

REPORT TO COUNCIL



Date: March 1st, 2022

To: Council

From: City Manager

Department: Development Planning

Application: DP21-0172 / DVP21-0173 **Owner:** 1258105 BC Ltd. Inc. No. BC1258105

Address: 365 Hwy 33 E **Applicant:** LIME Architecture Inc.

Subject: Development Permit & Development Variance Permit Application

Existing OCP Designation: UC – Urban Centres

Existing Zone: RM₃ – Low Density Multiple Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Permit No. DP21-0172 for Lot C Section 23 Township 26 ODYD District Plan 5012, located at 365 Hwy 33 E, 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. DVP21-0173 for Lot C Section 23 Township 26 ODYD Plan 5012, located at 365 Hwy 33 E, 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 side yard setback from 4.0m required to 1.5m proposed.

AND FURTHER 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 a Development Permit for the form and character of a multi-family building and to consider a variance to the side yard setback.

3.0 Development Planning

Staff support the proposed development and the associated variance to side yard setback due to the consistency with Official Community Plan's (OCP) Urban Design Guidelines. The subject property is in the Rutland Urban Centre and the proposal meets the intent of the area in relation to compact urban form and development along Transit Supported Corridors. The building uses several materials and colours that will be incorporated will into the neighbourhood.

Staff also support the variance to the side yard setback as there are several site constraints due to required road dedication. This dedication includes 5.0m dedication on Hwy 33 E, 2.5m dedication on Mallach Road and a 6.0m corner roading. The variance to the side yard is required in order to meet required drive aisle width and parking lot sizes. The proposed landscaping will help mitigate the setback distance from the neighbouring property. Overall, the proposed form and character is strong and will be an important addition to the Rutland Urban Centre.

4.0 Proposal

4.1 Background

The subject property had a Development Permit (DP18-0123) and Development Variance Permit (DVP18-0124) approved by Council on January 15, 2019. The Permit was for four units within two buildings, however, this eventually expired, and a new application is required.

4.2 Project Description

The Development Permit and Development Variance Permit applications are for four-unit three-storey buildings. The proposed building is on the corner of Mallach Road and Highway 33 East, and the building provides accessible entries from both roads. Ground level parking is provided from the rear laneway, which provides 8 parking stalls, including the required accessible stall. This area also includes a storage area, which includes secured bicycle storage. The parking area is appropriately screened from both roads, creating a strong street interface along both roads. The building provides private outdoor space on both a large deck off the dining area of each unit, as well as a rooftop patio.

The project uses several materials and colours including light national walnut compost lap siding, grey/white stucco and grey roofing. The Landscape Plan (Schedule C) includes five shade trees along the East property line, which will help mitigate and screen the neighbouring property from the proposed reduced setback. The plan also proposes shrubs and grasses throughout the site, as well as molok bins directly off the lane.

4.3 Site Context

The subject property is in the Rutland OCP Sector and is within the Permanent Growth Boundary (PGB). The surrounding area is primarily zoned RM₃ – Low Density Multiple Housing, RU₆ – Two Dwelling Housing and RU₁ – Large Lot Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single-Family Dwelling
East	RU6 – Two Dwelling Housing	Duplex / Single-Family Dwelling
South	RM3 – Low Density Multiple Housing	Townhouses
West	RM3 – Low Density Multiple Housing	Townhouses

Subject Property Map: 365 Hwy 33 E



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM ₃ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	850m ²	900m ²
Min. Lot Width	18.9m	30.0m
Min. Lot Depth	46.45m	30.0m
Development Regulations		
Max. Floor Area Ratio	0.8	0.75
Max. Site Coverage (buildings)	50%	50%
Max. Site Coverage (buildings, parking, driveways)	60%	53%
Max. Height	10.0m	9.9m
Min. Front Yard	1.5m	3.0m
Min. Side Yard (East)	4.0m	1.5m ●
Min. Side Yard (West)	1.5m	1.5m
Min. Rear Yard (public lane)	3.0m	3.0m
Other Regulations		
Min. Parking Requirements	7	8
Min. Bicycle Parking (Short-Term)	4	6

Min. Bicycle Parking (Long-Term)	4	4
Min. Private Open Space	100m ²	374.59m ²
● Indicates a requested variance to Section 13.9.6e – Development Regulations		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 4.7 – Focus new development in Rutland strategically to create a high-density business and residential hub to support improved services and amenities.	
Policy 4.7.5 Highway 33 Streetscape	Collaborate with the Ministry of Transportation and Infrastructure to advance beautification efforts along Highway 33 through to Rutland Urban Centre, with due consideration for the timing of other infrastructure improvements along the corridor. <i>The proposal includes new vegetation and a modern façade along Hwy 33 E.</i>
Objective 4.12 – Increase the density of housing types and tenures to create inclusive, affordable and complete Urban Centres.	
Policy 4.12.2. Family-Friendly Housing	Incorporate ground-oriented units in the design of multi-family developments to support family-friendly types. Ensure that multi-unit developments include a variety of unit size, encouraging 10 percent of new units to be three or more bedrooms. <i>The proposal includes family-friendly housing in regards to bedroom count.</i>

6.0 Technical Comments

6.1 Development Engineering Department

6.1.1 Development Engineering Memo attached dated March 1st, 2022.

7.0 Application Chronology

Date of Application Accepted: July 15th, 2021
 Date Public Consultation Completed: August 17th, 2021

Report prepared by: Tyler Caswell, Planner I
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Draft Development Permit DP21-0172 / DVP21-0173
 Attachment B: Development Engineering Memo

Attachment C: Form & Character Development Permit Guidelines.

Schedule A: Site Plan / Floor Plan

Schedule B: Elevation Drawings

Schedule C: Landscape Plan