

REPORT TO COUNCIL



Date: October 5, 2021

To: Council

From: City Manager

Department: Community Planning

Application: DP21-0178 & DVP21-0212 **Owner:** Koutsantonis Enterprises Ltd.,
Inc. No. 358948

Address: 145-147 Highway 33 West **Applicant:** Koutsantonis Enterprises Ltd.
(Chris Koutsantonis)

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: MXR – Mixed Use (Residential / Commercial)

Existing Zone: C4 – Urban Centre Commercial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP21-0178 for Lot 3 Block A Section 23 Township 26 ODYD Plan 4740, located at 145-147 Highway 33 West, 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";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0212 for for Lot 3 Block A Section 23 Township 26 ODYD Plan 4740, located at 145-147 Highway 33 West, Kelowna, BC;

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

Table 8.3.2: Section 8 – Parking and Loading, Required Off-Street Parking Requirements - Commercial

To vary the required parking spaces from eight (8) required to four (4) proposed.

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 a Form and Character DP for a proposed restaurant and dwelling units subject to a variance from eight (8) required parking spaces to four (4).

3.0 Development Planning

Staff are recommending support for the proposed Development Permit and Development Variance Permit. The original restaurant was destroyed in a fire in October of 2020, and the owner is endeavoring to rebuild with the addition of residential units. The proposed building will include restaurant space on the first floor and second storey, and three (3) residential units that will take up part of the second storey and the entire third storey. The proposal is in alignment with the OCP Urban Design Guidelines by conforming to the original character of the building. Staff are supportive of the parking variance as the parking stalls provided will be allocated to the residential units and restaurant patrons typically do not use the parking area. The parking lot will be redesigned to meet zoning bylaw standards for waste, recycling and stall size. The building is also located in the Rutland Urban Centre, with proximity to major transit routes, and provision of residential density on an existing business.

4.0 Proposal

4.1 Project Description

The Development Permit Application and Development Variance Permit Application is for a mixed use building containing a restaurant and three (3) two-bedroom residential units. The proposed building will be in the place of the original restaurant that was destroyed in a fire. The building will be composed of Stucco with a terracotta roof, concrete block masonry, with stone veneer cladding for the entrance and accent, and wooden architectural windows.

The restaurant dining room, kitchen and dishwashing room will be located on the first storey, with an additional dining room and rooftop terrace taking up part of the second storey. The residential units will take up the rest of the second storey as well as the third storey, with a separate entrance at the back of the building. The restaurant and rooftop terrace will front onto Highway 33 W, while the residential balconies will face the lane at the rear of the building.

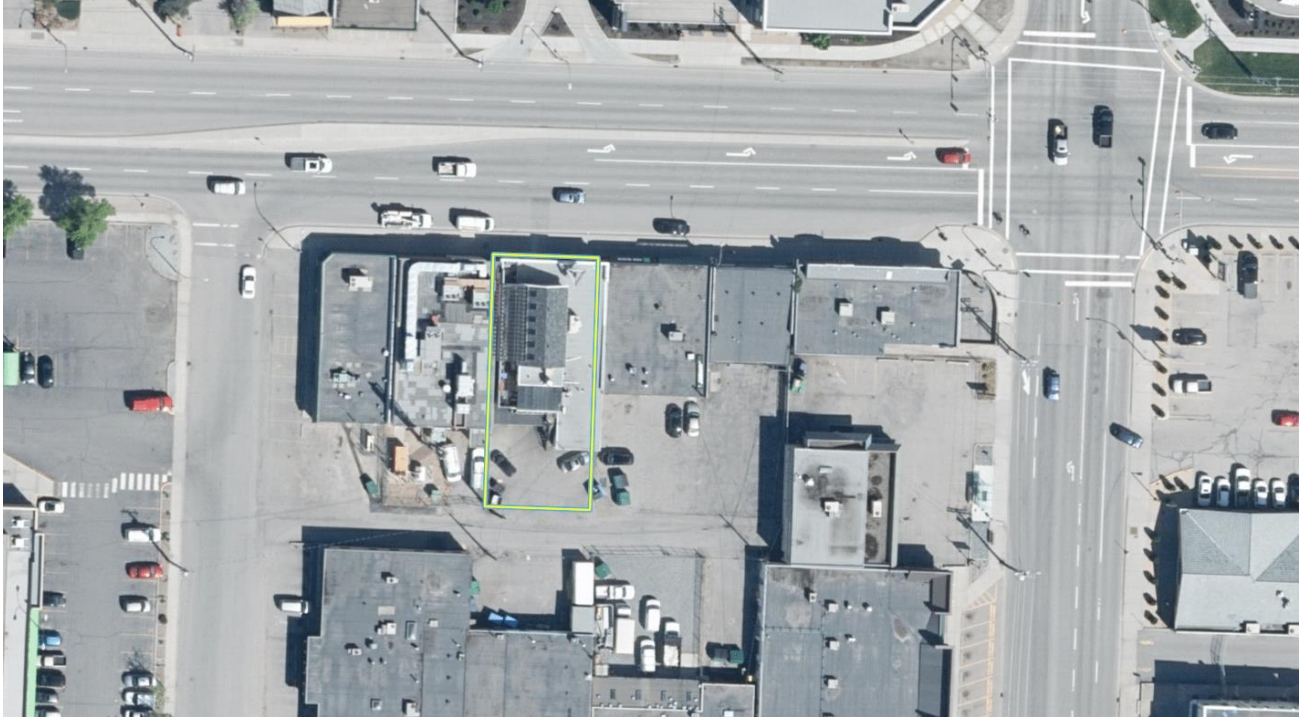
4.2 Site Context

The subject property is in the Rutland OCP Sector within the Rutland Urban Centre. The Surrounding area is primarily C₄ – Urban Centre Commercial zoning, as well as P₁ – Major Institutional and P₃ – Parks and Open Space. The surrounding area has a Future Land Use Designation of MXR – Mixed Use (Residential / Commercial), along with PARK – Major Park / Open Space (public) and EDINST – Educational / Major Institutional.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C ₄ – Urban Centre Commercial	Retail stores, service commercial
East	C ₄ – Urban Centre Commercial	Retail stores, service commercial
South	C ₄ – Urban Centre Commercial	Retail stores, service commercial
West	C ₄ – Urban Centre Commercial	Retail stores, service commercial

Subject Property Map: 145-147 Highway 33 W



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C ₄ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	460m ²	577m ²
Min. Lot Width	13.0m	15.24m
Min. Lot Depth	30.0m	36.6m
Development Regulations		
Max. Floor Area Ratio	1.3	1.1
Max. Site Coverage (buildings)	75%	72.9%
Max. Height	15m	10.7m
Other Regulations		
Min. Parking Requirements	8	4 ❶
❶ Indicates a requested variance to Table [8.3.2]: [Required Off-Street Parking Requirements - Commercial]		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 14: Urban Design DP Guidelines

Objectives

- *Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;*
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- *Promote alternative transportation with enhanced streetscapes and multimodal linkages;*

6.o Application Chronology

Date of Application Received: 2021-06-11

Date Public Consultation Completed: 2021-09-07

Report prepared by: Graham Allison, Planner 1

Reviewed by: Jocelyn Black , 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 & Development Variance Permit DP21-0178/DVP21-000

Attachment B: Development Engineering Memo

Schedule A: Site Plan

Schedule B: Elevation Drawings