

# REPORT TO COUNCIL



**Date:** July 12, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DP19-0195 & DVP19-0196

**Owner:** Studio 33 Properties Ltd., Inc.  
No. BC1137489

**Address:** 145 Sadler Road

**Applicant:** Pacific West Architecture Inc. –  
Patrick Yang

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

**Existing OCP Designation:** UC – Urban Centre

**Existing Zone:** RU1 – Large Lot Housing & RU6 – Two Dwelling Housing

**Proposed Zone:** C4 – Urban Centre Commercial

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## 1.0 Recommendation

THAT Rezoning Bylaw No. 11957 be amended at third reading to revise the legal description of the subject properties from Lots 1, 2 & 3, Section 26, Township 26, ODYD, Plan 10045 to Lot A, Section 26, Township 26, ODYD, Plan EPP96765;

AND THAT final adoption of Rezoning Bylaw No. 11957 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP19-0195 for Lot A, Section 26, Township 26 ODYD, Plan EPP96765, located at 145 Sadler Road, 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 the building to be constructed on the land be in accordance with Schedule "B";
3. Landscaping to be provided on the land 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 the applicant be required to have a Heritage Monitor to oversee and approve all on-site construction.

AND THAT Council authorizes the issuance of a Development Variance Permit No. DVP19-0196 for Lot A, Section 26, Township 26, ODYD, Plan EPP96765, located at 145 Sadler Road, Kelowna, BC;

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

**Section 14.4.5(c): C4 – Urban Centre Commercial Development Regulations**

To vary the required maximum height from 15.0 m or 4 storeys permitted to 17.7 m and 5 storeys proposed.

**Section 14.4.5(e): C4 – Urban Centre Commercial Development Regulations**

To vary the required minimum side yard from 8.71 m permitted to 4.5 m proposed.

**Section 14.4.5(h)(i): C4 – Urban Centre Commercial Development Regulations**

To vary the required minimum setback for a portion of a building above 16.0 m or 4 storeys from 3.0 m permitted to 0.0 m proposed on the east side of the building and 1.0 m proposed on the west side of the building.

**Section 14.4.6(e): C4 – Urban Centre Commercial Other Regulations**

To vary the required functional commercial space on the first floor from 75% required to 16.4% 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 FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## **2.0 Purpose**

To issue a Development Permit for the form and character of a mixed-use development and to issue a Development Variance Permit to vary the maximum height, the minimum side yard setback, the minimum setback for a portion of a building above 4 storeys or 16.0 m, and the minimum functional commercial space on the first floor.

## **3.0 Development Planning**

Staff support the proposed Development Permit and associated variances for the form and character of a mixed-use development. The proposal generally complies with the Official Community Plan (OCP) Policies with respect to the Rutland Urban Centre by providing high density residential in an Urban Centre which is consistent with the Building Height and Street Character mapping.

The proposal generally conforms to the OCP Form and Character Development Permit Area Design Guidelines for Low & Mid-Rise Residential Mixed-Use Buildings. Key guidelines it meets include:

- Orienting building facades to both fronting streets on corner sites to create active frontages;
- Stepping back upper storeys of building and articulating building facades;
- Accommodating off-street parking underground;
- Creating continuous active and transparent retail frontages at grade;
- Providing shared rooftop amenity spaces that are accessible to residents.

## VariANCES

- *Building Height* – the applicant has requested to increase the maximum building height from 15.0 m or 4 storeys to 17.7 m and 5 storeys. To reduce the impact on adjacent parcels, the bulk of the building is oriented towards Highway 33 E and Sadler Road. A rooftop patio is provided on the northeast portion of the parking podium, so that the building steps back above the parkade level. The 5<sup>th</sup> floor façade has been stepped back to minimize its visual impact along the adjacent street.
- *Side Yard (North) Setback* – the applicant is proposing to reduce the side yard setback (north) from 8.71 m required to 4.5 m proposed. The properties immediately to the north are within the Rutland Urban Centre. Future development to greater density can be expected along this corridor. Landscaping, including trees, will help to buffer the proposed development from the adjacent property.
- *Setback above 16.0 m or 4 storeys* – the applicant is proposing to vary the minimum setback required for portions of a building above 16.0 m or 4 storeys from 3.0 m to 0.0 m. Portions of the building on both the west and east wide will not meet the 3.0 m setback requirement. Most notably, the setback for the firewall along the eastern portion of the building will be reduced to 0.0 m. The neighbouring property to the east is commercial-zoned (Posthaus Pub) and within the Urban Centre. The firewall has been patterned to provide some visual interest.
- *Functional Commercial Space on Ground Floor* – the applicant is proposing to reduce the required functional commercial space on Sadler Road from 75% required to 16.47% proposed. The applicant has provided the residential entrance to the building on Sadler Road and a heritage display which includes murals and a bay window from the former heritage house. The variance request is consistent with the Urban Centre Street Character mapping indicating that Sadler is intended to be a Residential Street.

### **4.0 Proposal**

#### **4.1 Background**

The Rezoning application was submitted to staff on December 10, 2018. Staff indicated the property contained the Sproule Farmhouse, which was listed on the Kelowna Heritage Registry. As the applicant team was unaware of this, the Rezoning application was paused to allow the owners time to determine how to move the project forward.

In August 2018, a Heritage Register removal request was presented to the Heritage Advisory Committee (HAC) by Staff on behalf of the owners. At that time, HAC provided direction to the applicant to incorporate the heritage house into the proposed development. The owners enlisted a Registered Heritage Professional, to provide a Heritage Assessment and Evaluation of the site. Based on direction from HAC, the applicant team developed a proposal to incorporate two facades of the Sproule Farmhouse into the proposed structure. The rezoning application received Initial Consideration on November 18, 2019 with Public Hearing and 2<sup>nd</sup> and 3<sup>rd</sup> readings of the bylaw following on December 3, 2019.

In October 2020, a house fire damaged the Sproule Farmhouse beyond repair. This forced the applicant to re-design and re-submit the applications. Due to the scale of changes and removal of the heritage facades from the proposed development, it was determined that rescinding 2<sup>nd</sup> and 3<sup>rd</sup> readings of the Rezoning Bylaw would be necessary. The Bylaw was rescinded on June 14, 2021. A new Public Hearing was held 2<sup>nd</sup> & 3<sup>rd</sup> readings of the bylaw were granted on July 13, 2021. Along with this, Council supported the removal of the site from the Kelowna Heritage Register.

#### 4.2 Project Description

The amended development proposal includes 84 residential units. The residential unit mix includes 21 micro-suites, 36 bachelor units, 18 one-bedroom units, 8 two-bedroom units and 1 three-bedroom unit. Two commercial units are provided along the Highway 33 frontage.

Two levels of structured parking are provided. One level is below grade with the commercial units serving to screen the main floor parking structure along the Hwy 33 frontage. The Sadler Road frontage provides the primary building entry point for the residential units, parkade access, and will include a heritage component.

The Heritage Consultant will work with the applicant to include wall murals and interpretive panels to allow the story of the Sproule Farmhouse to be shared. The bay window from the farmhouse will be included in the Sadler Road frontage and will contain a building model of the Sproule Farmhouse.

The proposed building form is contemporary and utilizes a flat roof design, large balconies and includes a roof-top patio. The bulk of the building is oriented towards Hwy 33 and Sadler Road. The proposed colour palette was inspired from the Sproule Farmhouse. The modern application utilizes white, light and dark grey hardie panel siding as the primary building material. Light green is used as an accent colour and wood grain siding adds warmth to the modern design.

#### 4.3 Site Context

The subject property is at the intersection of Hwy 33 E and Sadler Road in the Rutland Urban Centre. The surrounding area is designated Urban Centre and is zoned C<sub>4</sub> – Urban Centre Commercial, RU<sub>6</sub> – Two Dwelling Housing, RM<sub>3</sub> – Low Density Multiple Housing, and C<sub>3</sub> – Community Commercial.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU <sub>1</sub> – Large Lot Housing	Single Detached Dwellings
East	C <sub>3</sub> – Community Commercial	Liquor Primary (Post Haus Pub)
South	C <sub>4</sub> – Urban Centre Commercial RM <sub>3</sub> – Low Density Multiple Housing	Various Commercial Businesses Apartment Housing
West	C <sub>4</sub> – Urban Centre Commercial	Automotive Repair Shop

Subject Property Map: 145 Sadler Road



Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1300 m <sup>2</sup>	2001.6 m <sup>2</sup>
Min. Lot Width	40 m	39.4 m
Min. Lot Depth	30 m	57.3 m
Development Regulations		
Max. Floor Area Ratio	1.5	1.5
Max. Site Coverage (buildings)	75%	71%
Max. Height	15.0 m or 4 storeys	17.7 m and 5 storeys <sup>1</sup>
Min. Front Yard	0.0 m	0.0 m
Min. Side Yard (north)	6.0 m	4.5 m <sup>2</sup>
Min. Side Yard (south)	0.0 m	1.5 m*
Min. Rear Yard	0.0 m	0.0 m
Min. Setback above 16.0 m or 4 storeys	3.0 m	1.0 m (west) <sup>3</sup> 0.0 m (east)
Other Regulations		
Minimum functional commercial space on the first floor on secondary street (Sadler Road)	75%	16.47% <sup>4</sup>
Min. Parking Requirements	86 stalls	86 stalls
Min. Bicycle Parking	64 Long Term 9 Short Term	64 Long Term 9 Short Term

Min. Private Open Space	669 m <sup>2</sup>	1044 m <sup>2</sup>
<p>① Indicates a requested variance to increase the maximum building height.</p> <p>② Indicates a requested variance to reduce the minimum side yard setback.</p> <p>③ Indicates a requested variance to reduce the minimum setback above 16.0 m or 4 storeys.</p> <p>④ Indicates a requested variance to reduce the minimum commercial functional commercial space on the first floor on a secondary street (Sadler Road).</p> <p>* MOTI – has granted a setback variance to 1.5 m along Hwy 33 E pursuant to Section 90 of the Transportation Act.</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

<b>Objective 4.1 Strengthen the Urban Centres as Kelowna’s primary hubs of activity.</b>	
Policy 4.1.6 High Density Residential Development	<p>Direct medium and high density residential development to Urban Centres to provide a greater mix of housing near employment and to maximize use of existing and new infrastructure, services and amenities.</p> <p><i>The proposed development is high density residential development within the Urban Centre.</i></p>
<b>Objective 4.7 Focus new development in Rutland strategically to create a new high-density business and residential hub to support improved services and amenities.</b>	
Policy 4.7.1 Rutland Building Heights	<p>Undertake a building heights study as part of an Urban Centre Plan process for the Rutland Urban Centre. Until this process is complete, support development in the Rutland Urban Centre that is generally consistent with the building heights outlined in Map 4.7 to accomplish the following:</p> <ul style="list-style-type: none"> <li>• Focusing taller buildings between Shepherd Road, Dougall Road, Rutland Road and Highway 33 to support the viability of Rutland’s designated high streets, the Rutland Transit Exchange and Rutland Centennial Park;</li> <li>• Directing more modest heights along the Highway 33 and Rutland Road corridors to support transit use and the viability of commercial uses in those two corridors;</li> <li>• Tapering heights down towards surrounding Core Area Neighbourhoods.</li> </ul> <p><i>The subject property is identified as four-storeys in the Building Heights Map. At five storeys in height, the proposed development modestly exceeds the designated Building Height Map, but employs strategies including stepbacks to reduce the perceived mass of the building.</i></p>
Policy 4.7.3 Rutland Retail Street Hierarchy	<p>Support development in the Rutland Urban Centre that includes the following characteristics at grade, as outlined in Map 4.8:</p> <ul style="list-style-type: none"> <li>• Retail space along Roxby Road and portions of Shepard and Asher Road, integrated with Roxby Square and a high-quality urban streetscape experience, reinforcing these streets as the Urban Centre’s high streets and creating a new centre for Rutland; and</li> <li>• Retail space along designated retail streets, including central portions of Highway 33 and Rutland Road to reinforce those major transportation routes and streets surrounding Rutland’s high streets, to support the evolution of a new centre for Rutland.</li> </ul> <p><i>Highway 33 is identified as a Mixed Street along the subject property. Sadler Road is identified as a Residential Street. The proposed development is consistent with these designations as it provides</i></p>

	<i>commercial uses along Highway 33 and the residential entrance along Sadler Road.</i>
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## 6.o Application Chronology

Date of Application Accepted: December 10, 2018  
Date Public Consultation Completed: October 4, 2019  
Date of Rezoning Bylaw PH: July 13, 2021

**Report prepared by:** Mark Tanner, Planner II  
**Reviewed by:** Lydia Korolchuk, Urban Planning 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 DP19-0195 & DVP19-0196

Schedule A: Site Plan and Floor Plans

Schedule B: Elevations and Colour Board

Schedule C: Landscape Plan

Attachment B: Project Rationale and Renders

Attachment C: Heritage Assessment

Attachment D: Form and Character Development Permit Guidelines Checklist