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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** November 3, 2005

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** DP05-0156

**OWNER:** Mill Creek Developments Ltd.

**AT:** 205 Rutland Road South

**APPLICANT:** Jeremy Shelton/Harold Schneider/Rene Dureault  
Mill Creek Developments

**PURPOSE:** TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE CONSTRUCTION OF A MIXED USE COMMERCIAL/RESIDENTIAL DEVELOPMENT

**EXISTING ZONE:** C4 – URBAN CENTRE COMMERCIAL ZONE

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Permit No. DP05-0156 for Lot 7, Section 23, Township 26 ODYD Plan 10372 Except Plan KAP52614, located on Rutland Road South, 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 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 construct a mixed use building with commercial space on the main floor and two storeys of residential units above. This development permit application addresses the form and character of the proposed development.

## 3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of October 11, 2005 it was resolved:

*THAT the Advisory Planning Commission supports Development Permit Application No. DP05-0156, for 205 Rutland Road S., Lot 7, Plan 10372, Sec. 23, Twp. 26, ODYD, by Mill Creek Developments Ltd. (Jeremy Shelton), to obtain a Development Permit to allow for the construction of a three storey, 638 m<sup>2</sup> mixed use building with retail space at grade and two storeys of apartment housing (6 units) based on the revised drawings provided.*

## 4.0 PROPOSAL

The subject property is located in the Rutland Urban Centre. The property is currently zoned C4 – Urban Centre Commercial.

The main floor of the proposed building contains 140m<sup>2</sup> of retail space. Entrances to the commercial component of the building will be an access off the sidewalk on Rutland Road and an access from the parking lot at the rear of the building. The residential component of the building will also have a pedestrian access from Rutland Road and will share an access from the parking area at the rear of the building. A lobby for the residential component will provide access to a mail room and the elevator. Access to stairways, leading to the upper levels of the building, are also proposed to be located in the lobby.

The applicant has attempted to define and contrast the commercial and residential components of the building. The portion of the building at grade is finished with brick facing while the residential portion above is finished with acrylic stucco and foam trim and build-outs. The applicant is proposing a flat roof capped with cornice line varied with foam build-outs. Fascia signage is proposed for a band above the grade level retail.

Landscaping is proposed at the rear of the property buffering the parking from the adjacent single-family residential development to the east. Three maple trees are to be planted along with low level pine, rose and cotton easter plantings. A minimum of one small balcony is provided per dwelling unit and the applicant has amended the proposal to provide roof-top patio's in order to meet the private open space requirement for the development.

Parking is proposed at the rear of the property with a drive-aisle access from Rutland Road. Four of the proposed stalls are to be located under building parking with five of them abutting the rear property line. The applicant is proposing a total of 10 parking stalls where 9 are required. The parking will provide the 3 required commercial parking spaces with an additional 7 parking stalls (1 per dwelling unit = 1 visitor) for the residential component. Five bicycle parking stalls are provided at the rear of the building, adjacent to the refuse bins.

The application meets the requirements of the proposed C4 – Urban Centre Commercial zone as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	4115m <sup>2</sup>	460.0 m <sup>2</sup>
Site Width (m)	51.65m	13.0 m
Site Depth (m)	71.34m	
Site Coverage (%)	39.3%	75.0%
F.A.R.	0.77	1.3
Height (m)	11.17m	15.0 m
Storeys (#)	3	4
Setbacks (m)		
- Front (West)	0.0	0.0 m
- Rear (East)	20.0m	0.0 m or <b>6.0 m abutting a residential zone</b>
- Side (North)	0.0m	0.0 m or 2.0 m for flanking sideyard or where site abuts a residential zone other than for the RU1, RU2, RU3, and RU4 zones
- Side (South)	7.3m	<b>0.0 m</b> or 2.0 m from a flanking street or where the site abuts a residential zone other than for the RU1, RU2, RU3, and RU4 zones where the minimum side yard is 4.5m or half the height of the building(whichever is greater).
Private Open Space	Deck Area: 41.8m <sup>2</sup> Roof top Area: 65.02m <sup>2</sup> <b>Total: 106.83m<sup>2</sup></b>	4 units x 10m <sup>2</sup> 2 units x 15m <sup>2</sup> <b>TOTAL 70m<sup>2</sup></b>
Parking Stalls (#)	10	6 units x 1 space per unit=6 1.75 stalls per 100m <sup>2</sup> GFA=3 <b>TOTAL: 9 Stalls Required</b>
Parking Setback		
- Front (west)	N/A	2.0 m
- Rear (east)	1.5m	1.5 m
- Side (south)	N/A	2.0 m
- Side (north)	0.0m	0.0 m
Bicycle Stalls (#)	5	0.2 per 100 m <sup>2</sup> GLA ; or 1 per 10 employees (Class I) =0 .3 0.6 per 100 m <sup>2</sup> GLA (Class II) 0.95 Total = 1 (commercial) 0.5 per dwelling unit = 3 0.1 per dwelling unit = 1 Total = 9 (residential) <b>Total = 5</b>
Loading Stalls (#)	1	1 stall per 1900 m <sup>2</sup> GFA
Setback for Refuse/Recycling Bins	3.0m	3.0m

#### 4.1 Site Context

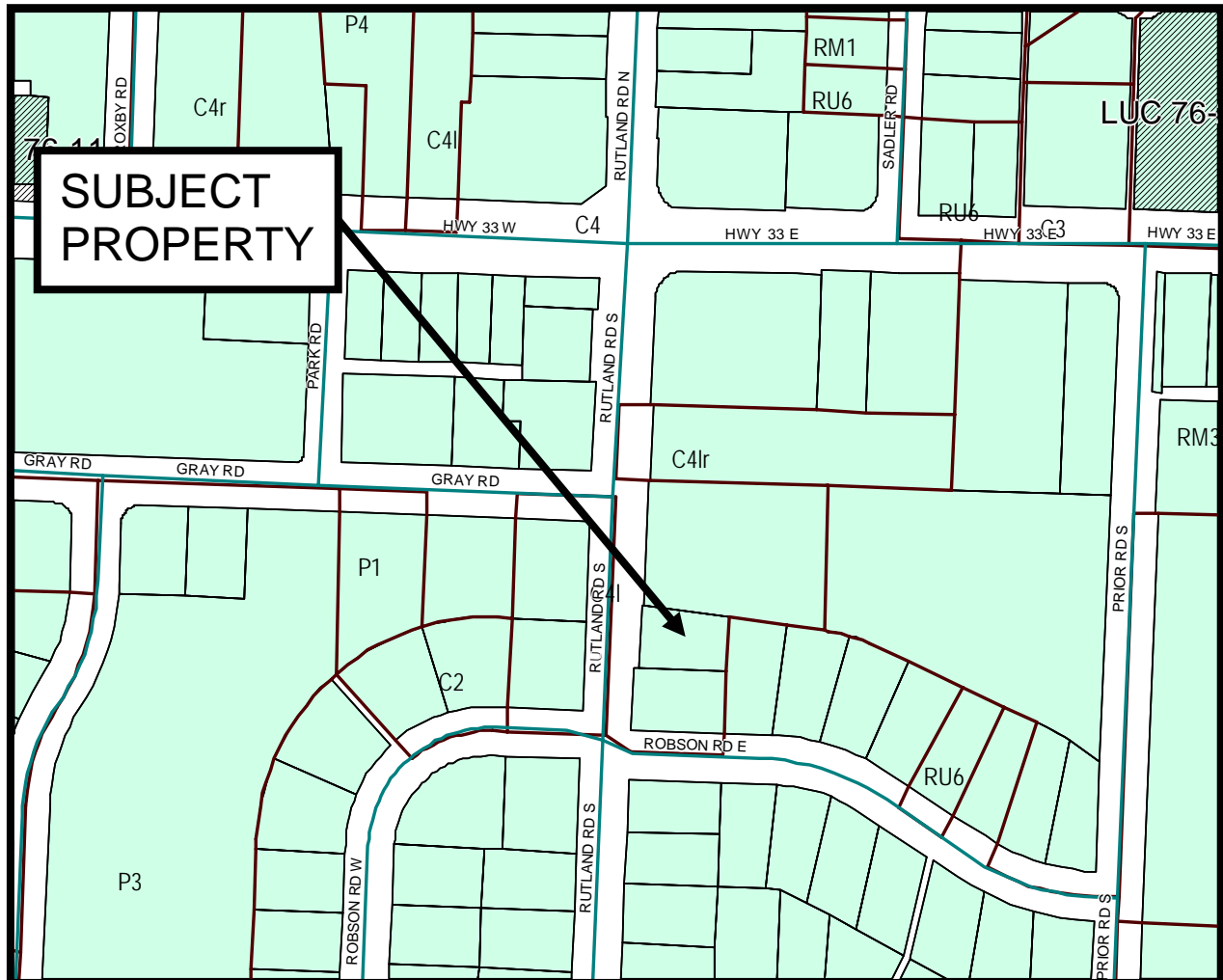
The subject property is located within the Urban Centre area of the Rutland Sector Plan and situated on the east side of Rutland Road, South of its intersection with Hwy.33.

Adjacent zones and uses are, to the:

- North - C4 - Town Centre Commercial – Zodiac Pub
- East - RU1 – Large Lot Housing – Single Family Dwelling
- South - C4 - Urban Centre Commercial / RU1 – Large Lot Housing
- West - C4LP – Urban Centre Commercial (Liquor Primary) – Valley Lanes

#### 4.2 Site Location Map

Subject Property: 205 Rutland Road South



#### 4.3 Development Potential

The purpose of the C4 – Urban Centre Commercial zone is to provide a zone for the development of community commercial centres to serve more than one neighborhood. The proposed mixed-use development is generally consistent with the intent of the C4 – Urban Centre Commercial zone.

#### 4.4 Current Development Policy

##### 4.4.1 Official Community Plan (OCP)

The proposal is consistent with the commercial land use designation of the Official Community Plan. The proposed building form and character is generally consistent with the Official Community Plan Commercial Development Permit Guidelines. The OCP also calls for the increase in the number of buildings with mixed uses by encouraging developers to incorporate retail uses on the lower storeys with office and/or residential above.

#### 5.0 TECHNICAL COMMENTS

##### 5.1 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements.

##### 5.2 Inspection Services

a) A fire separation with a min of 2h FRR is required on PL next to Credit Union.

b) The Building is designed under part 3 of BCBC (3.2.2.47& 59), which needs to be designed by an Architect.

c) The details of the H/C access to be reviewed and a complete code analysis to be submitted at BP stage.

##### 5.3 Ministry of Transportation, Public Health Inspector, Parks Manger, Kelowna Regional Transit, RCMP, School District #23, Terasen Utility Services

No comments.

##### 5.4 Shaw Cable

Owner/developer to install an underground conduit system for Shaw Cable, as per our drawing specifications.

5.5 Telus

Will provide underground facilities. Developer will be required to supply and install conduit.

5.6 Works and Utilities

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

5.6.1 General.

Provide easements as may be required.

5.6.2 Geotechnical Study.

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Provide specific requirements for footings and foundation construction.

5.6.3 Domestic water and fire protection.

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.

5.6.4 Sanitary Sewer.

The subject property is currently serviced by the municipal sanitary sewer collection system. According to our records there is a 150mm service to the property line.

5.6.5 Drainage.

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.

5.6.6 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.

#### 5.6.7 Road improvements.

The Rutland Road frontage is partially urbanized and the previous owners of the property have provided some financial contribution towards the completion of a full urban standard along the frontage of the subject property.

Should the current owner desire to complete the frontage upgrades, the City will make the collected funds available to the developer upon completion of the works. The construction must be designed and supervised by a consultant Engineer in accordance with the City current Bylaws and Policies. The total contribution will be limited to the accrued amount in the account; any shortfall shall be born by the current developer undertaking the frontage upgrades.

#### 5.6.8 Bonding and Levies Summary.

a)Performance Bonding	None Required
b)Levies	None Required

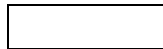
## 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Corporate Services Department is generally supportive of form and character of the proposed development. The mixed-use concept is encouraged by the policies outlined in the OCP. The proposed project has several commendable features, including a reasonable degree of visual interest, recessed entrances, a well-defined cornice, integrated signage, a retail occupancy at grade, parking behind the building, and roof-top terrace area. The proposed development is located in close proximity to the many commercial services within the Rutland Urban Centre and is located on an established transit route. The applicant has provided the 3 parking stalls required for the commercial component of the building. The additional 6 required parking stalls provide for 1 parking stall per dwelling unit with one potential visitor stall.

The applicant has revised the plans in order provide additional private open space on the roof-top of the building and has also relocated the refuse/recycling bins and loading area as far away as possible from residential development. Secure bicycle parking has also been provided. Staff has no additional design related concerns at this time; however, the applicant is encouraged to consider landscaping elements such as potted or container plans for the roof-top terrace.

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Andrew Bruce  
Manager of Development Services



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

RM/AB/rs  
Attach.

### **ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Colour Scheme