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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** March 15, 2005  
**File No.:** (3060-20) **DP04-0119**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION OWNER: SIMPLE PURSUITS INC.  
NO. DP04-0119

AT: 1007 RUTLAND ROAD NORTH APPLICANT: AS ABOVE

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE  
CONSTRUCTION OF A NEW 204 M<sup>2</sup> COMMERCIAL BUILDING  
AND A NEW 8 UNIT – 2 BEDROOM ROWHOUSE RESIDENTIAL  
DEVELOPMENT ON THE SUBJECT PROPERTY

EXISTING ZONE: C2 – NEIGHBOURHOOD COMMERCIAL

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

REPORT PREPARED BY: PAUL McVEY

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**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 Permit No. DP04-0119 for Lot 1, Sec. 26, Twp. 26, O.D.Y.D., Plan KAP65904, located on Rutland Road, 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. Approval of Subdivision application:
4. Landscaping to be provided on the land be in general accordance with Schedule "C";

5. 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 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 a Development Permit to authorize development of the remainder of the subject property with a 204 m<sup>2</sup> 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 3<sup>rd</sup> reading.

The associated Development Variance Permit application (DVP04-0122) has been circulated separately to Council for consideration at this same meeting.

### 2.1 Advisory Planning Commission

The above noted application (DP04-0119) was 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 m<sup>2</sup> commercial building and a new 8 unit – 2 bedroom rowhouse residential development on the subject property;

## 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 m<sup>2</sup> 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 m<sup>2</sup> 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.

The floor plans provided indicate the lower floor is designed with a single car garage, and space for a small den, storage, and the main entrance to the unit. The grade level of the garage and entry areas are 1.2 m (4') below the remainder of the property.

The main living level is designed to provide kitchen, dining, and living room areas, as well as a small powder room.

The upper level is designed to provide 2 bedrooms, a full bathroom, and an ensuite bathroom to the master bedroom.

The exterior of the proposed residential building is designed to be finished with a base wall finish of vertical siding, and a blend of horizontal siding or stucco finishes to the cantilevered dormer areas to provide a unique identity to each of the units. The roof areas of the entrances incorporate a covered area that has gable area that are finished with a hip roof feature or a timber detail. The gables areas of the dormer areas alternate with either a hip roof feature or a flat gable with attic louver vent. The eave line of the roof over the main body of the building is lower than the soffit line of the gable section to accentuate the dormer area and reduce the visual height of the proposed residential building. The proposed building design also includes design elements included with the recently constructed residential units located across McCurdy Road, south of the subject property.

The proposed landscape plan provided expands on the landscape plan that was submitted with the Development Permit application DP03-0121, and proposes a garbage enclosure located adjacent to the new proposed commercial building, as well as a landscape strip along the east side of the new proposed commercial building to provide a visual separation between the commercial and residential components of the site development. The residential area of the subject property also has a garbage enclosure located near the north property line near the commercial building to provide a central location for garbage collection. The residential area is landscaped to provide substantial amount of green space behind each of the units in the rear yard of the subject property. There are also shrub beds planted between the sidewalk and the proposed parking lot.

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 3<sup>rd</sup> reading. Now that the outstanding issues have been

addressed, it is now appropriate for Council to consider final adoption of the zone amending bylaw.

There has been a Development Variance Permit application 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 registered. This associated Development Variance Permit (DVP04-0122) will be forwarded to Council under a separate report for consideration at the same meeting as this Development Permit application.

It is the desire of the applicant to subdivide 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. Development Variance Permit application DVP04-0122 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 <sup>2</sup> )	2,116.03 M <sup>2</sup>	1,500 M <sup>2</sup>
Site Width (m)	55 M	40 M
Site Coverage (%)	8 %	40%
Total Floor Area (m <sup>2</sup> )	515 M <sup>2</sup>	1,203 M <sup>2</sup> 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 <sup>2</sup> GFA = 11 stalls req'd
Loading Stalls (#)	1 stall provided	1 per 1,900 M <sup>2</sup> 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 <sup>2</sup> )	1,882.87 m <sup>2</sup>	900 m <sup>2</sup>
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 <sup>2</sup> )	1,118.4 m <sup>2</sup>	1,129.7 m <sup>2</sup> 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.

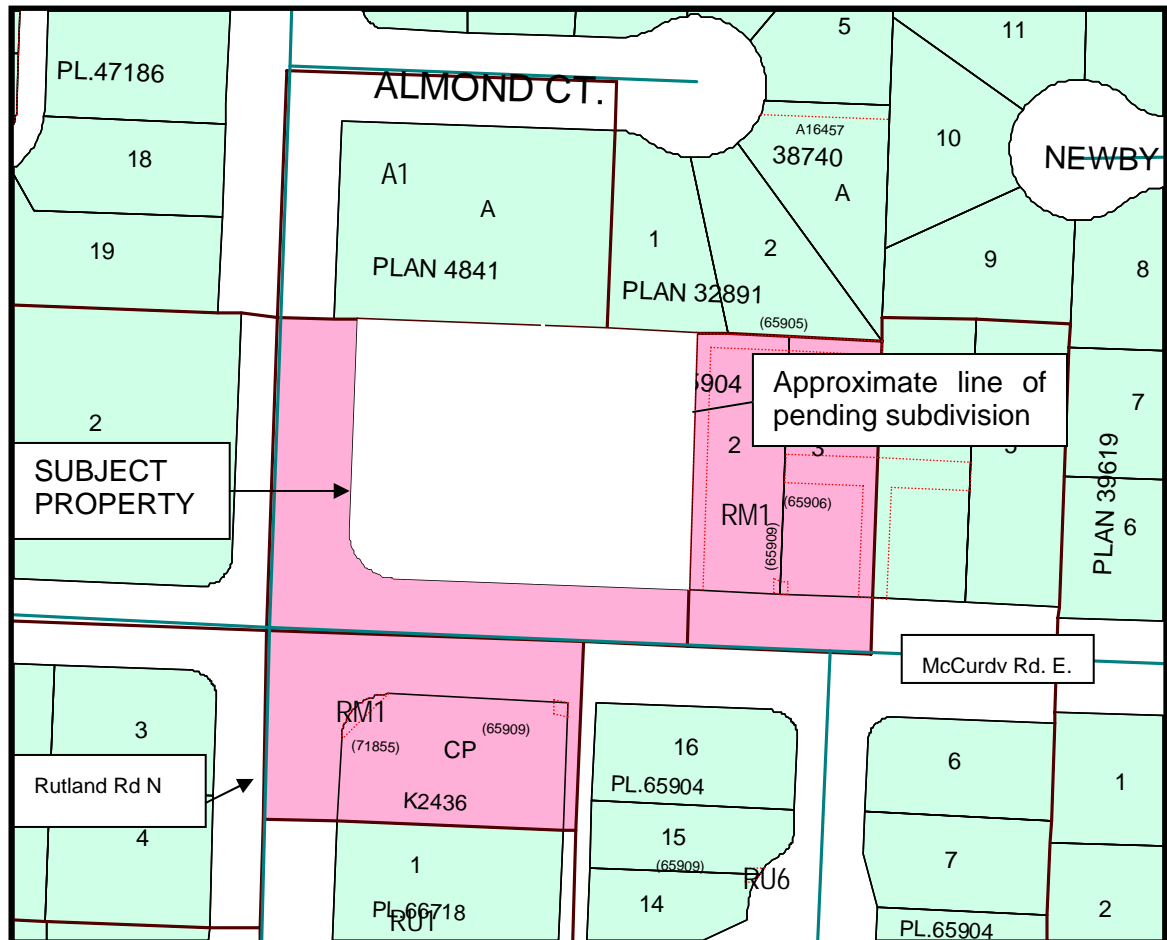
The subject property is generally flat and level, and has a convenience store located at the southwest corner of the site. The site was the former location of the “Greenery” nursery. The subject property was created in 1999 as part of the road dedication to provide for the access route to the pending 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

### 3.2 Site Context

#### SUBJECT PROPERTY MAP



### 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”.

The Official Community Plan also contains the following statements;

General Commercial Development Permit Areas Objectives;

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should provide visual interest and human scale.

- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, community cohesiveness).
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

General Commercial Development Permit Areas Guidelines;

**Access**

- Design should facilitate pedestrian and bicycle access.
- Within multiple unit residential projects, vehicle access and on-site circulation shall minimize interference with pedestrian movement.
- Within multiple unit residential projects, vehicle access from arterial or collector roads is discouraged. Where possible, such access should be achieved from a local road or lane.
- Vehicle access should not interfere with pedestrian movement.
- Vehicle access (including parking and loading) should be, wherever possible, from a lane.
- Pedestrian access should be clearly marked.

**Building, Structures, And Additions**

- Buildings, structures and additions should be designed and sited in a manner compatible with adjacent buildings and open areas.

**Ancillary Services / Utilities**

- Loading, garbage and other ancillary services should be located at the rear of buildings.
- Utility service connections should be screened from view or be located so as to minimize visual intrusion.

However, in order to support a future subdivision and the rezoning of the residential area to a Residential zone, OCP amending application OCP04-0016 has been made

The Official Community Plan also contains the following statements related to Multiple unit residential development;

**Objectives for Multiple Unit Residential Development**

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

**Guidelines for Multiple Unit Development**

In issuing conditions relating to a development permit the City will specify how development permit objectives can be satisfied. This should include

consideration of the following guidelines, as examples of how to meet the objectives:

**Landscaping**

Landscaping should:

- screen parking areas from view (with vegetation, berms, low walls, fences etc.)
- provide colour
- retain required sight distances (from roadways)
- contribute to a sense of personal safety and security
- facilitate access, enjoyment and social activities for all authorized users
- provide equal access for mobility-challenged individuals

**Building Massing**

- Sub-roofs, dormers, balconies, and bay windows should be encouraged.

**Walls**

- End walls visible from a public street or residential lot should be finished to provide an attractive appearance. Blank or solid walls (without glazing) should not be longer than 5 m. Walls longer than 5 m should incorporate wall detailing that will provide visual interest.

**Crime Prevention**

- Guidelines for Crime Prevention Through Environmental Design Guidelines (CPTED) should be followed.

**Ancillary Services/Utilities**

- Loading, garbage and other ancillary services should be located at the rear of buildings.

**Amenities**

- Appropriate high quality public spaces, which provide links to surrounding areas and open space relief within the development should be encouraged.

**Access**

- Vehicle access and on-site circulation shall minimize interference with pedestrian movement.

3.3.2 City of Kelowna Strategic Plan (2004)

The Strategic Plan vision statement contains the following;

“The Strategic Plan describes a vision of what residents hope Kelowna will be like in the future... Overall, residents aspire to live in a community that;

- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs
- embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and building forms...

Goal 2 of the Strategic Plan is to “Foster a strong, stable and expanding economy”

This has lead to the Strategic Plan containing the following objectives;

1. Aid in the growth and progress of Kelowna as a desirable place to do business



2. Aid in the growth and progress of Kelowna as a desirable place to visit, shop and tour,
3. Increase the diversity of employment opportunities.
4. Commit to continued sound fiscal management

### 3.3.3 Crime Prevention Through Environmental Design

The City of Kelowna CPTED guidelines contain the following statements as related to Multiple Unit Residential Buildings:

#### **Natural Surveillance**

- wherever feasible, ground-oriented units enable surveillance over outdoor activity areas and the street;
- building entrances and exterior doors should be clearly visible from the street or by neighbours;
- all doors that open to the outside should be well-lit;
- all four facades of a building should have windows;
- visitor parking should be designated;
- the lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- parking areas should be visible from windows and doors;
- parking areas and pedestrian walkways should be well-lit;
- dumpsters should not create blind spots or hiding areas;
- shrubbery should be no more than three feet (one metre) high for clear visibility;
- buildings should be sited so that the windows and doors of one unit are visible from another;

#### **Territorial Reinforcement**

- property lines should be defined by landscaping or fencing which does not create a visual barrier;
- low shrubbery and fencing should allow visibility from the street;
- building entrances should create a strong sense of identity and presence on the street with the use of architectural elements, lighting and /or landscaping;
- all buildings and residential units should be clearly identified by street address numbers that are a minimum of five inches (12.5 cm.) high, and well-lit at night;
- balconies should be large enough to provide a useable activity area for residents, thereby increasing influence over the adjacent neighbourhood;
- mail-boxes should be located next to the appropriate residences.

#### **Natural Access Control**

- balcony railings should never be a solid opaque material;
- entrances into parking lots should be defined by landscaping, or architectural design;
- dead end spaces should be blocked by a fence or gate;

#### **Target Hardening**

- cylinder dead bolt locks should be installed on all exterior doors;
- door hinges should be located on the interior side of the door;
- door knobs should be 40 inches (1 m.) from window panes;
- sliding glass doors should have one permanent door on the outside and on the inside moving door should have a lock device and a pin.

#### 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 FortisBC

Will provide u/g electrical service.

##### 4.2 Inspection Services Department

Part 9 BCBC - Designer to:

- Ensure Separate signage package is provided for review.
- Review that Fire dept access meets 9.10.19.3/3.2.5.6.
- Confirm proposed CRU as group E or group A2(part 3 BCBC).
- Review spatial limits north side of residential building.
- Review spatial limits and const. for north face of CRU.
- Review requirements for 9.10.12. Exterior walls and 9.10.14.13. for combustible clearances for residential bldg.

##### 4.3 Irrigation District (B.M.I.D.)

The above noted property is within B.M.I.D. boundaries and is currently serviced with a 150mm water line. We have no objections to the proposed development subject to;

1. In regards to the commercial building, a capital cost charge of \$1,000.00 for the first 100 m2 and \$4.00 per m2 thereafter. 2,044 m2 = \$8,776.00 plus a \$350.00 connection fee. Total = \$9,126.00
2. In regards to the townhouse units, a capital cost charge of \$800.00 per unit. 8 units = \$6,400.00. Plus a \$150.00 per unit connection fee. 8 units = \$1,200.00. Total = \$7,600.00.

Comments;

The existing watermain goes directly to the existing commercial building. We would suggest the “teeing” off this line on property line and installing two valves to enable independent shut off capability for the existing commercial building and the proposed development. If the units will be stratified, an independent shut off to each unit will be required.

Fire flow is deemed adequate for the development.

##### 4.4 Parks Manager

1. Street trees contribute to the liveability of a street. Trees modify the microclimate and foster a sense of comfort and safety for drivers and pedestrians. The Parks Division recommends the planting of street trees along Rutland Road East and McCurdy Road East consistent with the City of Kelowna's Urban Forestry Tree Planting Guide (available at the Parks Division).

2. Parks encourages the applicant to incorporate native plants and xeriscape vegetation where practical.

3. In an effort to conserve water, all automated irrigation systems will be design to minimize overspraying on non-landscaped areas including City sidewalks, courtyards, parking areas, roadways, etc.

4.5 Public Health Inspector

City water and sewer required.

4.6 Shaw Cable

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

4.7 Telus

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

4.8 Works and Utilities Department

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

1. General

- a) Provide easements as may be required.
- b) Subdivide the subject property as proposed. The lot line will require some adjusting since the C2 property services are located within the proposed RM3 parcel.
- c) Provide a reciprocal access agreement at the time of the subdivision.
- d) The relocation of the driveway located on McCurdy Road triggers the construction of the median on McCurdy Road. The driveway relocation will be at the cost of the developer and the City will design and construct the median on McCurdy Road.

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,

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 are to be paid directly to the BMID.

- b) A water meter is mandatory as well as a sewer credit meter to measure all the irrigation water. Water meters 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.

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 is no connection fees associated with this application.

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. 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.

10. Engineering.

Design, construction, supervision and inspection of the driveway relocation must be performed by a consulting civil Engineer or by the City forces at the developer's expense; all such work is subject to the approval of the city engineer.

11. DCC Credits.

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

12. Bonding and Levies Summary.

a) Performance Bonding

Driveway relocation

At building permit

b) Levies

N/A

## 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

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 before subdivision, included both residential and commercial uses.

The proposed development of the townhouses is a reasonable form of residential development on the subject property. The designer of the proposed building has taken steps to ensure that the proposed building height is less than the maximum 9.5 m building height limit of the RM3 zone. This has been accomplished by lowering the floor level of the garage to approximately 1.2 m (4 ft.) below the existing grade of the surrounding area. As well, the roof line has been designed so that the eave of the main roof is lower than the window header level, to reinforce the notion that the second storey windows are actually dormers, in order that the upper level of living space would be considered a half storey. This feature also makes the building height measured from the low side of the building (adjacent to the garage doors) a 2½ storey building height, as permitted in the RM3 – Low Density – Multiple Housing zone.

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

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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

Schedule A, B & C (4 pages)

7 page of building details and renderings