

# REPORT TO COUNCIL



**Date:** March 7, 2016  
**RIM No.** 0940-40  
**To:** City Manager  
**From:** Community Planning Department (LK)

**Application:** DP16-0014 & DVP16-0144  
**Owner:** RA Quality Homes Ltd., INC.  
No.BC0647947 &  
1052192 B.C. LTD., INC. No.  
BC1052192

**Address:** 140 Mugford Road &  
415 Rutland Road  
**Applicant:** Ken Kandola

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

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

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RM2 – Low Density Row Housing  
RM3 – Low Density Multiple Housing

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## 1.0 Recommendation

THAT Rezoning Bylaw No. 11123 be amended at third reading to revise the legal description of the subject properties from Lot A Section 26 Township 26 ODYD Plan 4378 to Lot 2 Section 26 Township 26 ODYD Plan EPP62746 and Lot 3 Section 26 Township 26 ODYD Plan 3513 and Lot 4 Section 26 Township 26 ODYD Plan 3513) to Lot 1 Section 26 Township 26 ODYD Plan EPP62746;

AND THAT final adoption of Rezoning Bylaw No. 11123 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0014 for Lot 2 Section 26 Township 26 ODYD Plan EPP62746 located at 140 Mugford Road, Kelowna, BC and for Lot 1 Section 26 Township 26 ODYD Plan EPP62746 located at 415 Rutland 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 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. DVP16-0144 for Lot 2 Section 26 Township 26 ODYD Plan EPP62746 located at 140 Mugford Road, Kelowna, BC;

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

**Section 13.8.6(e): RM2 – Low Density Row Housing Development Regulations**

To vary the required minimum side yard from 4.0 m permitted to 0.83 m proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from Community Planning Department dated April 18, 2016;

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 consider the form and character and a variance to facilitate the construction of a 12-unit townhouse development on the subject property.

**3.0 Community Planning**

Community Planning Staff supports the development proposal and variance to facilitate the construction of a 12-unit townhouse development of the subject properties. The application is consistent with the Official Community Plan (OCP) Urban Design Guidelines and will enhance the neighbourhood character. A variance is requested to reduce the minimum side setback of the existing dwelling to remain at 140 Mugford Road.

**4.0 Proposal**

**4.1 Background**

The two parcels fronting onto Rutland Road have been vacant for an extended period of time. As part of this development proposal, 405 & 425 Rutland Road have been consolidated into a single parcel now addressed as 415 Rutland Road. The parcel addressed as 140 Mugford Road currently has an existing single family dwelling which will remain as part of the development.

The proposed development will require the construction of the rear lane, which will be accessed from Mugford Road and connect to Rutland Road. The corner parcel, 375 Rutland Road, has an accessory building within the dedicated laneway. Should Council approve the Development Permit and Development Variance Permit applications, the applicants have agreed to pay for the costs involved in the relocation of the existing structure.

In 1963, the Department of Highways issued a License of Occupation to the original owner which allowed the accessory building to remain until such time that the use of the lane was deemed necessary. On August 10, 2010, the City of Kelowna Real Estate & Building Services Department issued a letter to the current owners which included a Building Location Certificate. The letter indicates the laneway encroachment (accessory building) may remain until it is deemed necessary to remove it.

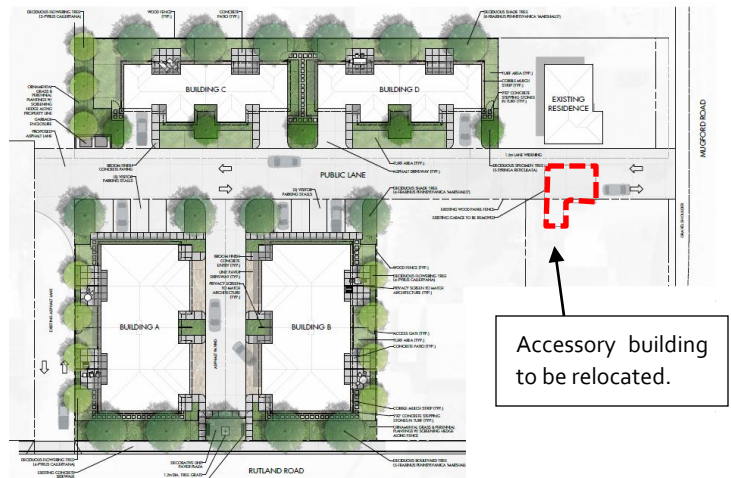
The proposed development will require the use of the rear lane for primary access to on-site parking and for emergency vehicle access. Community Planning and Real Estate Services staff have been working with both the applicant and the property owner of 375 Rutland Road to come to an amicable resolution for the removal of the encroaching structure.

4.2 Project Description

The proposed development will see the construction of 12 units and the incorporation of one existing residence. The proposal consists of five buildings located on two parcels which are separated by a lane. The east parcel, addressed as 140 Mugford Road, contains the existing single family dwelling which will remain. Two semi-detached dwellings with single car garages will be located to the north of the existing dwelling. Access to the units will be from the newly constructed lane to the driveways of the proposed semi-detached buildings. The driveways will provide the second parking space required for each unit, while the existing dwelling has parking and a front driveway accessed from Mugford Road. The Mugford Road property will be a 5-unit strata and the Rutland Road parcel will be an 8-unit strata.

The parcel fronting onto Rutland Road will contain two 4-unit rowhouses which are oriented to an internal road. Access is taken from the rear lane. Each of these units has an attached garage with additional parking stalls located adjacent to the lane.

All of the proposed units are two-storey, ground oriented with attached single car garages. Each units provides 3 bedrooms and will appeal to families. The development incorporates numerous trees for both shade and privacy. Each unit has private amenity space in both the front and rear yards. Pedestrian access is provided via a walkway from Rutland Road between the two rowhouse buildings. This allows for a pedestrian friendly streetscape with a prominent entry to the site. The buildings will modernize the existing neighbourhood and activate an area that has been vacant for an extended period of time.



A variance is required to reduce the west side setback from the existing dwelling to the property line adjacent to the new proposed lane. The project is requiring the widening of the rear laneway, and the land dedicated to this extends the length of the 140 Mugford Road parcel. This creates a side setback variance as the distance from the new side property line to the existing house is 0.83m. This variance is required as the house will remain as part of the development and the location of the lane cannot be adjusted.

4.3 Site Context

The subject properties are located within the Rutland Urban Centre. The parcels have a Future Land Use Designation of MRL – Multiple Unit Residential (Low Density) in the Official Community Plan. Both parcels are located within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning   | Land Use                  |
|-------------|--|---------------------------|
| North       | RM <sub>3</sub> – Low Density Multiple Housing | Multiple Dwelling Housing |
| East        | RU <sub>1</sub> – Large Lot housing            | Single Detached Dwelling  |

|       |   |  |
|-------|---|--|
| South | RU1 – Large Lot housing<br>P2 – Education and Minor Institutional | Single Detached Dwelling<br>Religious Assembly (vacant & unused) |
| West  | RU1 – Large Lot housing   | Single Detached Dwelling   |

**Subject Property Map: 415 Rutland Road & 140 Mugford Road**



4.4 Zoning Analysis Table

| Zoning Analysis Table                               |                                |  |
|---|--------------------------------|--|
| CRITERIA  | RM2 ZONE REQUIREMENTS          | PROPOSAL   |
| Development Regulations                             |                                |  |
| Floor Area Ratio                                    | 0.65                           | 0.53   |
| Max. Site Coverage (Buildings only)                 | 50%                            | 33%  |
| Max. Site Coverage (Buildings, Driveways & Parking) | 55%                            | 51%  |
| Height  | Lesser of 9.5 m or 2 ½ storeys | 8.0 m / 2 storeys  |
| Min. Front Yard (south)                             | 4.5 m                          | 7.5 m  |
| Min. Side Yard (east)                               | 4.0 m                          | 4.78 m to ex house,<br>4.0 m to proposed semi-detached   |
| Min. Side Yard (west)                               | 4.0 m to building              | 0.83 m to dwelling ●<br>4.19 m to proposed semi-detached |
|   | 6.0 m to garage                | 6.0 m to garage  |
| Min. Rear Yard (north)                              | 6.0 m                          | 7.5m   |

| Other Regulations  |                              |                    |
|--|------------------------------|--------------------|
| Min. Parking Requirements*   | 10 stalls                    | 10 stalls          |
| Min. Private Open Space  | 25 m <sup>2</sup> / dwelling | Meets requirements |
| Min. Distance Between Buildings  | 3 m                          | 3.05 m             |
| <p>● Indicates a proposed variance to the side setback of the existing house from 4.0m required to 0.83m proposed.</p> <p>* Includes parking stalls required for the existing single detached dwelling</p> |                              |                    |

| Zoning Analysis Table                               |                                   |                    |
|---|-----------------------------------|--------------------|
| CRITERIA  | RM <sub>3</sub> ZONE REQUIREMENTS | PROPOSAL           |
| Development Regulations                             |                                   |                    |
| Floor Area Ratio                                    | 0.75                              | .59                |
| Max. Site Coverage (Buildings only)                 | 40%                               | 34%                |
| Max. Site Coverage (Buildings, Driveways & Parking) | 60%                               | 55%                |
| Height  | Lessor of 10m or 3 storeys        | 8.0m / 2 storeys   |
| Min. Front Yard (west)                              | 4.5 m                             | 4.5 m              |
| Min. Side Yard (north)                              | 1.2 m                             | 4.07 m             |
| Min. Side Yard (south)                              | 4.0 m                             | 4.07 m             |
| Min. Rear Yard (east)                               | 3.0 m                             | 6.4 m              |
| Other Regulations                                   |                                   |                    |
| Min. Parking Requirements                           | 16 stalls                         | 18 stalls          |
| Min. Private Open Space                             | 25m <sup>2</sup> / dwelling       | Meets requirements |

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Sensitive Infill.**<sup>2</sup> 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.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- 1) Demolition permits are required for any existing structures

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

- 2) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 3) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- 4) Fire Department to approve turn radius for internal lane
- 5) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

#### 6.2 Development Engineering Department

- Refer to Attachment 'A'.

#### 6.3 Fire Department

- Fire Department access is to be met as per BCBC 3.2.5. (6 metre clear width of internal roadway, have turnaround facilities for any dead-end portion of access route and be connected with a public thoroughfare, 12 metre turning radius, etc.). Access from a laneway is not acceptable unless visible name and above requirements are met.
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide Alarms of the BCBC 2012 are to be met.
- Provide a visible address for responding vehicles for one access point on Mugford Road - this development shall have unit numbers off of one main address.
- Ensure the refuse location is 3 meters from the combustible structure.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.

#### 7.0 **Application Chronology**

Date of Application Received: January 12, 2016

Date Public Consultation Completed: June 22, 2015

**Prepared by:** Lydia Korolchuk, Planner

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

#### **Attachments:**

Attachment A: Development Engineering Memorandum dated April 18, 2016

Schedule A: Site Plan

Schedule B: Elevations

Schedule C: Landscape Plan