

# REPORT TO COUNCIL



**Date:** November 18, 2019

**To:** Council

**From:** City Manager

**Department:** Development Planning - Urban

**Application:** DP19-0092

**Owner:** ZSY Holdings Ltd., Inc.No.  
BC0981442

**Address:** 340 Hwy 33 W

**Applicant:** Urban Options Planning &  
Permits

**Subject:** Development Permit Application

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## 1.0 Recommendation

THAT Council NOT authorize the issuance of Development Permit No. DP19-0092 for Lot 1 Section 26 Township 26 ODYD Plan EPP62403, located at 340 Hwy 33 W, Kelowna, BC.

## 2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Permit for the form and character of a mixed-use building addition on the subject property.

## 3.0 Development Planning

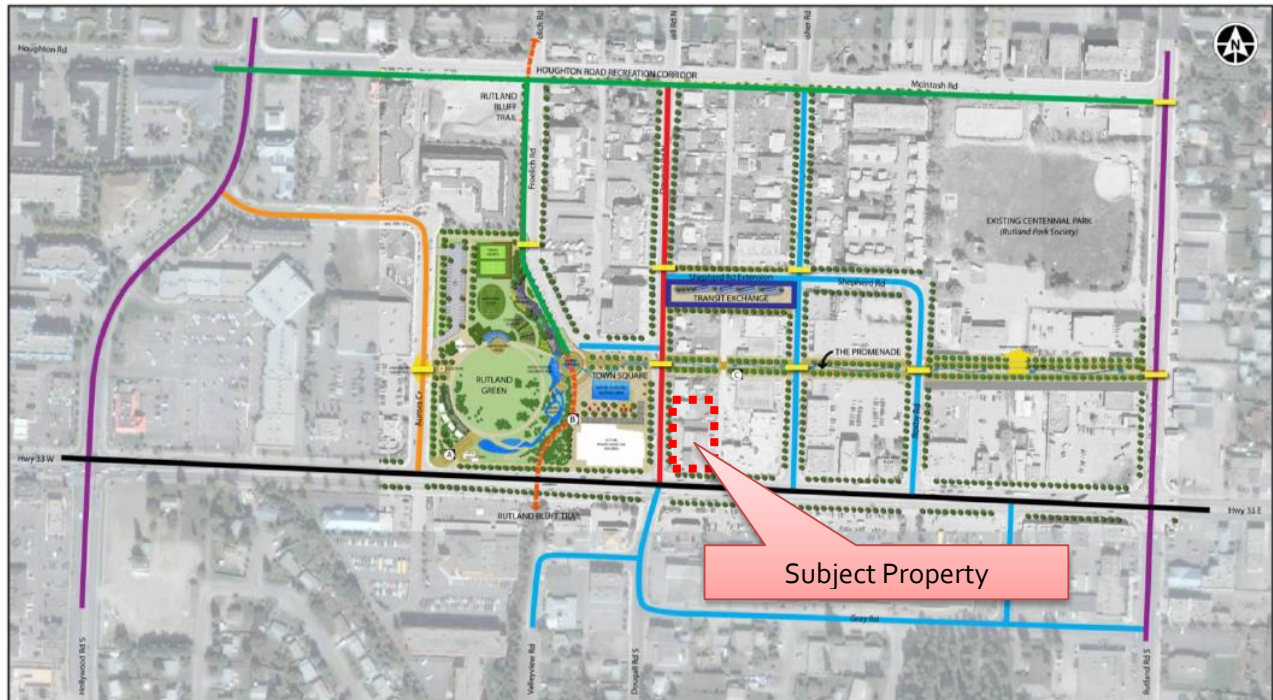
Development Planning does not support the application for a Development Permit for the mixed-use building addition.

The proposed development, which would include a car wash on the main floor and an apartment above, does not substantially meet the Design Guidelines of the Revitalization Development Permit Area. The main issue is that the development, which features a car-oriented use set back from the property line and located near the middle of the lot, fails to establish a pedestrian-friendly interface with the streetscape and sidewalk, which the Design Guidelines call for (see Schedule B).

In addition to being within the Revitalization Development Permit Area, the subject lot is also specifically cited in the Official Community Plan (OCP) as being at the entranceway to the pedestrian-oriented, commercial core of the Rutland Transit Exchange TOD area (OCP, Section 5.20.1). To reinforce this, the lot is shown in the Rutland Urban Streetscape Plan as being at the gateway of the planned Rutland High Street, set to be the main pedestrian-oriented shopping street of the Rutland Urban Centre (Rutland Urban Streetscape Plan, p. 7-12) at the centre of the Rutland Transit Exchange TOD area. Given the lot's prominent position at the entranceway of a pedestrian-oriented area in the heart of Rutland, it is especially important that the site be developed in a pedestrian-friendly way, and that any development proposals be held to a

very high design standard. This point is made explicitly in both the OCP (Section 5.20.1) and the Rutland Urban Streetscape Plan (p. 7-12).

### Rutland Urban Streetscape Plan Map:



#### Street Classification

- High Street (main shopping street)
- Transit Exchange
- Commercial
- Multi-use Corridor
- Highway 33
- Arterial
- Local
- Mid-block Crossing

### Proposal

#### 3.1 Background

The subject parcel was formed in 2016 when the lot at the northeast corner of Hwy 33 W and Dougall Rd. N was consolidated with the adjacent lot to the north. At the same time, the owner applied to rezone the northern portion of the property to C<sub>4</sub> – Urban Centre Commercial to match the C<sub>4</sub> zoning of the southern portion of the lot. Council approved the rezoning partially based on the concurrent Development Permit application, which proposed a mixed-use building at the northwest corner of the parcel to feature a car wash on the main floor, an apartment above, and retail units fronting Dougall Rd. N (DP15-0235). The proposed development provided the beginning of a streetwall on Dougall Rd. N with a pedestrian-scaled frontage. Also, the design stood to provide a high degree of visual interest to passersby through the use of architectural articulation and windows—the latter of which would have provided pedestrians a view to the happenings inside.

The Development Permit in question has now expired and the owner has come forward with a new proposal.

### 3.2 Project Description

The applicant proposes to build a mixed-use building near the middle of the subject property attached to an existing building that features a gas bar, convenience store and restaurant. The proposed mixed-use building is to include a car wash on the main floor with a 2-bedroom apartment above. Because the proposed building is in the middle of the lot, it fails to provide a streetwall along any street frontage, as the original proposal did. Further, unlike the original proposal, which hid the car wash behind the building, the current proposal exposes the car-oriented use to the sidewalk and streetscape.

The Site Plan indicates there is a plan to build a second mixed-use building on the northwest corner of the lot (Schedule A of Attachment A). This future building would provide the beginning of a streetwall on Dougall Rd. N similar to that provided by the building originally proposed in 2015. However, this second mixed-use building is not part of any current application; and therefore, staff are not in a position to evaluate it against development regulations and policies—nor determine whether it would in fact work on the site.

When the proposed development was evaluated against the Revitalization Development Permit Area Design Guidelines it was determined the development did not substantially meet the guidelines (see Guideline Checklist in Schedule B). As a potential solution, staff encouraged the applicant to include the second mixed-use building in the current Development Permit application, and covenant that the building would be built within a certain time frame, as this stood to resolve the design concerns. The applicant declined this opportunity; however, to address the design concerns, the owner offered to sign a notarized Letter of Intent formalizing the intention to build a second mixed-use building on the Dougall Rd. N frontage within 10 years (see Attachment C). As this Letter of Intent is not legally binding; and staff continue to be concerned that the second mixed-use building may not work on the site; and the current proposal does not meet the Design Guidelines, staff do not support the application.

### 3.3 Site Context

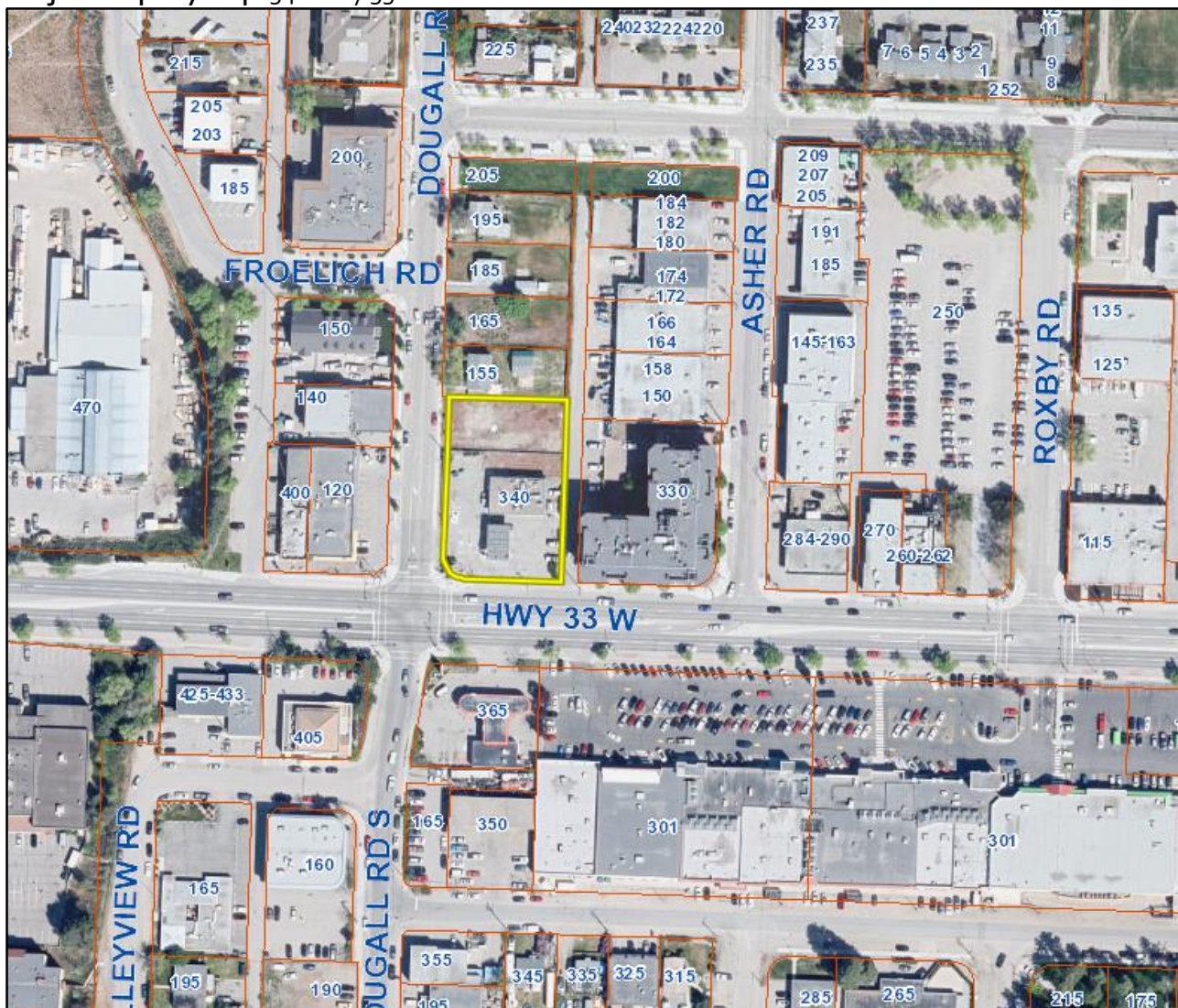
The subject property is in the Rutland Sector near the middle of the Rutland Urban Centre, approximately ½ block (100m) south of the Rutland Transit Exchange. In addition, the lot is cited in the OCP as being “the entranceway to the pedestrian-oriented, commercial core of the TOD” (OCP, 5.20.1). Further, the lot is shown in the Rutland Urban Centre Streetscape Plan as being at the gateway to the planned Rutland High Street, set to be the main pedestrian-oriented shopping street and “spine” of the Rutland Urban Centre (Rutland Urban Centre Streetscape Plan, p. 7-12).

Immediately to the north, between the subject property and the Rutland Transit Exchange, are 4 lots that are owned by the City and sit vacant. The City plans to develop the site in accordance with the vision outlined in the OCP and Rutland Urban Centre Streetscape Plan and in a manner befitting the core of an Urban Centre. To the east is a 4 storey mixed-use building featuring retail at grade and apartment housing above. Commercial properties sit to the east. The property and all surrounding lots have a Future Land Use designation of Mixed Use Residential / Commercial (MXR).

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Vacant
East	C4 – Urban Centre Commercial	Mixed Use (Retail / Residential)
South	C4 – Urban Centre Commercial	Gas Bar
West	C4 – Urban Centre Commercial	Commercial Retail





Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	930m² for vehicular oriented uses	2,574m²
Min. Lot Width	13m	42m
Min. Lot Depth	30m	64m
Development Regulations		
Max. Floor Area Ratio	1.3	0.23
Max. Site Coverage (buildings)	30% for vehicular oriented uses	16%
Max. Height	4 storeys / 15m	3 storeys / 11.6m
Min. Front Yard	6.0m for pump island	8.3m for pump island
Min. Side Yard (south)	0.0m	15.6m
Min. Side Yard (north)	0.0m	6.9m

Min. Rear Yard	6.0m where abutting residential	8.3m
<b>Other Regulations</b>		
Min. Parking Requirements	1.75 stalls / 100m <sup>2</sup> of GFA X 4.74 = 8.3 + 1 stall / resi. unit X 1 = 9.3 = <b>10</b>	11
Min. Bicycle Parking	0.6 / 100m <sup>2</sup> of GFA X 4.74 = 2.8 + 0.5 / dwelling X 1 = 3.8 = <b>4</b>	4
Min. Private Open Space	15m <sup>2</sup>	37m <sup>2</sup>

#### 4.0 Current Development Policies

##### 4.1 Kelowna Official Community Plan (OCP)

#### Chapter 14: Urban Design DP Guidelines

##### *B. Revitalization Design Guidelines*

*Justification:* Kelowna's revitalization areas represent the city's core commercial centres with associated, supporting mixed use and residential development. The intent of the Revitalization Development Permit areas is to enhance and catalyze these areas as they continue to experience rapid growth, pressures to intensify, and increasing design expectations. The purpose of the Revitalization Design Guidelines is to ensure that the siting, form, landscaping, exterior design and finish of buildings, and character of development is of high quality and compatible with the vision for these urban centres.

Objectives:

- Enhance the urban centre's main street character in a manner consistent with the area's character;
- Provide for a scale and massing of buildings that promotes an enjoyable living, pedestrian, working, shopping and service experience;
- Create open, architecturally-pleasing and accessible building facades to the street;

#### Chapter 5: Development Process

##### *Objective 5.20 Achieve high quality urban design and appropriate land uses*

*Policy .1 Rutland Urban Design.* Ensure that the urban design for Uptown Rutland clearly differentiates this commercial district from others in the City and interior of BC. This will be pivotal to making the bus exchange area and redevelopment of Rutland a success. To this end, redevelopment should:

- Feature special architecture and/or landmarks that draw the interest of passers-by at the northeast and northwest corners of the Highway 33 and Dougall Road intersection as these are important sites that should be used to mark the entranceway to the pedestrian-oriented, commercial core of the TOD.

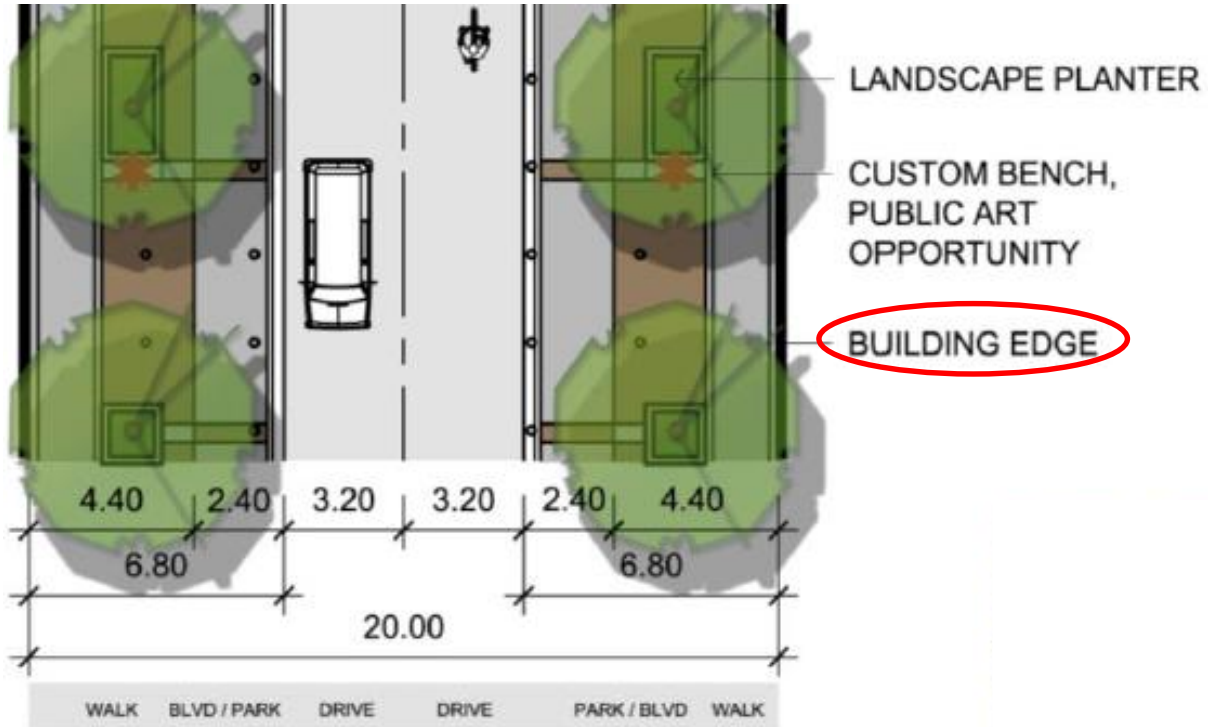
##### 4.2 Rutland Urban Centre Streetscape Plan

##### *Section 2.2 Streetscape Hierarchy*

*High Street:* Streetscape development along the proposed High Street will reinforce Dougall Road as the spine of Rutland Urban Centre attracting and accommodating relatively high volumes of vehicular, pedestrian and cycle traffic. The street will be energized by a variety of shops and services, a relatively dense and complex pattern of

treatments, many shaded places for social engagement, artistic representations of community and heritage, and comfortable and convenient connections to home and transit.

#### 2.4.1 High Street Concept



## 5.0 Technical Comments

### 5.1 Development Engineering Department

- See Schedule A

## 6.0 Application Chronology

Date of Application Received: April 1, 2019

Date Public Consultation Completed: N/A

## 7.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Permit No. DP19-0092 for Lot 1 Section 26 Township 26 ODYD Plan EPP62403, located at 340 Hwy 33 W, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"

2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in 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 Registered Landscape Architect;

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated November 18, 2019;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

**Report prepared by:** Aaron Thibeault, Planner II

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Schedule A: Development Engineering Memo

Schedule B: Revitalization Design Guidelines Checklist

Attachment A: Draft Development Permit DP19-0092

Attachment B: Applicant Rationale

Attachment C: Notarized Letter of Intent