

# Memo



**Date:** July 15, 2011  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (AW)  
**Application:** Z11-0024                      **Owner:** Davara Holdings Ltd.  
**Address:** 120 Leathead Rd              **Applicant:** Davara Holdings Ltd.  
**Subject:** Rezoning  
**Existing OCP Designation:** Commercial  
**Existing Zone:** C2 - Neighbourhood Commercial  
**Proposed Zone:** C4 - Urban Centre Commercial

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## 1.0 Recommendation

THAT Rezoning Application No. Z11-0024 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1 Section 26 Township 26 ODYD Plan KAP64894, located on 120 Leathead Rd, Kelowna, BC from the C2 - Neighbourhood Commercial zone to the C4 - Urban Centre Commercial zone, be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT Council forward Bylaw No. 10574 authorizing a Housing Agreement between the City of Kelowna and Davara Holdings Ltd., Inc. No. BC797640 which requires the owners to provide 8 purpose built rental units for a period of ten years on Lot 1 Section 26 Township 26 ODYD Plan KAP64894, located on 120 Leathead Rd, Kelowna, BC, for reading consideration.

AND THAT final adoption of the zone amending bylaw be considered subsequent to the registration of a restrictive covenant on title serving to restrict the development potential of the subject property to only what development statistics are proposed regarding the Floor Area Ratio and height and not the full potential of the C4 zone;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Branch, Fortis and the Black Mountain Irrigation District being completed to their satisfaction.

## 2.0 Purpose

The applicant is proposing to rezone the subject property from the C2 - Neighbourhood Commercial zone to the C4 - Urban Centre Commercial zone in order to facilitate a mixed use building consisting of 600 m<sup>2</sup> (6500 ft<sup>2</sup>) commercial space on the ground floor and 8 purpose-built

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rental apartments above. A Development Permit for the form and character of the proposed development will be considered by Council at a later date.

### 3.0 Land Use Management

Redevelopment of the subject property is an important priority and will be a welcomed addition to the Rutland Urban Centre. An attractive development at this strategic location will help to anchor the corner and has the potential to catalyze reinvestment in the area.

In general, the C4 - Urban Centre Commercial zone is intended for the commercial core of an urban centre, not the periphery. A more appropriate zone for this transitional location would be the C5 - Transition Commercial zone, which purpose is “limited commercial development on the fringe of community or town centre commercial areas or as a transition to residential zones.” However, given that the proposal does not maximize the C4 - Urban Centre Commercial zone with regards to height and floor area ratio the proposed development is appropriate for this area. The applicant has indicated that the main reason for pursuing the C4 zone is for the additional permitted uses and the less stringent parking requirements and not the additional height or floor area. On this note, the applicant has agreed to secure a covenant on title to ensure that the development adheres to the Floor Area Ratio and height components required for this project. The applicant has also volunteered to enter into a Housing Agreement to secure 8 purpose built rental units for a period of 10 years.

The form and character and scale of the project is appropriate to the context. Staff have worked with the applicant to introduce more significant private open space. While positive modifications have occurred the proposal does not include private balconies for the residences and the open space at grade is publicly accessible and just meets the minimum open space requirement. In addition, a portion of the private open space is located under a transmission line with the remainder located along Leathead Road. However, it is important to note that in addition to improving the at grade private open space the applicant has introduced ‘Juliet’ balconies to help to create brighter and airier units.

### 4.0 Proposal

#### 4.1 Project Description

A two-storey mixed use building is proposed for the site, to include approximately 600 m<sup>2</sup> (6500 ft<sup>2</sup>) of commercial space on the ground floor (conceptually demised into 5 tenant spaces) and 8 purpose-built rental apartment suites above on the second floor. The apartments include a mix of unit types including bachelor, 1 bedroom, 1 bedroom + den, and 2 bedroom configurations, and suite areas range from 447 to 1079 ft<sup>2</sup>.

Pedestrian access is proposed facing all street frontages, as the commercial tenant spaces each have principal access achieved from their external storefronts. Secondary access and fire exists are located to the rear of the commercial tenant spaces and open into a common building corridor. This corridor, provides access to the residential units above. Vehicle access and parking is achieved via the laneway extending from Montgomery Road, with surface parking provided generally on the eastern half of the site.

The proposed development compares with the Zoning Bylaw No. 8000 requirements for the C4 - Urban Centre Commercial zone as follows:

Criteria	Required / Max / Min	Proposed
Floor area ratio	1.3 for mixed-use development	0.67

Site coverage	75%	37.4 %
Height	Lesser of 15.0 m or 4 storeys	7.7 m and 2 storeys
Front yard (Rutland Rd)	0.0 m	2.1 m
Side yard (Leathead Rd)	0.0 m for flanking street	2.4 m
Side yard (south)	0.0 m; where the site abuts an RU1, RU2, RU3 or RU4 zone, the greater of 4.5m or half the height of the building	7.2 m where abutting RU1; 9.3 m where abutting the laneway
Rear yard (Montgomery Rd)	0.0 m; 6.0 m where abutting a residential zone	24.5 m
Residential access	Access to grade separate from commercial uses	Complies; Commercial tenants have at-grade access separate from residential apartments
Private open space	6 m <sup>2</sup> per bachelor dwelling; 10 m <sup>2</sup> per 1 bedroom dwelling; 15 m <sup>2</sup> per dwelling with more than 1 bedroom  TOTAL = 91 m <sup>2</sup>	112 m <sup>2</sup>
Ground floor uses	Functional commercial space on the first floor must occupy a minimum of 90% of all street frontages OR a minimum of 75% on secondary street frontages provided 100% of the principal frontage has a functional commercial space	Complies
Bicycle parking	Class I: 5.2 = 6 spaces Class II: 4.4 = 5 spaces	Class I: 6 spaces Class II: 6 spaces
Parking spaces	19 spaces	20 spaces
Parking setbacks	2.0 m from front lot line; 1.5 m from side and rear lot lines	Complies.
Loading spaces	1/1900 m <sup>2</sup> GFA = 1	1 space

4.2 Site Context

The subject property is located at the far northern edge of the Rutland Urban Centre and has frontage on Rutland Road, Leathead Road, and Montgomery Road.



Land uses in the surrounding neighbourhood are predominantly residential, with single detached dwellings surrounding, apartments and institutional uses present to the north, and apartments present on Briarwood Road to the south. Specifically, the adjacent zones and land uses are:

Direction	Zone	Land Use
North	RM4 - Transitional Low Density Housing	Sun Pointe Village retirement apartments
South	RU1 - Large Lot Housing	Single detached dwellings
East	RU1 - Large Lot Housing	Single detached dwellings
West	RU1 - Large Lot Housing	Single detached dwellings

5.0 Current Development Policies

5.1 Kelowna 2030 Official Community Plan - Chapter 5 Development Process

Focus development to designated growth areas (Objective 5.3).

*Compact Urban Form (Policy .2).* Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located

within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Achieve High Quality Urban Design (Objective 5.8)**

*Public Space (Policy .1).* Integrate safe, high-quality, human-scaled, multiuse public spaces, such as parks, plazas and squares, as part of development or redevelopment within Urban and Village Centres.

*Streetscaping (Policy .2).* Urban Centre roads should be considered as part of the public space and streetscaped with full amenities (i.e. sidewalks, trees and other planting, furniture, bike facilities, boulevards, etc.).

**6.0 Technical Comments**

Building & Permitting Branch. 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits. 2) Signage areas for the commercial spaces are to be defined on the Development Permit (areas allowed). 3) Exit stairwell doors to open in direction of exits and can't impede the exit with of the public corridor. 4) The garbage enclosure structure does not appear to be clearly defined. 5) The Building Permit drawings are to clearly identify the fire separation assemblies. 6) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

Development Engineering Branch. See attached memorandum.

Fire Department. Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The hydrant across Rutland Rd. cannot be considered as Rutland Rd. is an arterial roadway. The Subdivision Bylaw requires a minimum of 150ltr/sec flow. There should be one civic address for the building and individual suite numbers for all the occupancies. Additional comments will be required at the building permit application.

FortisBC. Fortis has facilities located on the south side of the subject property that will require SRW and ask that the City of Kelowna make this a condition of approval to this proposal.

Black Mountain Irrigation District. Capital expenditure charges, connection charges, et al will apply and an engineering review may be required. BMID requirements must be satisfied prior to final adoption of the zone amending bylaw.

Public Health Inspector. This proposal appears to address a number of considerations for health in built communities, including proximity to transit and pedestrian corridors to reduce reliance on single occupancy vehicles, availability of affordable housing, and combining residential and commercial developments so residents are able to shop without being required to travel. Please note that the community water system (BMID) indicated for connection to this proposed development does not meet the 43210 Drinking Water Objectives. We recommend that approvals should be contingent upon the completion of necessary treatment upgrades, or where there is evidence that an approved plan is in place to meet the required treatment objectives. The transfer of property to prospective purchasers should also be contingent upon the sharing of information on the current status of this system.

Telus. TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy. Developer is to provide a 5 metre x 8 metre easement at no cost to TELUS. TELUS will place a concrete Walk-in Cabinet to house TELUS

switching equipment to service this property and which could also serve surrounding properties. TELUS will require 24 hour access to the Walk-in-Cabinet.

Infrastructure Planning, Ministry of Transportation, RCMP, School District 23, Shaw Cable, and Terasen Gas. No comments.

**7.0 Application Chronology**

Date Application Received April 14, 2011

Advisory Planning Commission May 10, 2011

The proposal was reviewed by the Advisory Planning Commission and it was resolved:

THAT the Advisory Planning Commission support Rezoning Application No. Z11-0024, for 120 Leathead Road, to rezone the subject property from the C2 - Neighborhood Commercial zone to the C4 - Urban Centre Commercial zone to develop a mixed use-Commercial/Residential Building.

The following supplemental comments were noted by the Commission:

The Advisory Planning Commission supported the Rezoning and Development Permit Application because the Applicant is prepared to enter into a Housing Agreement to secure the rental housing units and is prepared to enter into a perpetual covenant with respect to the development statistics on site being ultimately less than what the C4 zone would allow. The Advisory Planning Commission would like the Applicant to re-examine the project to ensure a more residential feel given the upstairs tenants and residential neighbourhood context. Re-designed landscaping on site and a more genuine attempt at providing private open space should help with the residential feel of the project.

All Technical Comments Rec'd June 14, 2011

Application Refinement May - Jul 5<sup>th</sup>, 2011

Report prepared by:



Alec Warrender, Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use Branch

Approved for inclusion:



Shelley Gambacort, Director, Land Use Management Dept.

**Attachments:**

Subject property and zoning map

Site plan

Floor plans

Elevations

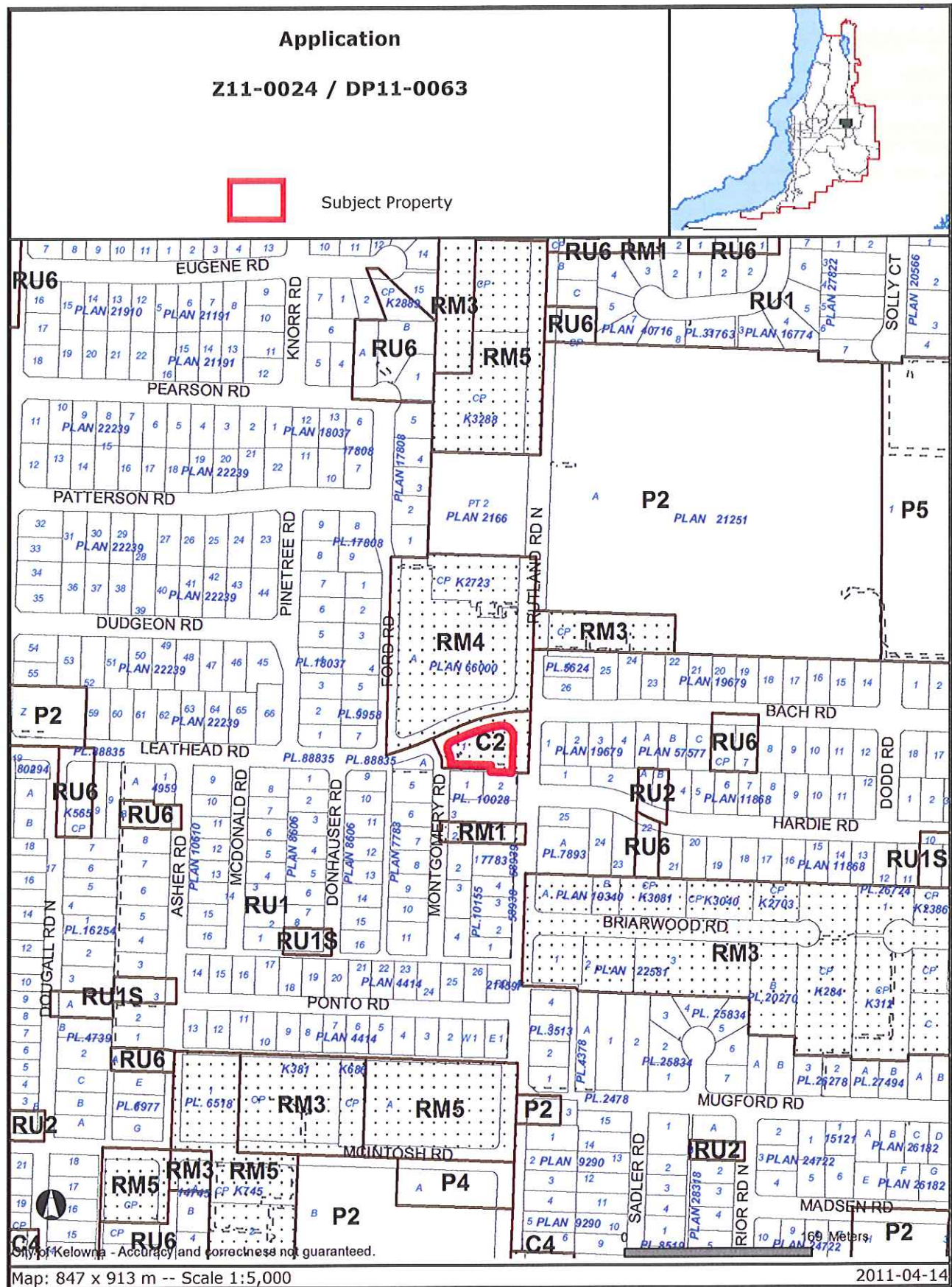
Conceptual renderings

Landscape plan

Development Engineering Requirements

Fortis BC Information



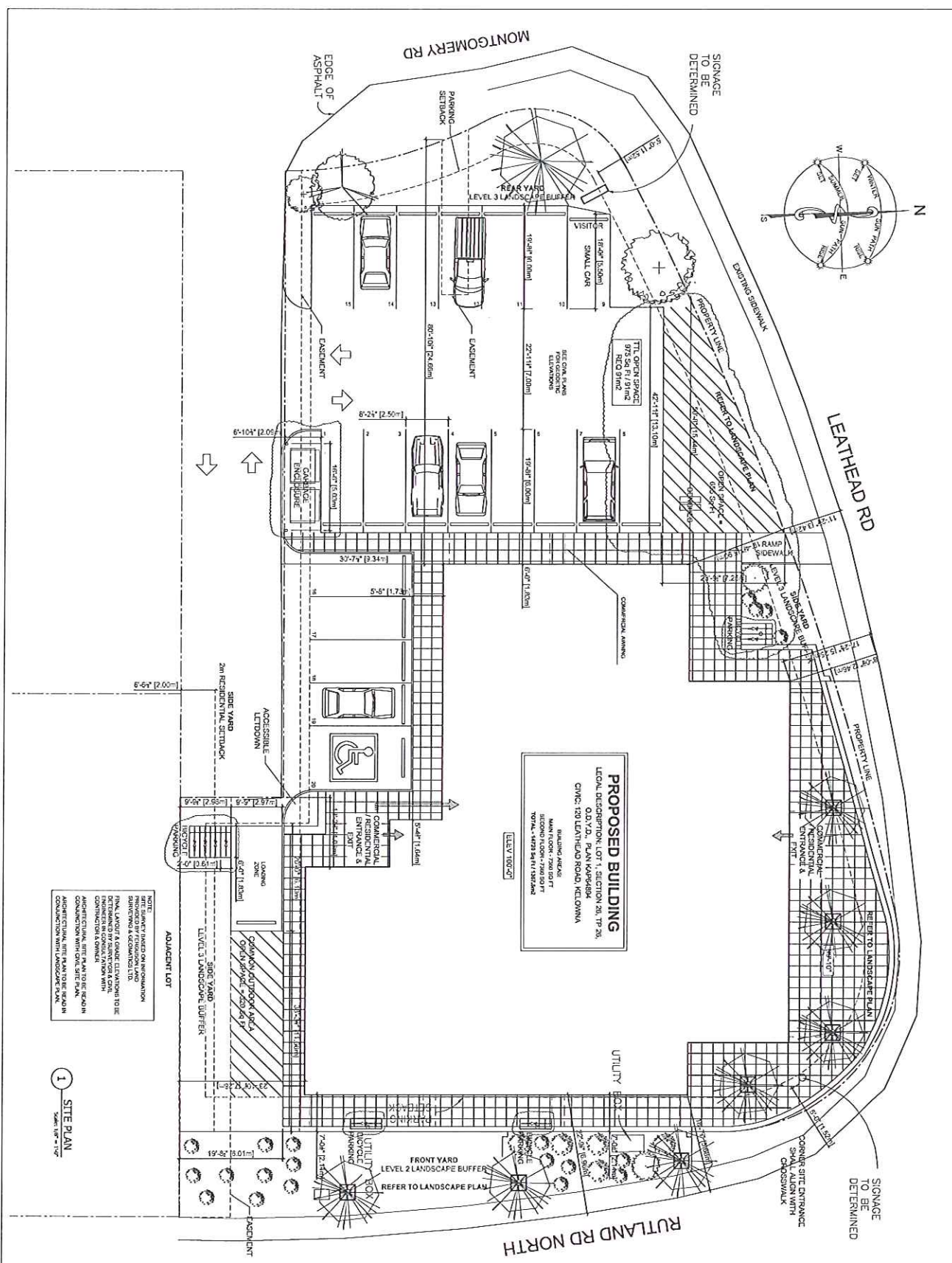
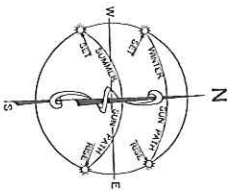


City of Kelowna - Accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2011-04-14

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.



**PROPOSED BUILDING**  
 LEGAL DESCRIPTION: LOT 1, SECTION 26, 1P-26,  
 C.M.C. 100 LEATHHEAD ROAD, KELLOWNA  
 BUILDING AREA:  
 MAIN FLOOR: 7396 SQ FT  
 TOTAL: 7396 SQ FT (AS SHOWN)

NOTE: SITE PLAN BASED ON INFORMATION PROVIDED BY FOUNDATION LAYOUT. FINAL LAYOUT & GRADING TO BE DETERMINED BY SUBMITTER & DRAFTSMAN. ARCHITECTURAL SITE PLAN TO BE SUBMITTED IN CONJUNCTION WITH CIVIL SITE PLAN. CONSTRUCTION WITH LANDSCAPE PLAN.

**1 SITE PLAN**  
 SCALE: 1/8" = 1'-0"

**A1.1**  
 PRELIMINARY  
 NOT FOR CONSTRUCTION

**SITE PLAN**  
 C4 ZONING

**sta**  
 Gary Thompson Architect Ltd.  
 243-1189 Springfield Rd  
 Kelowna, British Columbia  
 Tel: 250/794-4366  
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**120 LEATHHEAD RD**  
 KELLOWNA, BC

THIS DRAWING MUST NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.  
 ANY REVISIONS TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT.  
 ANY REVISIONS MUST BE MADE WITHIN THE SAME PROJECT.





EAST ELEVATION - LOOKING AWAY FROM SITE



NORTH ELEVATION - LOOKING AWAY FROM SITE



SOUTH ELEVATION - LOOKING AWAY FROM SITE



WEST ELEVATION - LOOKING AWAY FROM SITE



LOOKING WEST AT SITE



LOOKING SOUTH-WEST AT SITE



LOOKING NORTH-EAST AT SITE

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**PRELIMINARY  
NOT FOR CONSTRUCTION**

NO.	DATE	DESCRIPTION
1	2023/07/20	ISSUE FOR PERMIT
2	2023/07/20	ISSUE FOR CONSTRUCTION
3	2023/07/20	ISSUE FOR AS-BUILT
4	2023/07/20	ISSUE FOR FINAL

**gta**

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Victoria, British Columbia  
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PO BOX 100000  
KIDGWING, BC

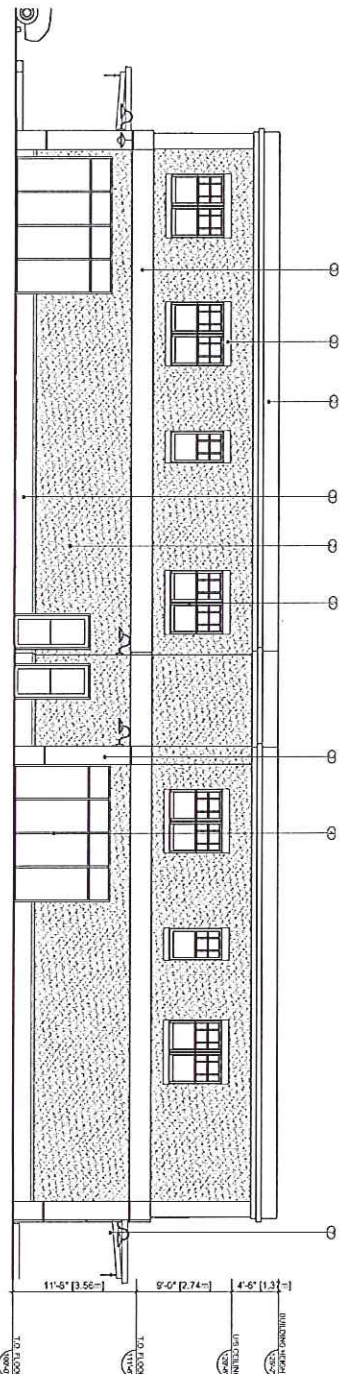
SITE PHOTOS

DATE	SCALE
2023/07/20	AS NOTED
2023/07/20	AS NOTED
2023/07/20	AS NOTED

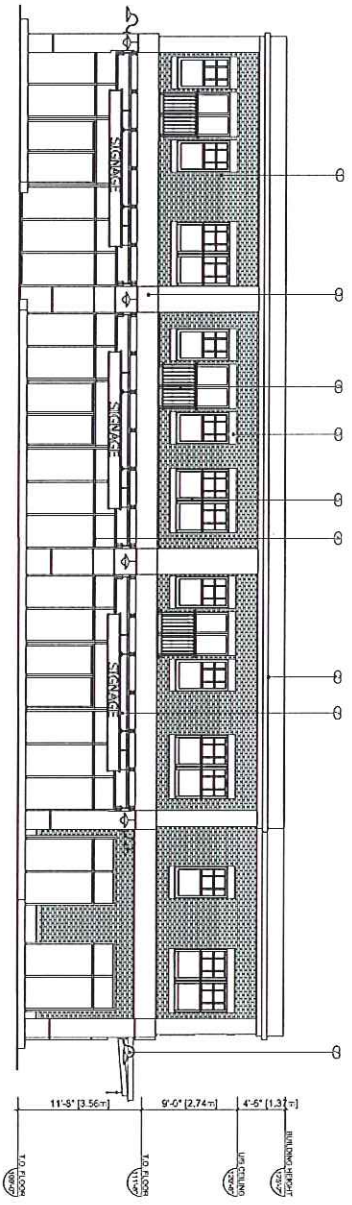
**A0.2**





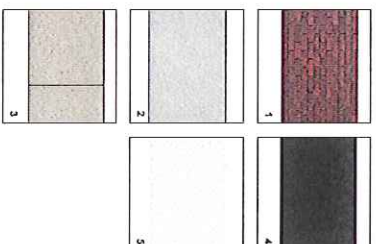


1 SOUTH ELEVATION  
Scale: 1/8" = 1'-0"



1 EAST ELEVATION  
Scale: 1/8" = 1'-0"

- MATERIALS AND KEYNOTE LEGEND:**
1. FACE CLAY BRICK
  2. PRECAST COLOURED WALL BASE PANELS, PLASTER, LINTELS AND SILLS
  3. ALUMINUM STOREFRONT GLAZING
  4. VINYL WINDOWS (WHITE COLOUR)
  5. ALULIT BALCONIES
  6. JAVANICS
  7. JAVANICS



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**PRELIMINARY  
NOT FOR CONSTRUCTION**

NO.	DATE	DESCRIPTION	BY	CHKD.
1	12/10/2011	ISSUED FOR PERMIT	STA	STA
2	12/10/2011	ISSUED FOR PERMIT	STA	STA
3	12/10/2011	ISSUED FOR PERMIT	STA	STA

STA  
 gta

GARY TEMPLEWOOD ARCHITECTS LTD.  
 24 LAMBTON STREET, 4TH FLOOR  
 KELLOWNA, BRITISH COLUMBIA  
 V1Y 9Y9  
 TEL: 250.729.4300  
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 TEL: 250.729.4300  
 EMAIL: gtemp@gtarchitects.com

PROJECT  
 120 LEATHERHEAD  
 240 PARKWAY EAST, 1ST FLOOR  
 KELLOWNA, BC

BUILDING  
 ELEVATIONS  
 & SECTION

**A4.2**

DATE	REVISION
12/10/2011	ISSUED FOR PERMIT
12/10/2011	ISSUED FOR PERMIT
12/10/2011	ISSUED FOR PERMIT

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

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**Date:** May 25, 2011  
**File No.:** Z11-0024  
**To:** Land Use Management (AB)  
**From:** Development Engineer Manager (SM)  
**Subject:** 120 Leathead Road – Lot 1 Plan KAP 64894, Sec. 26, Twp. 26, ODYD

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Development Engineering comments and requirements regarding this application to rezone from C-2 to C-4 are as follows:

1. Subdivision

- a) Provide easements as may be required.

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 zone. 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 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 the service connection and upgrading costs are to be paid directly to the BMID.
- b) 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.

4. Sanitary Sewer.

a) The subject property is located within the Local Area Service (LAS) # 20 and is currently serviced by the municipal wastewater collection system. The applicant will be required to cash commute the LAS at the current rate and since the property is on the annual levy, there are no credits available. The total charge based on total SFE (Single Family Equivalent) for the proposed development is as follows:

Residential	8 multi-family at 0.7 SFE	=	5.6 SFE
Commercial	6000 sq.ft. / 2600 sq. ft. per SFE	=	<u>2.3 SFE</u>
TOTAL			<u>7.9 SFE</u>

The total cash commuting amount is 7.9 SFE x \$4,024.42 = **\$31,792.92**. (valid until March 31, 2012).

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.

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.

7. Road improvements.

a) Rutland Road.

The Rutland Road frontage currently meets the standard requirements for the requested zone. A bus bay was to be constructed under a previous application but due to safety concerns, the bay will be constructed by the city in the future when the properties to the south are re-developed in order to create a proper bay length and taper in accordance with current regulations.

b) Montgomery Road.

The applicant is responsible to extend the existing curb, gutter and sidewalk to the southerly edge of the subject property. The construction consists of new curb, gutter and monolithic sidewalk, fillet paving, storm drainage works, removal and/or relocation of utilities as may be required, etc. The estimated cost for this work, for bonding purpose, would be **\$5,600.00**, inclusive of a bonding contingency but not including the cost of utilities relocation.

8. Street lights.

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

9. Access.

Access from Montgomery Road is the preferred point of ingress and egress for this development as shown on the conceptual plan.

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.

11. DCC Credits.

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

12. Bonding and Levies Summary.

a) **Performance Bonding**

Montgomery Road upgrading	<u>\$ 5,600.00</u>
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b) **Levies**

Specified Area #20 (LAS) charges	<u>\$ 31,792.92</u>
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Steve Muenz, P. Eng.  
Development Engineering Manager

BB



Photo taken from westerly end of laneway looking east across south side of Lot 1 Plan KAP64894 towards Rutland Rd. showing Fortis facilities and SRW area required