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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** October 12, 2005

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** DP04-0078/DVP05-0164      **OWNER:** 622632 BC Ltd.

**AT:** 110, 150-154 Hwy.33 West      **APPLICANT:** HMA Architects

**PURPOSE:** TO CONSTRUCT A NEW SEVEN STOREY MIXED-USE COMMERCIAL/RESIDENTIAL BUILDING ON THE SUBJECT PROPERTIES

TO VARY THE MAXIMUM HEIGHT FOR A BUILDING IN THE C4 – URBAN CENTRE COMMERCIAL ZONE FROM FOUR STOREYS PERMITTED TO SEVEN STOREYS PROPOSED

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

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Permit No. DP04-0078 for Lot 1, Section 26, Township 26, ODYD Plan 37305 and Lot 1 Section 26, Township 26 ODYD Plan 2073 Except Plan 15675, located on Hwy.33 W, 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;
5. The applicant be required to consolidate the subject properties;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP05--0164; for Lot 1, Section 26, Township 26, ODYD Plan 37305 and Lot 1 Section 26, Township 26 ODYD Plan 2073 Except Plan 15675, located on Hwy.33 W, Kelowna, B.C.;

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

**Section 14.4.5: Urban Centre Commercial: Development Regulations (c):**

**Vary the maximum height from four storey permitted to 7 storeys proposed.**

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 construct a seven storey mixed use building with commercial space on the first four storeys and three storeys of residential units above. This development permit application addresses the form and character of the proposed development. In addition, the applicant is seeking to vary the maximum height for a building in the C4 – Urban Centre Commercial from 4 storeys permitted to 7 storeys proposed in a related development variance permit.

**3.0 ADVISORY PLANNING COMMISSION**

At the regular meeting of September 27, 2005 it was resolved:

THAT the Advisory Planning Commission supports Application No. Development Permit Application No. DP04-0078 for 110, 150-154 Highway 33 W., Lot 1, Plan 2073, Sec. 26, Twp. 26, ODYD, by HMA Architects Inc., (Clive McKenzie) to obtain a Development Permit to allow for the construction of a seven storey mixed-use building containing four storeys of office related space and three storeys (16 units) of apartment housing, subject to the addition of a trellis feature along the east property line, adjacent to the parking, and over the driveway;

AND THAT the Advisory Planning Commission supports Application No. Development Variance Permit Application No. DVP05-0164, 110, 150-154 Highway 33 W., Lot 1, Plan 2073, Sec. 26, Twp. 26, ODYD, , by HMA Architects Inc., (Clive McKenzie) to obtain a Development Variance Permit to vary the maximum height for a building in the C4 – Urban Centre Commercial zone from four storeys permitted to seven storeys proposed.

**4.0 BACKGROUND**

The proposed development will encompass two lots. The lot at the corner of Hwy.33 and Rutland Road is currently vacant but at one time was home to the Four –Way Food Market. The interior lot fronting only on Hwy.33 has one building located at its rear which is currently occupied by the North Forty Saloon (a liquor primary licensed establishment).

#### 4.1 The Proposal

The proposed building will house a financial institution at grade with drive-through banking and three floors of office space above. Above the fourth storey the building will step back and rise three more storeys which will contain 16 units of apartment housing. Each of the residential units on the sixth and seventh floors will have two bedrooms while the 8 units located on the fifth floor will all be one bedroom units. The building's flat roof will house rooftop gardens accessible to each of the apartment units. In addition, each unit will have access to a balcony area.

The building's exterior will be finished in light grey stucco and dark tinted glass windows. The applicant is seeking to place the building as close to the corner of Hwy.33 and Rutland Road as setbacks allow. The parking and drive-through elements of the development are oriented towards the rear of the site.

The majority of the parking for the proposed development will be located in a parkade below the building (89 stalls) but 44 stalls will also be located at grade. The applicant has designed the parking area at grade to accommodate 2.0m<sup>2</sup> of landscaped area per required parking space in the form of landscaped islands and dividers. The applicant has designated loading zones for both the pub and the new building.

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

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	5275m <sup>2</sup>	1300m <sup>2</sup>
Lot Width (m)	64m (approx.)	40.0m
Lot Depth (m)	110m (approx.)	30.0m
Storeys (#)	7❶	4
Site Coverage (%)	19%	75%
Floor Area Ratio	0.982	1.3
Floor Area Existing (m <sup>2</sup> )(North 40)	417m <sup>2</sup>	
Floor Area Proposed (m <sup>2</sup> )	4767m <sup>2</sup>	
Total Floor Area (site) (m <sup>2</sup> )	5184m <sup>2</sup>	
<b>Setbacks</b>		
Front Yard (Hwy.33) (m)	4.5m	4.5m
Flanking Side Yard (m) (Rutland Road)	0.0m	0.0m
Internal Side Yard (m)	0.0m	0.0m
Rear Yard (north)	0.0m	0.0m
Parking Spaces	Surface Parking: 45  Underground: 89  <b>Total: 134</b>	Existing Required (1.75 per 100m <sup>2</sup> x 417m <sup>2</sup> ) : 8  Proposed Commercial: (1.75 per 100m <sup>2</sup> x 3268m <sup>2</sup> ): 58  Proposed Residential: 1 stall per unit: 16  <b>Total: 82 Stalls</b>
Bicycle Parking	Class 1 – 8 Stalls Class 2 – 22 Stalls	8 22
Loading	1	2

❶ Vary maximum height for a building in the C4 – Urban Centre Commercial zone from 4 storeys permitted to 7 storeys proposed.

#### 4.2 Site Context

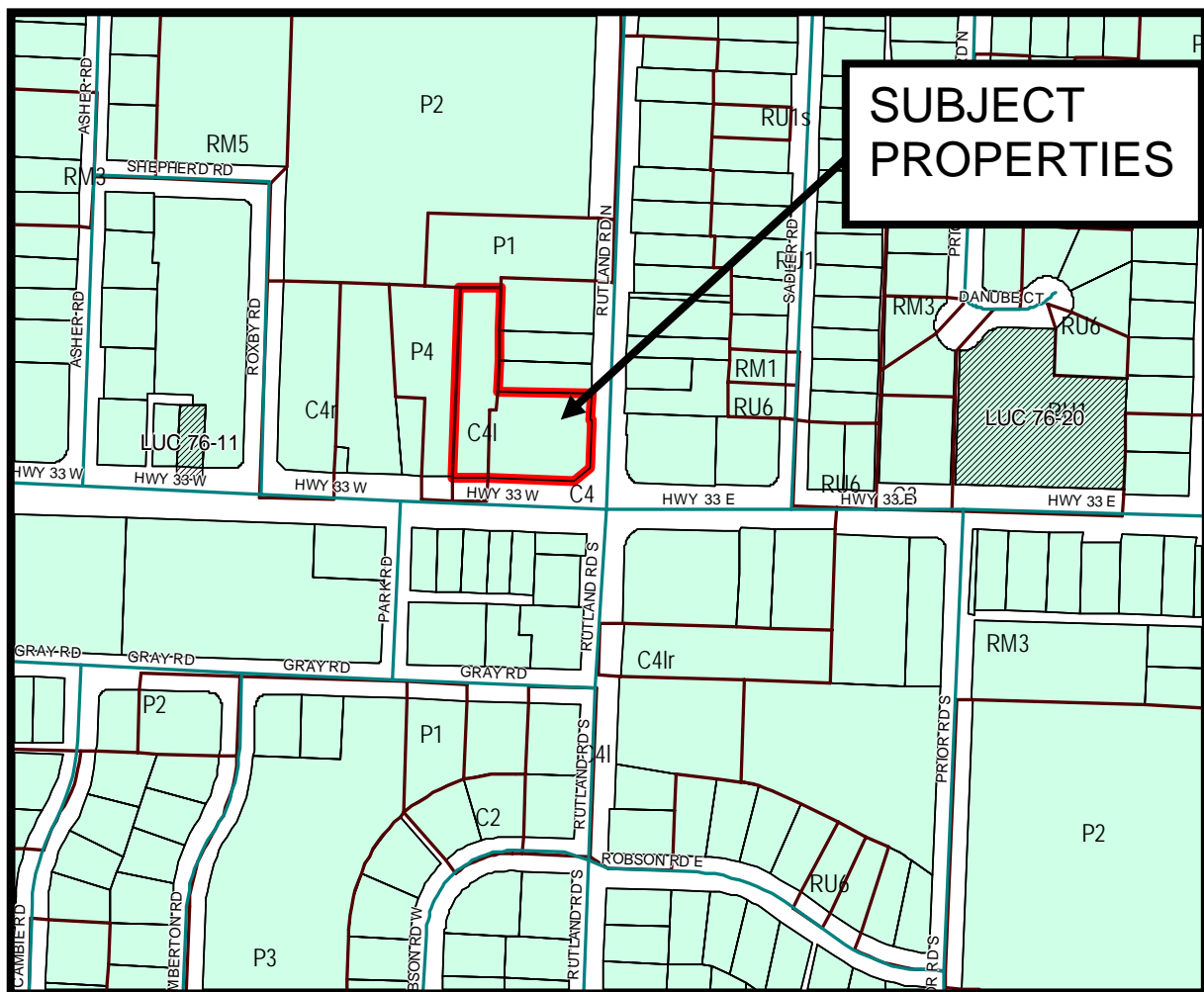
The subject properties are located on the northwest corner of Hwy.33 and Rutland Road and form part of the Rutland Urban Centre.

Adjacent zones and uses are:

- North - C4 – Urban Centre Commercial – Burger Baron
- East - C4 – Urban Centre Commercial – Vacant
- South - C4 – Urban Centre Commercial – Retail Commercial use
- West - C4 – Urban Centre Commercial – Rutland Water Works

#### 4.3 Site Location Map

Subject Property: 110, 150-154 Hwy.33 W



#### 4.4 Current Development Policy

##### 4.4.1 Kelowna Official Community Plan

The Official Community Plan future land use designation for these properties is commercial. The proposed development is consistent with this future land use designation. This development is also subject to Guidelines for Development within Urban Centers contained in the OCP.

##### **Objectives for Development within Urban Centres**

- 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 contribute to the creation of pedestrian-oriented streets and public spaces (connections, social interaction).
- 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).

##### **Guidelines for Development within Urban Centres**

###### Access

Design facilitates pedestrian and bicycle access. Building abuts the sidewalks on both Hwy.33 and Rutland Road.

Vehicle access and on-site circulation minimizes interference with pedestrian movement

Pedestrian access to the building is at the corner of Hwy.33 and Rutland Road and is clearly marked.

###### Amenities

Residential units are provided with access to balconies as well as roof-top patio areas.

###### Ancillary Services/Utilities

Garbage and other ancillary services are located at the rear of the building.

The applicant has also provided loading zone for each building on the site.

Utility service connections are to be screened from view or be located so as to minimize visual intrusion.

### Building Massing

The proposed mixed-use development is reasonably sensitive to and compatible with the massing and rhythm of the established streetscape.

The proposed development will present a significant height gain when compared to existing developments in the general area; however, staff the OCP and Rutland Sector Plan and OCP to allow for greater heights and densities in this general area.

### Crime Prevention (CEPTED)

#### a) Natural Surveillance

- Dumpsters should not create blind spots or hiding areas;
- Lighting should be even to avoid casting shadows where people can hide; using numerous low wattage lights accomplishes this better than a few high wattage lights;
- Loading areas should not create hiding places;
- All four facades of a building should have windows;
- The lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- Exterior of buildings should be well-lit;
- Wherever it is appropriate, a mix of uses should be encouraged to increase natural surveillance at different times of the day; placement of residential uses above commercial is a good example of this;
- Elevators and stairwells should be clearly visible from windows and doors;
- Shrubbery should be no more than three feet (one metre) high for clear visibility;
- Stairwells should be well-lit and open to view; not behind solid walls.

#### b) Territorial Reinforcement

- Property boundaries, where possible, should be marked with hedges, low fences or gates;
- Private and semi-private areas should be easily distinguishable from public areas;
- All public and semi-private areas should be well-maintained to convey pride and ownership, which discourage negative activity;

#### c) Natural Access Control

- Public paths should be clearly marked;
- Signs should direct patrons to parking and entrances;

- There should be no easy access to the roof;
- Entrances to dwellings within a commercial building should be separate from the commercial entrance to enable distinction of residential visitors from those frequenting businesses;
- Rear access to shops should be provided from rear parking lots.

### Landscaping

Landscaping should:

- complement buildings' architectural features
- enhance the edges of buildings
- screen parking areas from view (with vegetation, berms, low walls, fences etc.)
- provide visual buffers of new buildings, particularly of blank walls
- provide colour
- create design interest
- retain required sight distances (from roadways)
- contribute towards a sense of personal safety and security
- incorporate xeri-scape vegetation and principles

### Lighting

Lighting shall be used to create a safe and comfortable environment for pedestrians.

### Parking

Parking areas should, wherever possible and safe, be located either under buildings or at the rear or side of main buildings.

Pedestrian circulation areas within parking lots should be convenient and clearly identified, preferably with distinct paving and/or landscaping treatment.

### Relationship to the Street

People-oriented facilities (store entrances, café seating areas, displays, signage) should be focused along public streets and in front of buildings.

Storefronts should incorporate large windows such that passers-by can see in and occupants can “look out”.

Awnings or overhangs should be included, where suitable, to provide sheltered environments for pedestrians and to aid in energy conservation.

Buildings at key intersections should be designed to highlight the corner. Design treatments could include setbacks at the corner, accentuated entrances and additional height using, for instance, towers and cupolas.

### Signs

The placement, size and format of signs shall be such that signs can be easily read by pedestrians (e.g. store signs should be at pedestrian eye level, not just on awnings).

### 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.

#### 4.4.2 Rutland Sector Plan

The Rutland Sector Plan notes that the Rutland Urban Centre area is very low profile and under built in terms of floor area ratio. Plan advocates the increase of both commercial and residential densities in the urban centre area and also promotes the concept of mixed-use developments.

#### 5.0 TECHNICAL COMMENTS

##### 5.1 Shaw Cable

Owner/developer to install an underground conduit system.

##### 5.2 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Engineered fire flows required.

##### 5.3 Inspection Services

Must comply with BC Building Code

##### 5.4 Works and Utilities

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

###### 5.4.1 General

The servicing requirements for this application are directly attributable to the proposed development of this vacant property and are triggered in accordance with the City of Kelowna Bylaw No. 8993

###### 5.4.2 Subdivision

Consolidate the lots.

Dedicate approximately 5.0m. widening along Rutland Road for an ultimate 30.0 m. right of way **(COMPLETED)**.



Provide a 12.00 m. corner rounding at the intersection of Hwy 33 and Rutland Road to accommodate a WB 17 vehicle. This widening is to be accomplished by a dedication on the subdivision plan and sale of the land to the City of Kelowna, provided sufficient funds are available in the City's current budget. Contact Mr. D.L. Shipclark, the City's Manager of Community Development and Real Estate **(COMPLETED)**.

Provide easements as may be required.

#### 5.4.3 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 analyse 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,

#### 5.4.4 Domestic water and fire protection

This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection, and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.

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.

#### 5.4.5 Sanitary Sewer

The subject properties are serviced by the municipal wastewater collection. Any existing service that will become redundant must permanently be disconnected. The cost of disconnecting the old services and installing a new service, if necessary, will be determined when an application for a plumbing permit is submitted to the City Inspection Services Department.

#### 5.4.6 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. 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.

#### 5.4.7 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.

#### 5.4.8 Road improvements

Hwy.33 and Rutland Road corner improvements

The applicant is responsible for the removal of the existing curb and sidewalk and construct a new curb, gutter, separate sidewalk, asphalt fillet, new lane markings, relocate the traffic light and relocate/ remove utilities as may be required. The estimated cost of this work, for bonding purpose would be \$106,200.00 inclusive of a bonding contingency.

#### 5.4.9 Street lights

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

#### 5.4.10 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 and the Ministry Of Transportation.

#### 5.4.11 DCC Credits.

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

#### 5.4.12 Access

The access onto Hwy 33 is subject to the MOT approval.

The accesses onto Rutland Road must be combined into a single access and be located at the furthest practical point from the intersection. The applicant should be made aware that in the future a median will be placed along the centreline of Rutland Road that would effectively preclude left turn movements.

#### 5.4.13 Bonding and Levies Summary

##### a) Performance Bonding

Hwy.33 / Rutland intersection upgrading	\$106,200.00
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## 6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no significant concerns with this development permit application nor the related development variance permit application to vary the maximum permitted height for the proposed mixed-use development. The proposed development displays a reasonable degree of visual interest and appears to address many design guidelines for development in urban centers advocated in the Official Community Plan. The proposal also appears to be consistent with policy contained in the Rutland Sector Plan. While no formal policy exists at this time to support the proposed height of the development, staff has long pursued a landmark style development at this intersection and has always encouraged a mixed-use component in order to set the standard for, and encourage further re-development in the commercial core of the Rutland Urban Centre.

In order to address the concerns of the Advisory Planning the applicant is considering making minor revisions to the Rutland Road and Hwy.33 frontages of the development in order to provide a greater degree of screening for the parking area. Staff have not received any revisions to date.

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Andrew Bruce  
Development Services Manager

Approved for inclusion

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