

# REPORT TO COUNCIL



**Date:** June 23, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DP18-0181 & DVP18-0182      **Owner:** Parminder Singh Kindhra & Sheetu Kindhra

**Address:** 1354 Rutland Road North      **Applicant:** Urban Options Planning and Permits

**Subject:** Development Permit and Development Variance Permit Application

**Existing OCP Designation:** MRL – Multiple Unit Residential (Low Density)

**Existing Zone:** RM3 – Low Density Multiple Housing

---

## 1.0 Recommendation

THAT Rezoning Bylaw No. 11723 be amended at third reading to revise the legal description of the subject property from Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan 14663 to Lot A Section 35 Township 26 ODYD Plan EPP98949;

AND THAT final adoption of Rezoning Bylaw No. 11723 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP18-0181 for Lot A Section 35 Township 26 ODYD Plan EPP98949 located at 1354 Rutland Road North, 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 authorizes the issuance of Development Variance Permit No. DVP18-0182 for Lot A Section 35 Township 26 ODYD Plan EPP98949 located at 1354 Rutland Road North, Kelowna, BC;

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

**Section 13.9.6(e): RM3 – Low Density Multiple Housing Development Regulations**

To vary the minimum south site side yard from 4.0 m permitted to 2.04 m proposed.

**Section 13.9.6(f): RM3 – Low Density Multiple Housing Development Regulations**

To vary the minimum site rear yard from 7.5 m permitted to 4.94 m proposed.

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 FUTHER THAT this Development Permit and Development Variance Permit are valid for two (2) years from the date of Council approval, with no opportunity to extend.

**2.0 Purpose**

To consider the form and character of a townhouse development with variances to the south side yard and rear yard.

**3.0 Development Planning**

Development Planning Staff support the proposal and requested variances to allow for the development of a 19-unit, three storey townhouse project on the subject property. The application is consistent with many of the City's Urban Design Guidelines as indicated in Attachment B.

**3.1 Form and Character**

As per Image 1 below, the applicant is proposing a three-story townhouse development. The proposal includes modern architectural features such as projections around upper storey windows, pillars, and articulation around ground-oriented doorways. The proposal also includes roofline variation by alternating between flat and angled rooflines. Multiple materials in neutral tones are proposed including brown and beige siding, cultured stone, and black and dark brown trim.

The development proposed in this application is infill development that is consistent with building forms supported by the Multiple Unit Residential (Low Density) future land use designation. Landscaping is to be provided around the perimeter of the property to mitigate impact on neighbours and provide privacy. Garbage and recycling storage will be provided on the west side of the site. The applicant has provided drawings showing that this is to be kept in a gated concrete enclosure and surrounded by planters.



**Image 1** – Conceptual rendering of the proposed development.

### 3.2 Variances

The applicant is requesting two variances in association with this application. First, the applicant is requesting to reduce the required minimum south side yard from 4.0 m to 2.04 m. This is to allow for the construction of a trellis structure in the centre of the site which will define an outdoor amenity area for residents. The townhouse buildings maintain a 4.0 m setback. Second, the applicant is requesting to reduce the required minimum rear yard from 7.5 m to 4.94 m. This is to allow for a greater front yard setback and additional amenity space, as well as to accommodate space for utility meters for each unit. The variance is being mitigated through a variety of landscaping along the rear property line, including yew hedges, maple trees, and various shrubs.

## 4.0 **Proposal**

### 4.1 Background

Initial Consideration and first reading for the rezoning associated with this application took place on December 10, 2018. The Public Hearing as well as second and third reading took place on January 15, 2019. The rezoning application has since been granted an extension request. Council Policy No. 367 with respect to neighbourhood notification was undertaken by the applicant.

### 4.2 Project Description

The applicant is proposing a four building, three-storey, 19-unit townhouse development. Each unit has three bedrooms, and parking for each unit is provided by a private two car garage. Visitor parking is provided through surface parking in the centre of the site. The development is to be accessed via one drive aisle off of Rutland Road North. Private open space is to be provided by private yard areas and balconies for each unit. A communal outdoor dining area is also to be provided under a trellis in the centre of the site. The applicant has provided a landscaping plan showing a variety of trees, shrubs, and perennials to be planted around and throughout the site.

### 4.3 Site Context

The subject property is located within the permanent Growth Boundary in the Rutland City Sector in north Rutland. Specifically, the property is located on Rutland Road North south of Fitzpatrick Road, near the intersection of Rutland Road North and Wallace Road. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 – Education and Minor Institutional	Religious Assemblies
East	RU1 – Large Lot Housing	Single Dwelling Housing
South	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing
West	RU6 – Two Dwelling Housing	Two Dwelling Housing

**Subject Property Map: 1354 Rutland Road North****4.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RM <sub>3</sub> ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	900.0 m <sup>2</sup>	3335 m <sup>2</sup>
Min. Lot Width	30.0 m	43.3 m
Min. Lot Depth	30.0 m	85.1 m
Development Regulations		
Max. Floor Area Ratio	0.80	0.79
Max. Site Coverage (buildings)	40%	37.4%
Max. Site Coverage (buildings, parking, driveways)	65%	63.8%
Max. Height	10.0 m / 3 storeys	9.96 m / 3 storeys
Min. Front Yard	1.5 m	2.47 m
Min. Side Yard (south)	4.0 m	2.04 m <sup>❶</sup>
Min. Side Yard (north)	4.0 m	4.0 m
Min. Rear Yard	7.5 m	4.94 m <sup>❷</sup>
Other Regulations		
Min. Parking Requirements	38 spaces	38 spaces
Min. Private Open Space	472 m <sup>2</sup>	m <sup>2</sup>
<sup>❶</sup> Indicates a requested variance to the minimum south side yard. <sup>❷</sup> Indicates a requested variance to the minimum rear yard.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

##### *Objective 5.22 Ensure context sensitive housing development*

*Policy .6 Sensitive Infill.* Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

##### *Objective 5.32 Address the needs of families with children through the provision of appropriate family-oriented housing*

*Policy .1 Ground-Oriented Housing.* Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets.

#### Chapter 14: Urban Design Development Permit Areas

##### *Comprehensive Development Permit Area Objectives*

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;

## 6.0 Application Chronology

Date of Application Received:	August 29, 2018
Date of Initial Consideration:	December 10, 2018
Date of Public Hearing, Second Reading, and Third Reading:	January 15, 2019
Revised Development Permit Drawings Received:	May 11, 2020
Date Public Consultation Completed:	October 2018

**Report prepared by:** Arlene Janousek, Land Use Planner

**Reviewed by:** James Moore, Urban Planning Manager

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

#### **Attachments:**

Attachment A: Draft Development Permit DP18-0181 & DVP18-0182

Attachment B: Comprehensive Urban Design Guidelines Checklist