2 ZONE REQUIREMENTS
Site Area (m ²) (before subdivision)	3,998.9 M ²	1,500 M ²
Site Width (m)	55 M	40 M
Site Coverage (%)	24 %	40%
Total Floor Area (m ²)	1,166 M ²	1,203 M ² max @ FAR = 0.3
F.A.R.	.29	FAR = 0.3 + 0.2 = 0.5 max
Storeys (#)	2 ½ storey	2 ½ Stories (10.5 M) Max
Setbacks (m)		
- Front (Rutland Rd)	4.5 m	4.5 M
- Rear	7.5 m	6.0 M adj. to residential
- North Side	3.0 m	3.0 M for 2 or 2 ½ Storey
- South Side (Flanking)	4.5 m	4.5 M
Parking Stalls (#)	29 stalls provided	23 stalls required
Loading Stalls (#)	1 stall provided	1 per 1,900 M ² GFA

Parking Calculations;

Commercial 515 m² @ 2 / 100 m² GFA = 11 stalls required

Residential 8 - 2br units @ 1.5 stalls / unit = 12 stalls required

TOTAL PARKING REQUIRED 23 STALLS x 125% = 29 stalls maxi.

This proposed application has been reviewed for compliance with the existing “C2 – Neighbourhood Commercial” zone, as noted in the table above. However, it is the desire of the applicant to make application for subdivision of the site in order to separate the commercial and residential components of the subject property, and to rezone the residential component to the “RM3 – Low Density Multiple Housing” zone.

As that portion of the subject property is designated as “Commercial” in the Official Community Plan, it has been necessary for the applicant to make application for an OCP amendment concurrently with the Rezoning application. As well, after subdivision, the residential lot will have the front yard facing McCurdy Road, which will make the north property line for that lot the rear yard. Prior to subdivision, that area would have been considered as an interior lot line and has been provided with a 3.0 m side yard set back, consistent with the side yard set back recruitments of the “C2 – Neighbourhood Commercial” zone. This Development Variance Permit has been made to address this situation.

Zoning summary tables have been provided below to indicate the zone compliance after subdivision.

COMMERCIAL COMPONENT

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

CRITERIA	PROPOSAL	C2 ZONE REQUIREMENTS
Site Area (m ²)	2,116.03 M ²	1,500 M ²
Site Width (m)	55 M	40 M
Site Coverage (%)	8 %	40%
Total Floor Area (m ²)	515 M ²	1,203 M ² max @ FAR = 0.3
F.A.R.	.24	FAR = 0.3
Storeys (#)	1 storey	2 ½ Stories (10.5 M) Max
Setbacks (m)		
- Front (McCurdy Rd)	4.5 m	4.5 M
- Rear	3.0 m	3.0 M
- East Side	2.0 m	2.0 M for 1 or 1 ½ Storey
- West Side (Flanking)	4.5 m	4.5 M
Parking Stalls (#)	17 stalls provided	2 per 100 M ² GFA = 11 stalls req'd
Loading Stalls (#)	1 stall provided	1 per 1,900 M ² GFA

MULTIPLE UNIT RESIDENTIAL COMPONENT

The proposal after subdivision as compared to the RM3 zone requirements is as follows:

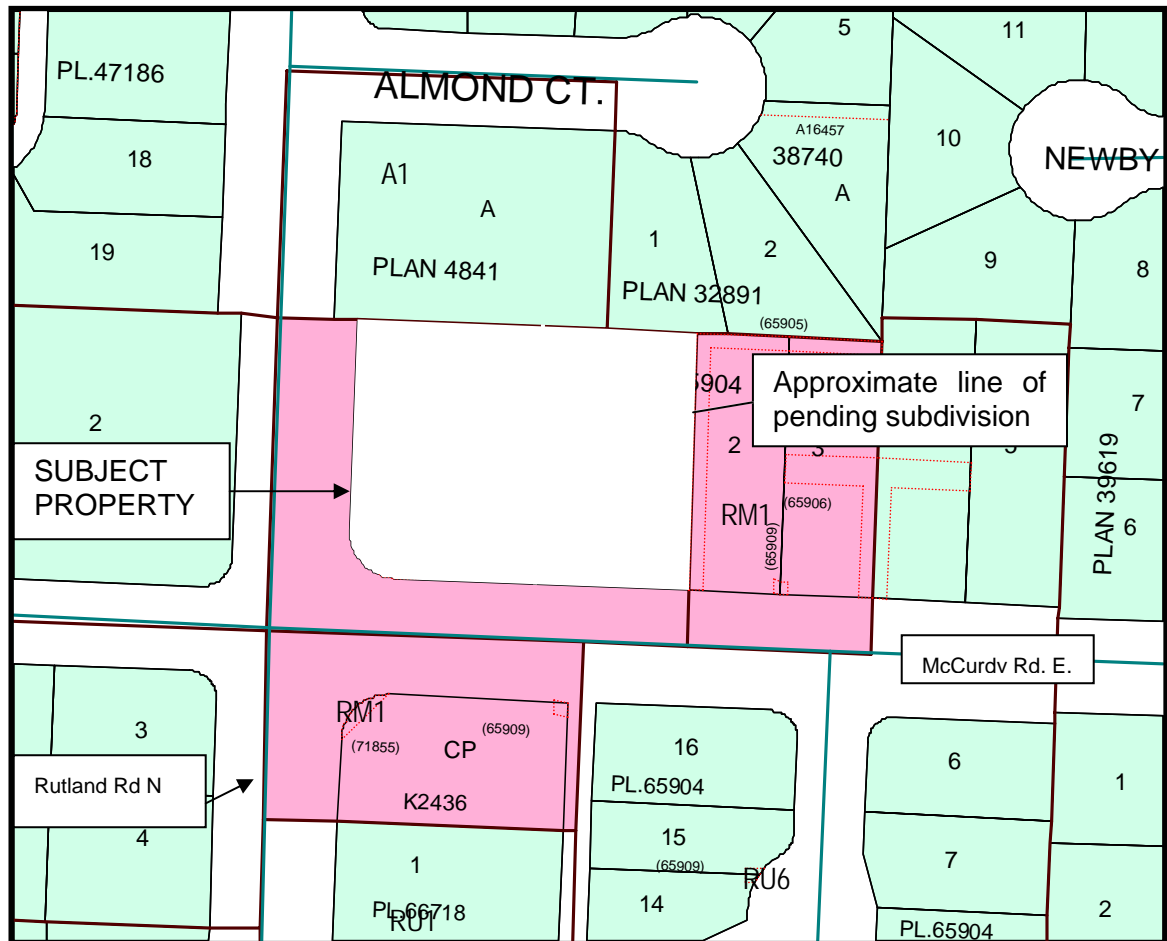
CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	1,882.87 m ²	900 m ²
Site Width (m)	34.18 m	30 m
Site Coverage (%)	24% Buildings only 50% buildings and parking areas	The maximum building site coverage is 40%, provided that the maximum site coverage of buildings, driveways, and parking areas is 50%.
Total Floor Area (m ²)	1,118.4 m ²	1,129.7 m ² max @ FAR = 0.6
F.A.R.	0.60	FAR = 0.5 + 0.1 = 0.6 max
Storeys (#)	2 ½ storey	2 ½ Stories (9.5 m) max
Setbacks (m)		
- Front (McCurdy Rd)	4.5 m	4.5 m (6.0 m from garage or carport)
- Rear	3.0 m ❶	7.5 m
- East Side	7.5 m	4.5 m for 2 or 2 ½ storey building
- West Side	17.1 m	4.5 m for 2 or 2 ½ storey building
Parking Stalls (#)	18 stalls provided	1.5 stall per 2 br unit 8 units, 12 stalls required

NOTES;

❶ The associated DVP04-0122 application seeks to vary the rear yard setback in the RM3 zone from the 7.5 m required to the 3.0 m proposed.

3.2 Site Context

SUBJECT PROPERTY MAP



The subject property is generally flat and level, and has a convenience store located at the southwest corner of the site. 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

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The commercial component of this proposal is consistent with the Official Community Plan future land use designation of “Commercial”.

However, in order to support a future subdivision and the rezoning of the residential portion of the subject property to the RM3 – Low Density Multiple Housing zone, and the associated OCP amending application OCP04-0016 has been made.

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.”

4.0 TECHNICAL COMMENTS

The development application has been circulated to various technical agencies and City departments. Those technical requirements have been addressed as part of the associated Rezoning application (Z04-0064). There will be an opportunity to review comments related to the Development Permit application when that separate report is considered by Council. There were no comments made specific to the Development Variance Permit application.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

There was a building scheme registered on the title of the subject property as a Section 219 restrictive covenant. That covenant required that the proposed development have a residential use on the second storey in order to create a mixed-use development on the site. That restrictive covenant was required in response to concerns raised by Council at the Public Hearing regarding the development of the site at the time of the original rezoning.

The previously approved development plan (DP03-0121) approved a small commercial building for use as a convenience store. As that building development did not include a residential component, it was anticipated that application for future phases would include a residential component.

This current application provides for another small commercial building on site, as well as a residential component to provide for a “Mixed-Use” development on site. However, the applicant would like to subdivide the commercial component of this development proposal from the multi-unit residential component. The resulting development is considered to create a “Mixed-Use” development in that the original property includes both residential and commercial uses.

The proposed development of the townhouses is a reasonable form of residential development on the subject property.

The applications for; OCP amendment to change the future land use designation from “Commercial” to “Multiple Unit Residential – low density” and Rezoning to the RM3 – Low Density Multiple Housing” zone were considered by Council on February 8th, 2005, and received 2nd and 3rd reading after a successful Public Hearing held on the same night.

The Planning and Development Services Department does not have concerns with this application, and recommends for positive consideration by Council.

Council will have the opportunity to consider the associated Development Permit application (DP04-0119) at this same meeting under separate cover.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

PMc/pmc
Attach.

Attachments

(Not attached to the electronic copy of the report)

Subject Property Map

1 page of site plan detail to show rear yard setback variance