

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: November 28, 2023
To: Council
From: City Manager
Address: 155-179 Rutland Rd N
File No.: DP23-0038 / DVP23-0039
Zone: UC4r – Rutland Urban Centre Rental Only

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12548 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP23-0038 and Development Variance Permit No. DVP23-0039 for LOT A SECTION 26 TOWNSHIP 26 OSOYOOS DIVISION YALE DISTRICT PLAN EPP117920 EXCEPT PLAN EPP119750, located at 155-179 Rutland Rd N, 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 and Screening Performance Security deposit in the amount of 125% of the estimated value of the Landscape and Screening Plan, as determined by a Registered Landscape Architect, and the estimated value of the mural on the north elevation;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 14.11, FOOTNOTE ²: UC4r – Commercial and Urban Centre Zone Development Regulations
To vary the required minimum side yard for any portion of a building above 16.0 m in height from 4.0 m required to 0.25 m proposed (north side yard).

Section 14.11, FOOTNOTE ²: UC4r – Commercial and Urban Centre Zone Development Regulations
To vary the required minimum side yard for any portion of a building above 16.0 m in height from 4.0 m required to 0.13 m proposed (south side yard).

AND THAT the applicant be required to enter into a Car-Share Agreement for a minimum of two years from the date of Building Occupancy as set out in Attachment "C" attached to the Report from the Development Planning Department November 28, 2023;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Applications 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 a Development Variance Permit to vary the minimum side yard setbacks (north and south) for any portion of building above 16.0m in height from 4.0 m required to 0.25 m (north) and 0.13 m (south) proposed.

3.0 Development Planning

Development Planning Staff are supportive of the Development Permit and associated variances. The proposal generally conforms with the objectives and supporting policies of the Official Community Plan (OCP), as well as key Form and Character Development Permit Design Guidelines which includes:

- Break up the perceived mass of large buildings by incorporating visual breaks in facades, which includes stepping back setbacks along the front (street-facing) façade to create a series of intervals;
- Incorporating a range of architectural features and details into building facades to create visual interest, and breaking up the building with an integrated, consistent range of materials and colours that provide variety; and
- Provide a continuous active and transparent retail frontage at grade to provide a visual connection between the public and private realm.

The building is six storeys, with one level of underground parking. It proposes 114 rental residential units, as well as six at-grade commercial units fronting directly onto Rutland Road North, which help create a friendly pedestrian scale. To satisfy amenity space requirements, each residential unit has a balcony and there is an indoor common amenity room on the second floor along with an outdoor rooftop amenity area.

Variances

The variance requested to facilitate this development is to the side yard building setbacks for portions of building above 16.0 m in height. Specifically, this variance applies to portions of the building on the north and south property lines above 16.0 m in height. Rather than incorporating a stepback on portions of the building on those elevations to meet a 4.0 m setback requirement, the applicant has tried to mitigate the effect of the variances through a mural on the north elevation and concrete block animated with paint on the south elevation. Performance security will be required to ensure the mural on the north elevation is completed, as detailed in Schedule "C".

Meeting the Zoning Bylaw regulation would require a more complex construction method which makes their project more expensive and provides less floor space and units. While the setback would have made the building more sensitive and better integrate with neighbouring lower profile buildings, Development Planning is still supportive of the overall project and of achieving a major rental building in the Rutland Urban Centre.

4.0 Subject Property & Background

Subject Property Map: 155-179 Rutland Rd N



The subject property is located on the east side of Rutland Road N to the north of Hwy 33 East (directly north of the Starbucks). The site is designated as UC – Urban Centre as it is within the Rutland Urban Centre. The project site is located within walking distance of the Shepherd Road transit exchange and near multiple bus stops situated on both Rutland Road and Hwy 33 East and the property fronts Rutland Road North in an area where it is designated as a Retail Street within the 2040 Official Community Plan. The Walk Score is 88, indicating it is very walkable and that most errands can be accomplished on foot.

4.1 Background

Council authorized a Development Permit and Development Variance Permit for an eight-storey mixed-used building on May 31, 2022. The proposal for the property has changed and this is considered a new application.

5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	2,844.94 m ²
Road Dedication	55.31 m ²
Undevelopable Area (Road Reserve)	110.62 m ²
Net Site Area	2679.01 m ²
Total Number of Units	114
Bachelor	40
1-bed	35
2-bed	29
3-bed	10
Net Commercial Floor Area	685 m ²

DEVELOPMENT REGULATIONS		
CRITERIA	UC4r ZONE	PROPOSAL
Total Maximum Floor Area Ratio	2.35	2.35
Base FAR	1.8	1.8
Bonus FAR (rental)	0.3	0.3
Bonus FAR (underground parking)	0.25	0.25
Max. Site Coverage (buildings)	100 %	74 %
Max. Site Coverage (buildings, parking, driveways)	100 %	97 %
Max. Height	22.0 m / 6 storeys	22.0 m / 6 storeys
Base Height	22.0 m / 6 storeys	22.0 m / 6 storeys
Bonus Height	n/a	n/a
Setbacks		
Min. Front Yard (west)	2.0 m	2.0 m
Min. Side Yard (north)	0.0 m	0.11 m
Min. Side Yard (south)	0.0 m	0.09 m
Min. Rear Yard (east)	0.0 m	7.93 m
Upper Floor Setbacks (above 16.0m in height)		
Min. Front Yard (west)	3.0 m	5.86 m
Min. Side Yard (north)	4.0 m	0.25 m ^①
Min. Side Yard (south)	4.0 m	0.13 m ^②
Min. Rear Yard (east)	4.0 m	6.22 m
Commercial Frontage		
Min. Commercial Frontage (Retail Street)	90 %	91 %
Amenity Space		
Total Required Amenity Space	1, 175 m²	1,800.1 m²
Common	456 m ²	456.1 m ²
Private	1, 175 m ²	1,344 m ²
<p>^① Indicates a requested variance to minimum Upper Floor Setback (above 16.0 m in height) for the north side yard</p> <p>^② Indicates a requested variance to minimum Upper Floor Setback (above 16.0 m in height) for the south side yard</p>		

PARKING REGULATIONS		
CRITERIA	UC4r ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	85 stalls	78 stalls*
Residential	103 stalls	103 stalls
Commercial	9 stalls (shared with visitor stalls)	9 stalls (shared with visitor stalls)
Visitor	16 stalls	16 stalls
"r" Subzone Reduction	- 24 stalls	- 24 stalls
Other Reduction	-5 stalls for Long Term Bicycle Bonus	-5 stalls for Long Term Bicycle Bonus
Other Reduction	-5 stalls for Car Share Bonus	-5 stalls for Car Share Bonus
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	Min. 50% Regular Max. 50% Small
Min. Loading Stalls	0 stalls	1 stall
Bicycle Stalls Short-Term	12 stalls	12 stalls
Bicycle Stalls Long-Term	157 residential stalls + 3 commercial stalls	157 residential stalls + 3 commercial stalls
Bonus Stalls Provided for Parking Reduction	Yes	Yes

End of Trip Facilities	n/a	n/a
Bike Wash & Repair	Required	Provided
* Payment in Lieu of Parking is being provided for seven (7) parking stalls at a total amount of \$75,348		

6.o Application Chronology

Application Accepted: February 27, 2023
 Neighbourhood Notification Summary Received: May 22, 2023
 Rezoning Initial Consideration: July 10, 2023
 Rezoning 1st, 2nd and 3rd Readings: July 24, 2023

Report prepared by: Kimberly Brunet, Planner II
Reviewed by: Lydia Korolchuk, Acting Urban Planning Supervisor
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

- Attachment A: Draft Development Permit and Development Variance Permit DP23-0038 and DVP23-0039
 - Schedule A: Site Plan & Floor Plans
 - Schedule B: Elevations, Materials Board & Sections
 - Schedule C: Landscape and Screening Plan
- Attachment B: OCP Form and Character Development Permit Guidelines
- Attachment C: Car-Share Agreement
- Attachment D: Shadow Study

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.