
CITY OF KELOWNA
MEMORANDUM

Date: December 14, 2005
File No.: 0360-20 / OCP05-0018
To: City Manager
From: Planning and Corporate Services Department
Subject: Rutland Height / Massing Study

Report prepared by: Gary L. Stephen

RECOMMENDATION

THAT Council receive the Planning and Corporate Services report of December 14, 2005 outlining proposed OCP and Zoning Bylaw amendments required to implement the recommendations of the Rutland Height and Massing Study;

AND THAT OCP Bylaw Text Amendment No. 9533 be given first reading and be forwarded to public hearing;

AND FURTHER THAT Zoning Bylaw Text Amendment No. 9534 be given first reading and be forwarded public hearing.

BACKGROUND

The OCP currently provides for building height in the Rutland Town Centre of four (4) storeys, with potential for up to six (6) storeys at selected locations in the Urban Centre (landmark corners of Hwy 33 / Hollywood Rd or Hwy 33 / Rutland Rd).

The Zoning Bylaw provides for a Rutland commercial area that is generally zoned C4 (plus other modified C4 zones for liquor related uses etc.) with an FAR of 1.0 (up to 1.3 or 1.4 for mixed use developments with a housing agreement and underground / under-building parking) and maximum building height of 15.0 m or 4 storeys. Building heights could be higher by virtue of a development variance permit as long as the use or density is not changed. Building height for hotels or apartment hotels could be up to 25.0m or 7 storeys.

There has been community concern expressed regarding the lack of new development as well as the appearance of neglect in some high profile locations in the Rutland Town Centre. This led Council to direct staff and the Urban Centre Implementation Committee (UCIC) to look at how a change in City policy might be a catalyst to encourage revitalization.

Following Council approval of a work plan for the Rutland Height and Massing Study staff embarked on a staff review and public process that led to the Planning and Corporate Services report of November 2, 2005. That report recommended the extension of C7 zoning ⁽¹⁾ to Rutland and was considered by Council at the Regular Meeting held Monday, November 7, 2005, when the following resolution was adopted:

THAT Council endorse the direction of the Rutland Height and Massing Study as outlined in the Planning and Corporate Services report of November 2, 2005 for further Council consideration as OCP and Zoning Bylaw amendments;

AND THAT staff be directed to present for public input the concept of extending C7 zoning to Rutland prior to final preparation and formal Council consideration of related OCP and Zoning amendments;

AND FURTHER THAT staff send out letters to the property owners within the boundary established for the Rutland Town Centre notifying them of the November 30th open house.

DISCUSSION

A public presentation of the proposed C7 concept, including the Rutland 3D computer model, and the proposed C7 Design Guidelines was held on Wednesday, November 30. Approximately 35 – 40 people attended the meeting. In addition to verbal comments provided at the meeting, an exit survey was conducted to which there were fifteen (15) responses. A complete summary of the survey results is provided in Attachment 1.

Of the 15 responses received, most (87%) supported the concept of allowing taller buildings in Rutland, including the use of the C7 zone (83%) and proposed boundary (67%) to implement the concept. In addition, 10 of 13 (85%) responses supported the concept and proposed boundary of a reduced area in the Town Centre as a mandatory ground floor commercial area within the C7 zone. The only concern with the boundary of the proposed C7 zone area was related to property at the southeast corner of Highway 33 and Hollywood Road.

When staff originally put forward a C7 boundary for consideration, the property at the southeast corner of Hollywood Road and Hwy 33 was not included primarily because of the potential impact to adjoining single detached housing to the east. The UCIC suggested that this property be included in the proposed C7 boundary to gauge public sentiment on the issue but under the proviso that any taller buildings be located on the north end of the property to reduce potential impact to adjoining low density development. In response to UCIC's direction, staff included the Hollywood / Hwy 33 property as a candidate for C7 zoning when this matter was discussed at the November 30th public meeting. In response, some of those in attendance expressed opposition. There were a number of survey responses and verbal comments that objected to the notion of taller buildings on this site due to the proximity to single detached homes and lack

(1) As noted previously, there are benefits to using the existing C7 zone:

- The C7 zone already contains the regulations that would be required to manage additional building height. Using the C7 zone eliminates the need to create a Rutland specific zone or adopt changes that might impact other C4 areas.
- The C7 zone provides regulations on building height and use in relation to geographic sub-areas as well as building envelope regulations that could easily be adapted to Rutland.
- The C7 height limit of 44 m (approximately 12 - 14 storeys) is compatible with the height range being considered for Rutland. As noted previously building height could be higher by virtue of a DVP as long as the use and density regulations are maintained.
- Forthcoming C7 Design Guidelines would apply.

of a C4 zone buffer area. There were concerns expressed about blocking of views and shadowing. It should be noted that even a 4 storey building under the existing C4 zone would block views but there would be minimal if any shadowing issues.

The owner of this property has submitted a letter requesting that his property remain within the proposed C7 boundary citing his intention to incorporate design elements that would add quality and enhance the neighbourhood. The owner's letter also includes a request to pre-zone the property as the necessary road widening and frontage improvements have already been secured. However, any additional requirements deemed necessary on this specific property could not be achieved if the site is pre-zoned as the City cannot legally ask for upgrades through the development permit process. Staff are not recommending pre-zoning on this or other Rutland sites because such action would eliminate the City's ability to achieve necessary road widening and frontage improvements.

The Highway 33 / Hollywood Road property is located next to a single family neighbourhood where land uses are not envisioned to change over the next 20 years. The road layout in the area would make it difficult for incremental change to higher densities. As such this neighbourhood is likely to remain low-density for quite some time. Without a buffer zone of C4, as is present in the rest of the area proposed for C7 zoning, the impact on the single family area could be significant. Although such impacts would be mitigated with appropriate site and building design, such variables cannot be controlled at this stage. As such it is recommended that, for now, the property be left outside the C7 boundary. The property owner could still come forward with a proposal to amend that boundary at the same time as requesting C7 zoning. This would not add any cost or time delays to the owner but would allow the surrounding property owners and Council to see what exactly is being proposed (if a DP application accompanies the zoning application) before being asked to support C7 zoning on this site.

Attachment 2 indicates the revised boundaries of the proposed C7 area in Rutland. The revised map outlines the extent of potential geographic sub-areas within Rutland to adapt to the C7 zone and to facilitate the redevelopment of a pedestrian friendly Rutland Town Centre as Transit Oriented Development (TOD) adjacent to the proposed transit centre. The bold line around much of the commercial core of Rutland denotes the area where C7 zoning (including potential for taller buildings) could be considered. Within that bold line is a smaller hatched area where development would be required to have significant ground floor commercial uses in support of a proposed future transit centre so as to create a pedestrian friendly environment. Outside the hatched area development could be commercial, mixed use commercial / residential, or even a residential only building. Outside the bold line indicating the C7 area the commercial land uses could remain as C4 (4 storeys) to provide a transition to adjoining lower density uses.

There would need to be several OCP amendments and Zoning amendments to facilitate future C7 rezoning in Rutland. The required OCP (Bylaw 9533) and Zoning amendments (Bylaw 9534) are forwarded for Council's consideration as part of this package.

CONCLUSION

The direction of the Rutland Height and Massing Study to allow taller buildings has received consistent public and Council committee support to date. It is recommended that the bylaw amendments required to allow for taller buildings be forwarded to a public hearing.

Signe K. Bagh, MCIP
Manager Policy, Research and Strategic Planning

Approved for inclusion

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

GLS/gls

Rutland Height / Massing Study

Summary of Open House Survey November 30, 2005

1. Would you support allowing 12 storey buildings in the commercial core of the Rutland Town Centre? Yes? / No? / Why?
- **Yes**, generally, but not in the Hollywood Road areas south of Hwy 33.
 - **Yes**.
 - **Yes**. Would allow for greater development choices.
 - **Yes**.
 - **Yes**. It would vary the architecture and bring more people into the centre of town and keep the pressure off the ALR.
 - **Yes**. Rutland is in need of a core identity, as long as development is of quality.
 - **Yes**.
 - **Yes**.
 - **Yes**. Sounds exciting and about time.
 - **Yes**. Higher density is a better use of land and long over due.
 - **Yes**.
 - **Yes**, but not at Hwy 33 and Hollywood Road where it would back on a large residential area.
 - **Yes**.
 - **No**. I moved to Kelowna to get away from that. With the current C4 zoning builders can still go to 7 storeys easily, e.g. Hwy 33 / Rutland Rd.
 - **No**. I think it would diminish the beauty of the area. It isn't needed. These tall buildings are ugly and block view of the lake and mountains.

Of the 15 responses to this question – 13 indicated “Yes” and 2 indicated “No”, with two of the “Yes” responses expressing concern about taller buildings at the southeast corner of Hollywood Road and Hwy 33.

2. Would you support the proposed extension of C7 Commercial zoning (allows 12 storey buildings) to the commercial core of the Rutland Town Centre? Yes? / No? / Why?
- **Yes**, but not for the Hollywood Road / Hwy 33 corner – should limit this area to 6 storeys
 - **Yes**.
 - **Yes**.
 - **Yes**.
 - **Yes**.
 - **Yes**.
 - **Yes**.
 - **Yes**.
 - **Yes**.
 - **Yes**, with trepidation due to height allowances past the 12 storeys, plus the amount of low income rental spaces potentially available.

- **No.** Downtown Rutland and the whole area can be updated and improved under the present zoning – with C7 zoning 20 floors is possible? Yuk!
- **No.** The current C4 zoning allows for taller buildings on a case by case basis. e.g. Hwy 33 and Rutland Road – 7 storeys is more than enough.

Of the 12 responses to this question – 10 indicated “Yes” and 2 indicating “No”. Two of the “Yes” responses also expressed concern about taller buildings at the southeast corner of Hollywood Road and Hwy 33.

3a. Do you agree with the proposed C7 zone boundary outlined in this evening’s presentation?
Yes? / No? / Why?

- **No.** 200 single residential homes below the escarpment would have the boxed in feeling with the 12 storey concept.
- **Yes.** Fits in the town centre.
- **Yes.**
- **No.**
- **Yes.**
- **Yes.**
- **Yes.**
- **Yes.**
- **Yes,** but concerned about the traffic increase on Rutland Road. I live on Rutland Road.
- **Yes,** in the core area of Hwy 33 / Rutland Road.
- **No.**
- **No.**

Of the 12 responses to this question - 8 responses said “Yes” to the C7 boundary as proposed and 4 said “No”, one of which was concerned about the area below the escarpment in the Hollywood Road area.

3b. If you answered No to Question 3a are there areas or specific sites where C7 zoning would not be appropriate in the Rutland Town Centre?

- Would not mind the C7 if the area at Hwy 33 and Hollywood (former Petch property) below the escarpment was excluded.
- Close to residential areas.
- Not at Hollywood and Hwy 33 – too close to single family residential homes.
- Pretty much all of Rutland. There should be something in between C4 and C7 then maybe I could consider a compromise.
- Anywhere in Rutland.

There were 5 responses, 3 of which expressed concern about C7 zoning near existing single family residential homes, and more specifically at Hollywood Road and Hwy 33. Two responses did not support C7 zoning anywhere in Rutland.

4. Do you agree with the proposed boundary of the mandatory ground floor commercial area within the overall C7 zone boundary? Yes? / No? / Why?

- **Yes.** Hopefully this would encourage revitalization of Rutland that is greatly needed.
- **Yes.** It fits with the commercial area.
- **No.** Limits building planning and development choices.
- **Yes.** Must have extra street or private parking for customers of the commercial area.
- **Yes.**
- **Yes.**
- **Yes.**
- **Yes.**
- **Yes.**
- **Yes.** I agree with C7 zoning but not in residential single family zoned neighbourhoods.
- **Maybe.** Make sidewalks wide enough for tables and chairs where coffee shops etc.
- **No**

There were 11 of 13 responses to this question that indicated support for the mandatory ground floor commercial area, with one maybe.

Miscellaneous Comments:

- My main concern with Rutland growing is due to the reputation it has always had (I was born in Kelowna more than 50 years ago). I'm uncomfortable with the potential building of the bus transit station, and a possible building of a parkade both in the same area, right in the middle of the area to be developed to help Rutland grow. Rutland Centennial Park would adjoin the two above areas. It is obviously a large, dark, empty area. I do realize there will be residential and commercial foot traffic in the area, but the Park is a potential gathering area for trouble makers / transients, who have always been affiliated with the tow areas mentioned above (Parkade / Transit station).

In addition to the survey responses there were several verbal comments provided by the 35 people in attendance:

- "Height is good! Just make sure it is done well and does not under any circumstances abut directly against single family neighbourhoods."
- DVP's are dangerous as they can drastically affect the nature of a development. There is a point where buildings are too high.
- Parking: (Numerous comments) Parking requirements are not strong enough! Too much parking at grade makes the streets very unfriendly.
- 1 car per unit is unreasonable when transit service is too poor to possibly override the need for two vehicles per household.
- Parking availability for commercial uses was repeatedly commented on as a concern. The concern was that parking for businesses will choke the available street parking and make the streetscape more unfriendly. Concerns were also voiced relating to the installation of parking meters.
- Transit centre similar to Queensway is extremely UNWELCOME!

- Comments reflected some resistance to C7 zone being allowed at corner of Hwy 33 and Hollywood Rd. Concern relates to positioning a large tower directly adjacent to single family housing.
- Resistance voiced regarding C7 zoning allowed at the southeast corner of Hwy 33 and Hollywood Rd. Comment revolved around the idea that it was too close to the single family neighbourhood.
- "Tall buildings are welcome in Rutland. These buildings should not be concentrated in one cluster rather they should be strategically located throughout the downtown area."
- Pedestrian areas are great. Are traffic patterns going to be altered to try to encourage pedestrian friendly areas?
- Concern voiced about the reality of hoping to move to a more pedestrian oriented environment directly off Hwy 33.
- Need for pedestrian links to locations away from Hwy as people on foot will not want to rest along the Hwy 33.
- Concerns relating to the ability of slow moving seniors ability to access services along Rutland downtown strip. Hwy 33 difficult to cross particularly for slow moving seniors therefore they will use their cars which clogs roads.
- Comment Thanking the City for the hanging baskets installed in Rutland.

Attachment 2

Map of Proposed Rutland C7 Zone and Sub Areas.