
**CITY OF KELOWNA
MEMORANDUM**

DATE: July 16, 2009

TO: City Manager

FROM: Community Sustainability Division

APPLICATION NO. DP09-0043

APPLICANT: Marlin Weninger

AT: 130 Rutland Road

OWNER: Jeff and Alice Wong

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT FOR FORM AND CHARACTER OF A SECOND STOREY EXPANSION IN ORDER TO FACILITATE THE PROVISION OF THREE RESIDENTIAL UNITS.

EXISTING ZONE: C4 – Urban Centre Commercial

REPORT PREPARED BY: BIRTE DECLOUX

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP09-0043 for Lot 15, Section 23, Township 26, ODYD Plan KAP12078, located at 130 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. 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 FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the development permit application in order for the permit to be issued.

2.0 SUMMARY

A Development Permit for form and character of a proposed building addition is being sought. This application proposes to expand the second floor of an existing commercial building in order to facilitate the provision of three residential units. The addition will expand the building's function from a strictly commercial use to a mixed use.



3.0 ADVISORY PLANNING COMMISSION

At their regular meeting of June 9, 2009 it was resolved:

THAT the Advisory Planning Commission support Development Permit Application No. DP09-0043, for 130 Rutland Rd South; Lot 15, Plan 12078, Sec 23, Twp 26, ODYD;, to obtain a Development Permit to construct a second storey, adding 3 residential units to the existing building.

APC Comment:

APC commented that to improve the application, considerable landscape improvements should be incorporated and that improvements to the residential entrance should be integrated into the elevations to pronounce the entrance feature. *The applicant has revised their plans to reflect the suggestions made.*

4.0 BACKGROUND

The site is located close to the corner of Rutland Road south and Highway 33 east in the Rutland Town Centre. An existing building known as the "Cedars Restaurant" occupies the site. The proposed residential units will be constructed above the existing restaurant. Currently, an unused partial second storey exists.

4.1 The Proposal

The proposed expansion of the second floor will incorporate three modest sized residential units:

1. A bachelor suite which has a private north facing deck (6.0 m²)
2. A one bedroom unit which has direct access to a common deck (34.31m²)
3. A two bedroom units which has direct access to a common deck (34.31m²)

As the building was renovated in 2007, the owners do not want to alter the exterior colours of the building and propose the same colour and type of materials for the exterior of the addition.

The main entrance to the restaurant is at the front of the building facing Rutland Road with the residential entrance proposed on the north side of the building off the parking lot. A stamped pathway flush with the parking lot pavement and a small roof feature have been added to the design to enhance the residential entrance. As required by the BC Building Code, an additional emergency exit has been provided at the west of the building.

The landscape plan incorporates the existing vegetation and the addition of Acer maple trees along the front of the site. Two planters with trees are located on the west side of the property flanking the garbage enclosure. Additional trees are planned for the court yard area on the second floor.

Sufficient parking will be provided in the existing outdoor lot with the residential parking to be marked "reserved" exclusively for the inhabitants and not to be available for use by the commercial customers.

The proposed application meets the requirements of the C4 – Urban Centre Commercial as follows, with the exception of lot coverage as noted:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	833 m ²	460 m ²
Lot Width	30.1 m	13 m
Lot Depth	27.58 m (existing non-conforming)	30 m
Development Regulations		
Site Coverage	33 %	75 %
F.A.R.	0.57	Mixed-use developments 1.3
Height (existing house)	2 storeys / 7.4m	4 storeys /15 m
Front Yard	12.3 m	0.0 m
Side Yard (n)	11.4 m	0.0 m
Side Yard (s)	0.0 m	0.0 m
Rear Yard	0.0 m	0.0 m
Other Requirements		
Parking Stalls (#)	14 spaces	1.75 per 100m ² GFA = 9.5 1 per Bachelor unit = 1 1.25 per 1 bed unit = 1.25 1.5 per 2 bed unit = 1.5 Total required: 13.25 spaces
Bicycle Parking	6	Class1: 02 per 100m ² GLA; or 1 per 10 employees Class 2: 0.6 per 100m ² GLA Total required: 4
Loading Spaces	1 provided	1 per 1,900 m ² GFA
Private Open Space	Private Deck: 6.0m ² Court yard: 34.31 m ² Total provided: 40.31m ²	10 m ² per 1 bedroom dwelling and 15 m ² per dwelling with more than 1 bedroom Total required: 40m²
Functional commercial space	100%	Min. 90% of street frontage
Landscape Requirements	Landscaping exists at road frontage None provided for side & rear yard (existing non-conforming)	Level 2 & 3 landscaping required for front and side yards.

5.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City Departments, and the following relevant comments have been submitted:

5.1 Development Engineering

This development permit application for a residential addition does not trigger any offsite upgrades. There are no requirements associated with this application.

The property is located within the Rutland Waterworks District (RWD) all the fees associated with the proposed expansion must be paid directly to RWD. The RWD is to confirm that the system is capable to provide fire flows in accordance with the Subdivision & Servicing Bylaw.

The storm water management currently in place appears to operate satisfactorily.

The Rutland Road Right of way current width meets the ultimate requirement of 28.0m. arterial road.

5.2 Building and Permitting

Detailed code analysis required. Existing exit from restaurant on main floor at rear of building and proposed second storey exit (west elevation) do not meet requirement of BCBC 2006. Bedroom, including window in unit 'C' at rear of building (west elevation) not to requirements of building code. *These changes have been made to the provided drawings.*

5.3 Fire Department

No concerns time, additional comments will be required as BP stage.

5.4 Rutland Water Works

Mould Engineering has reviewed the plans as submitted and provided comments. Please note the last paragraph stating that a final set of drawings is required at the building permit stage to confirm the figures for CEC's.

5.5 Ministry of Transportation

Regarding this application to allow a second storey addition for residential use, the Ministry has no objections or concerns.

6.0 LAND USE MANAGEMENT DEPARTMENT

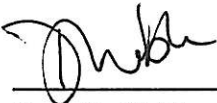
The applicant is proposing to redevelop and expand the second floor of the existing building in order to incorporate three residential units, creating a mixed-use commercial building. The proposal complies with the Official Community Plan policies which encourage residential components in commercial development within the Urban Town Centres.

The proposed modest design emulates the existing building by incorporating the same roof line and utilizing design elements of the existing windows. The colour palette and exterior finishing materials are an extension of the existing building.

In response to the APC comments, the applicant has worked with Staff to improve some features of the project. Additional landscape details have been added in the form of planter boxes on either side of the garbage enclosure and on the south side of the parking lot adjacent to Rutland Road. Notably, the vegetative buffer adjacent to Rutland Road has been enhanced by adding maple trees to create a friendlier pedestrian interface.

Additionally, an entry roof feature was added to help identify the residential entrance. While there was not adequate space to incorporate walkways at the front and side of the building, the applicant has agreed to create an at-grade stamped concrete area to visually differentiate the pedestrian walkway from the commercial traffic and parking.

A patio space is proposed for the second storey between two of the residences. Although this area houses the screened HVAC system, trellises and planters with maple trees are proposed to create usable private outdoor space.



Danielle Noble

Urban Land Use Manager

Approved for Inclusion



Shelley Gambacort

Director of Land Use Management

Bcd

ATTACHMENTS

Location of subject property

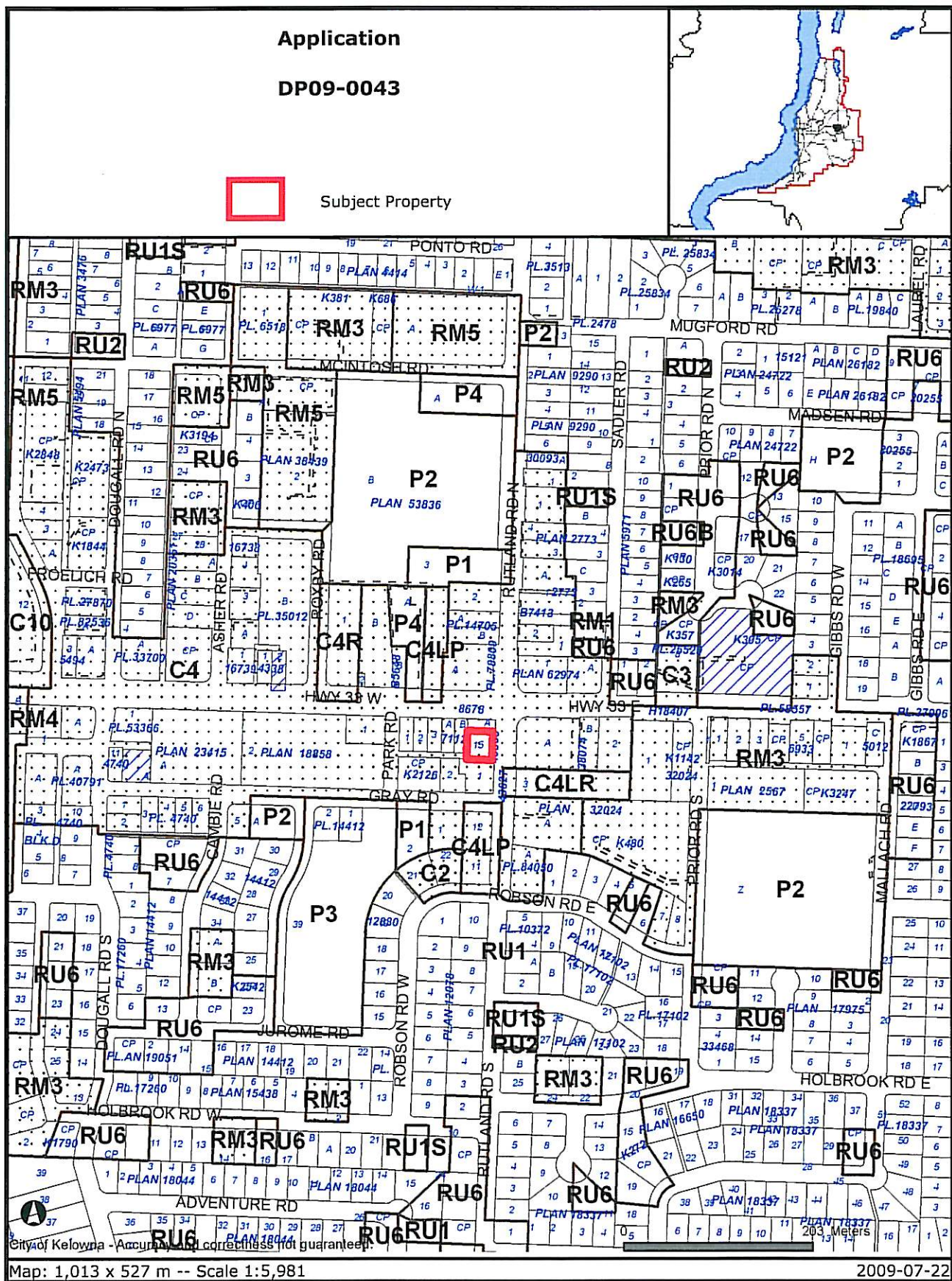
Site Plan

Elevation drawings

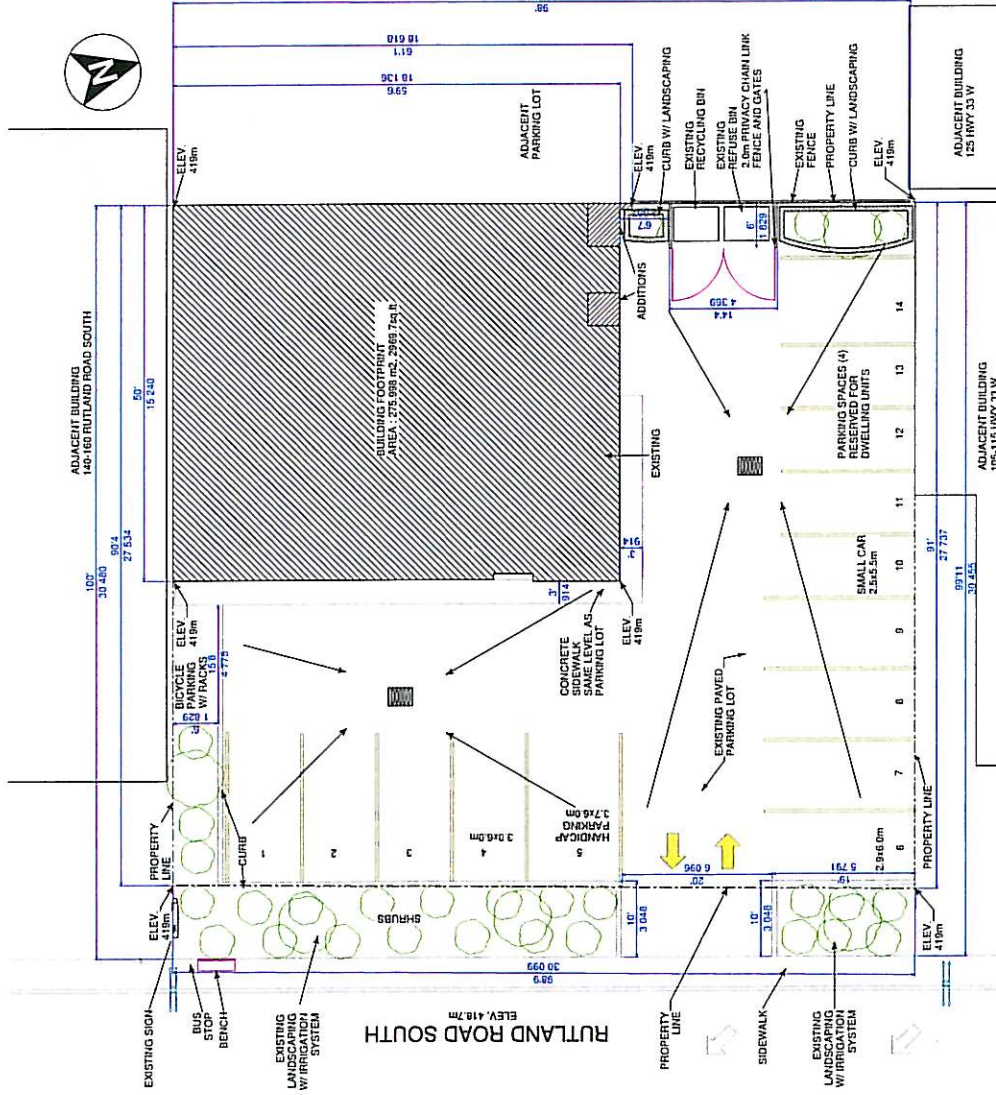
Suite Floor Plans

Landscape Drawing

Photos



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



SITE PLAN

Applicant	Weninger Construction & Design Ltd.
Civic Address	130 Rutland Road South
Occupant	Cedars Family Restaurant
Legal Lot #	15
Legal Plan #	12078
Zoning	C-4
Current Principal Use	(n) Food Primary Establishment
Proposed Use	(n) Food Primary Establishment & (c) Apartment Housing
B.C.B.C. Occupancy	Group A - Division 2
Lot Width	30.1m
Lot Depth	Average of 27.67m plus
Lot Area	835.576m ²
Side Coverage	31.0%
Front Coverage	31.0%
Side Coverage	31.0%
Front Coverage	31.0%
Net Floor Area	478.902 m ²
Gross Leasable Area	222.944 m ²
FAR	0.57
Height/Storey	7.4m/2 Storey
Setbacks	Front Yard: 12.3m
Side Yard	0.7/1.4m
Rear Yard	5m
Landscaping	Min. 14
Parking Stall	14 Planned
1% of Restaurant Seats designated for Disabled (B.C.D.C.) (1% of 100 seats = 1 seat)	1 seat
1 seat per 100 m ² GFA (C-4) = 0.5	0.5
1 seat per 200 m ² GFA (loading) = 0.2	0.2
1 per Bachelor Unit = 1	1
1.25 per 1 Bed. Unit = 1.25	1.25
1.5 per 2 Beds. Unit = 1.5	1.5
0.5 per Dwelling unit = 1.5	1.5
1 per 10 Employees = 2	2
REQUIREMENTS	
Deck: 6.0 m ²	
Court: 34.31 m ²	
Private Open Space	
Commercial	100%
Frontage	Street Frontage

CEDARS RESTAURANT

Unit# 103-200
 Dougal Road North, Kelowna, BC V1X 3K9
 Tel: (250) 765-6898 Fax: (250) 765-6078

Weninger
 CONSULTANTS & DESIGNERS

SCALE
 1/8" = 1'-0"

DATE: JAN 15, 2004
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 2

UPSTAIRS RENOVATION
 SITE PLAN

SCHEDULE A

This forms part of development
 Permit # **0009-0043**



VIEW FROM RUTLAND ROAD

CEDARS RESTAURANT

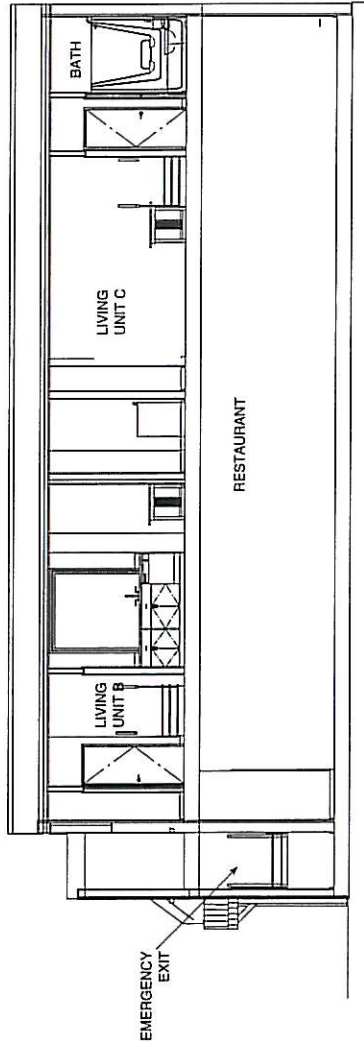
Weninger
 CONSULTING ENGINEERS & DESIGNERS
 Unit# 103-200
 Douglas Road North, Kelowna, BC V1X 3K5
 Tel: (250) 765-6898 Fax: (250) 765-6078

SCALE
 NTS

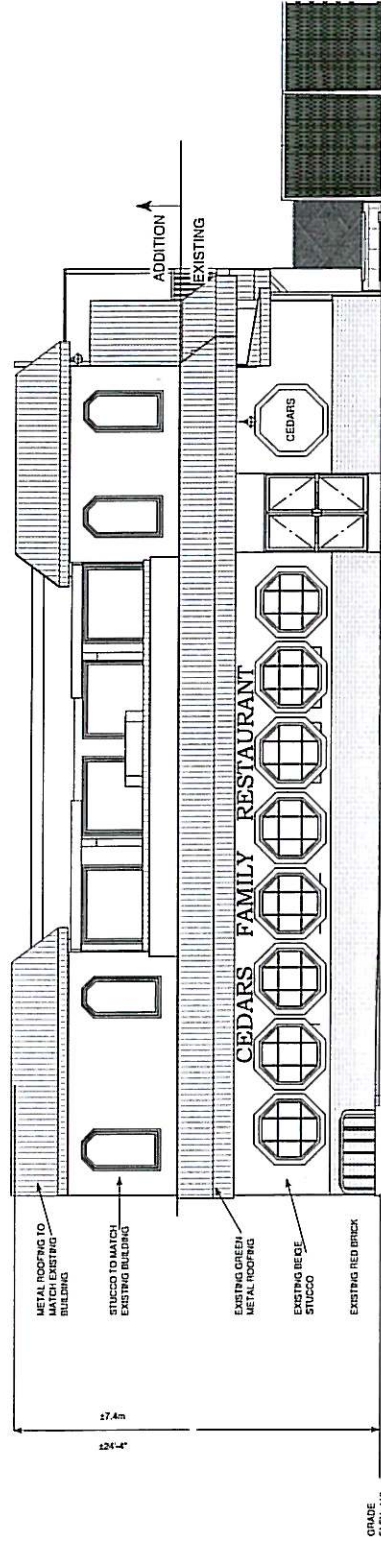
Drawn By: **Weninger**
 Date: **July 15, 2004**
 Sheet: **1**

PROJECT: **UPSTAIRS RENOVATION**
 Description: **Presentation View**

SCHEDULE **B**
 This forms part of development
 Permit # **0009-0045**



CROSS-SECTION



FRONT ELEVATION

CEDARS RESTAURANT

Weninger
CONSULTING & DESIGN
Unit # 103-200
Dougal Road North, Kelowna, BC V1X 3K3
Tel: (250) 765-6696 Fax: (250) 765-6078

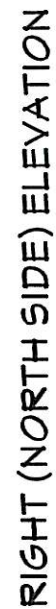
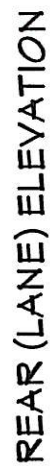
SCALE
1/4" = 1'-0"

DATE
JAN 15, 2004
DRAWN BY
MARTIN PRINCE

UPSTAIRS RENOVATION
ELEVATIONS
6

SCHEDULE B

This forms part of development
Permit # D009-0043



CEDARS RESTAURANT

Weninger
Unit # 103-200
Douglas Road North, Kelowna, BC V1X 3N5
Tel: (250) 765-6098 Fax: (250) 765-6078

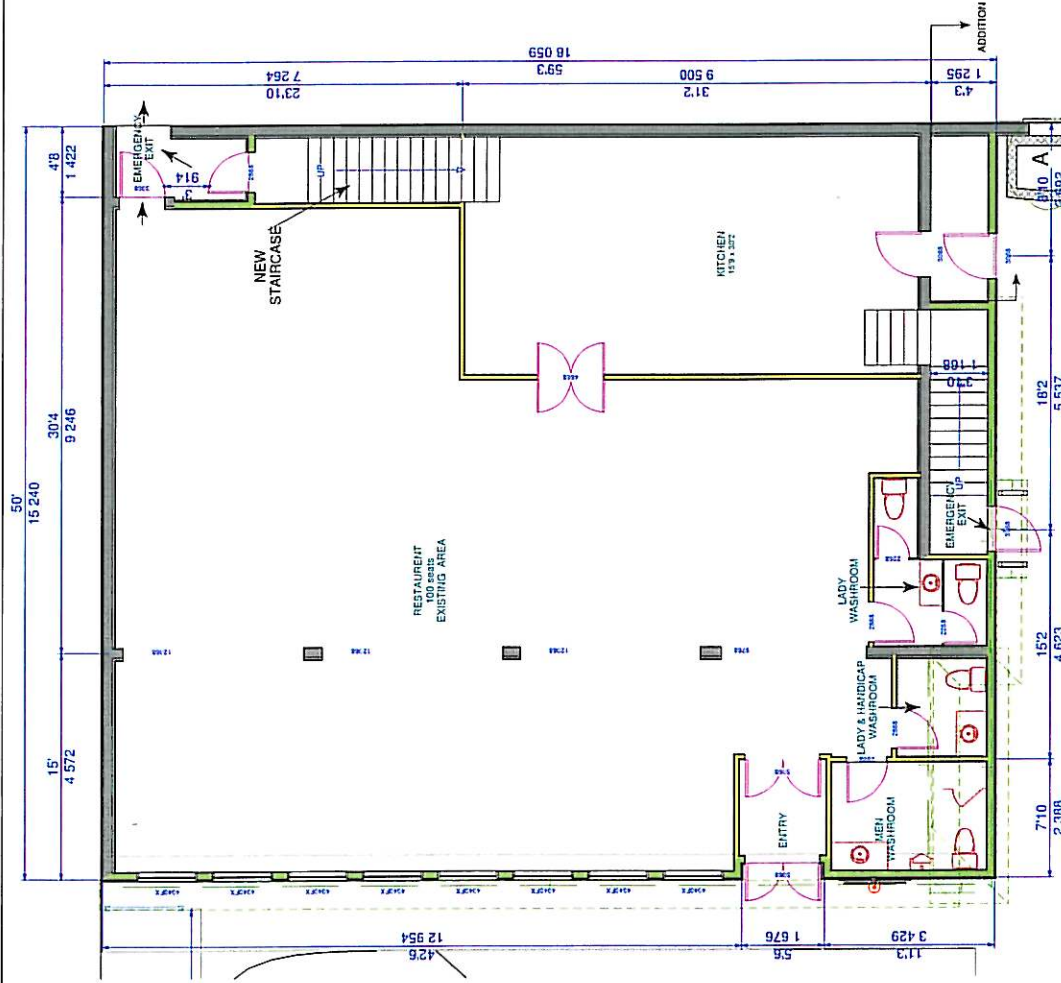
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7
 July 13, 2004
 Martin Mullinger

**UPSTAIRS RENOVATION
ELEVATIONS**

SCHEDULE B

This forms part of development
Permit # 0009-0043



FLOOR AREA
275.995m2, 2969.75q.ft.

CEDARS RESTAURANT

Weninger
CONSTRUCTION & DESIGN

Unit # 103-200
Dougal Road North, Kelowna, BC V1X 3K5
Tel: (250) 765-6898 Fax: (250) 765-6078

SCALE	1/4"=1'-0"
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Job Name: Martin Wieringa
Date: July 13, 2004
Page: 3

UPSTAIRS RENOVATION

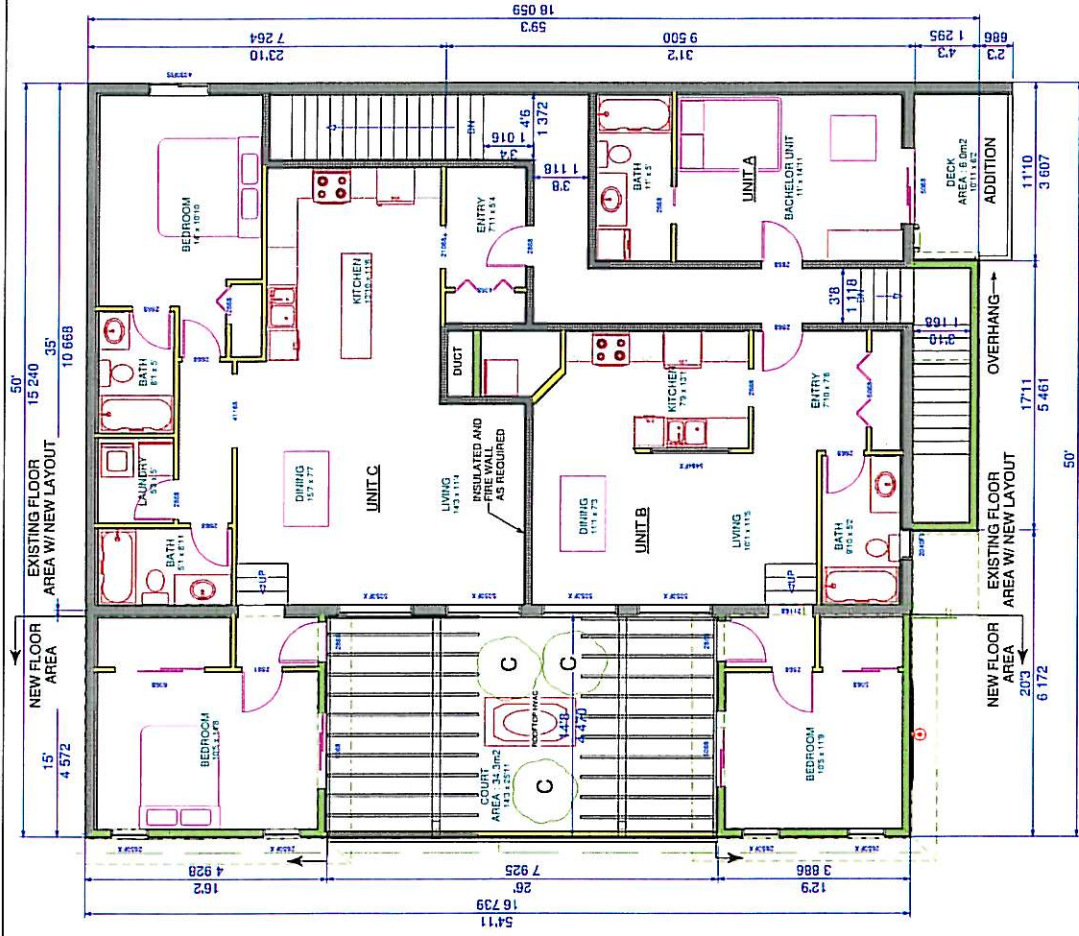
MAIN FLOOR PLAN



NOTE:
S/M. BEDROOM WINDOW SIZE 4'-0" x 3'-0"
(1.2m x 0.9m). OPENING 20" x 32" (0.5m x 0.8m) =
640sq.in. (0.4m²)
B.C.B.C. MIN REQUIREMENT 0.35m²
(9.11.2.2.d)

NOTE:
-1 HOUR FIRE-RESISTANCE FROM
RESTAURANT TO DWELLING UNIT
B.C.B.C. (table 3.1.3.1)
-FIRE-RESISTANCE RATING OF
EXIT SEPARATION
MIN 45 minutes
B.C.B.C. (3.4.4.1.1)

FLOOR AREAS:
UNIT A : 22.9m², 246.4sq.ft.
UNIT B : 64.4m², 692.4sq.ft.
UNIT C : 114.3m², 1229.6sq.ft.
COMMON AREA: 28.5m², 304.9sq.ft.
OPEN COURT : 34.3m², 369.1sq.ft.
DECK : 6.0m², 64.6sq.ft.
TOTAL : 270.2m², 2907sq.ft.



SECOND FLOOR PLAN

CEDARS RESTAURANT

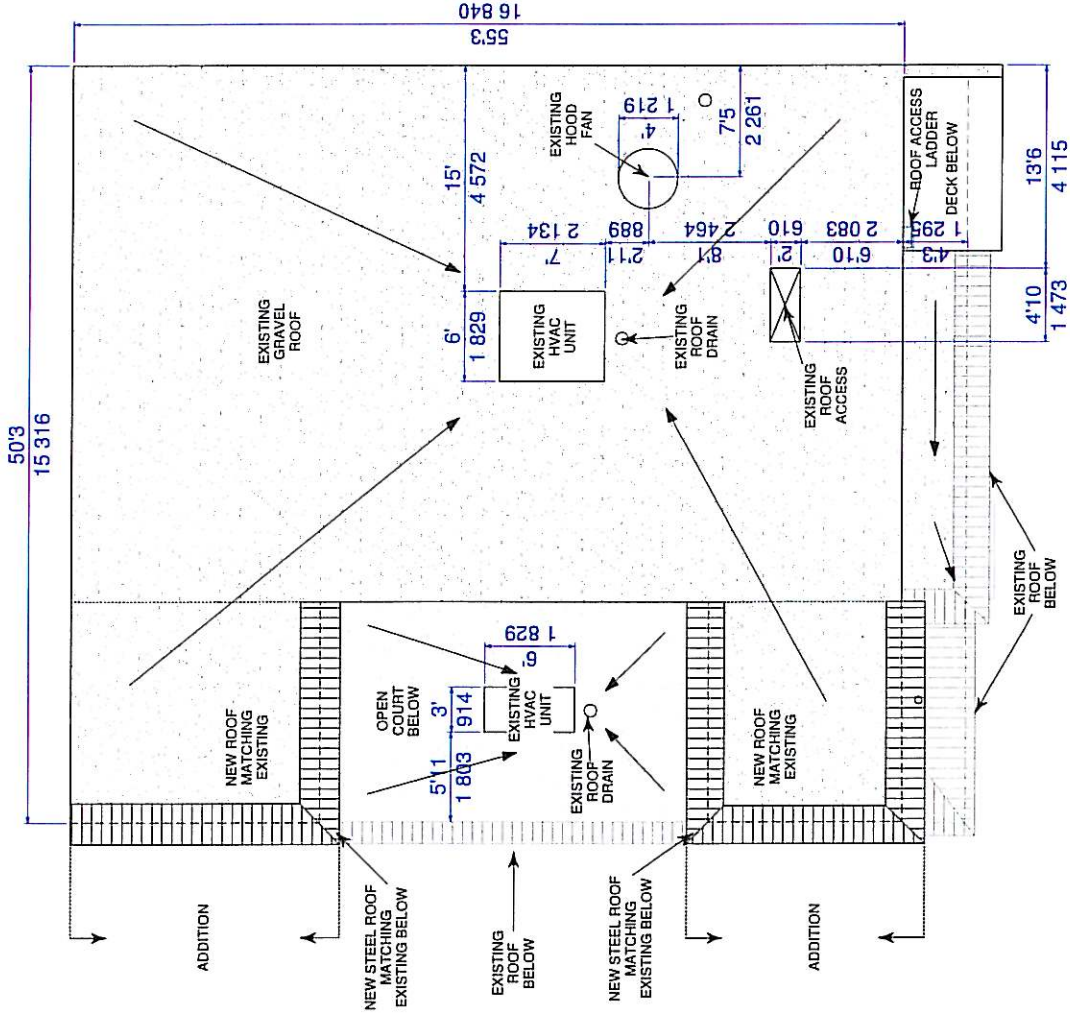
Unit# 103/200
Dougal Road Nestlé, Kelowna, BC V1X 3N3
Tel: (250) 765-8898 Fax: (250) 765-6078



SCALE
1/4" = 1'-0"

DATE
JAN 13 2004

UPSTAIRS RENOVATION
2nd FLOOR PLAN



CEDARS RESTAURANT

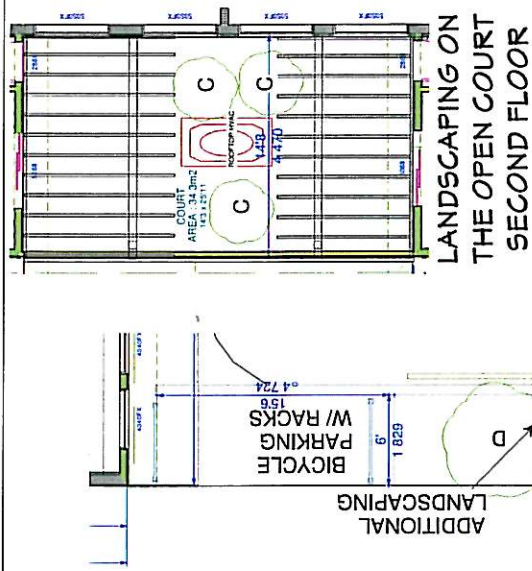
Unit# 107-200
 Dougal Road North, Kelowna, BC V1X 3K3
 Tel: (250) 765-6898 Fax: (250) 765-6078



SCALE
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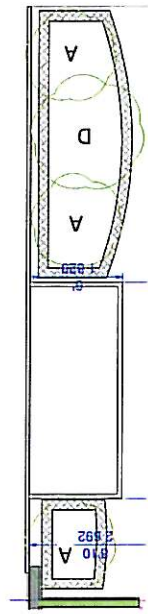
DATE
 JAN 13 2004

PROJECT
 UPSTAIRS RENOVATION
 SHEET
 5
 ROOF PLAN

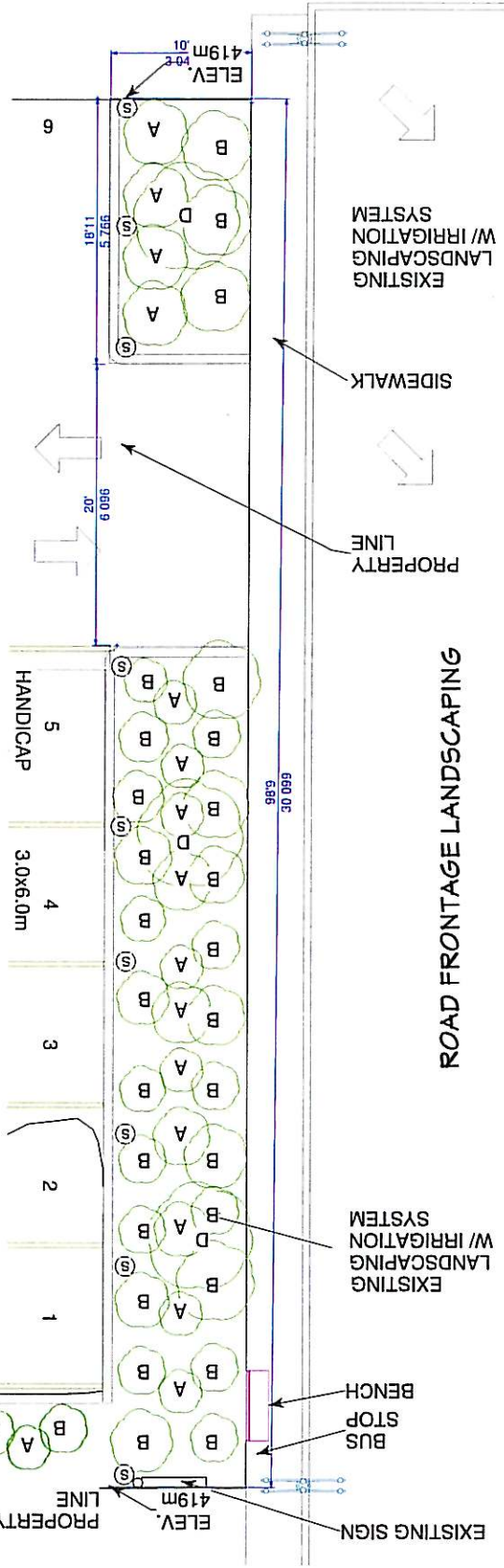


LEGEND

- A : CARYOPTERIS CLANDONENSIS (dogwood)
- B : JUNIPERUS PROCUMBENS
- C : JUNIPERUS CONFERTA
- D : ACER (maple)
- S : SPRINKLER
- : CURB



NOTE: NO ALTERATION WILL BE MADE ON THE EXISTING LANDSCAPING ON THE ROAD FRONTAGE EXCEPT THE ADDITION OF ACERS (maple trees) & THE LEFT SIDE STRIP TO THE BICYCLE PARKING



CEDARS RESTAURANT

Unit# 107-200
Dougal Road North, Kelowna, BC V1X 3K9
Tel: (250) 765-6898 Fax: (250) 765-6078



SCALE
NTS

Revision Number
JAN 13, 2004

UPSTAIRS RENOVATION
LANDSCAPING DETAILS

SCHEDULE C
This forms part of development
Permit # 0009-0043







