

# REPORT TO COUNCIL



**Date:** May 11, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DP20-0055 & DVP20-0056      **Owner:** 0838239 B.C. Ltd., Inc. No. BC0838239

**Address:** 590 Highway 33 West      **Applicant:** Argus Properties Ltd

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

**Existing OCP Designation:** MXR – Mixed Use (Residential / Commercial) / MRL – Multiple Unit Residential (Low Density)

**Existing Zone:** C4rls – Urban Centre Commercial (Retail Liquor Sales)

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP20-0055 and Development Variance Permit No. DVP20-0056 for Lot B Sections 26 and 27 Township 26 ODYD Plan 30302, located at 590 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";
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 a variance to the following section of Zoning Bylaw No. 8000 be granted:

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

To vary building height from the lesser of 15.0 m or 4 storeys permitted to 22.6 m or 6 storeys 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 the form and character of mixed-use residential / commercial development with a variance to maximum building height.

## **3.0 Development Planning**

Staff recommends support for the Development Permit for the form and character of a mixed-use development and the Development Variance Permit proposing to vary maximum building height. The proposed development meets zoning regulations for parking, setbacks and landscaping and is in general accordance with the Official Community Plans (OCP) Comprehensive and Revitalization Design Guidelines.

The project consists of one six-storey mixed-use building which will contain 95 residential units in addition to 922.6 m<sup>2</sup> of ground floor commercial space. The proposed building is situated adjacent to the west property line and will front directly onto Hollywood Rd N. The structure has been designed to step down in height towards Hollywood Road and incorporates building articulation and architectural detailing to add visual interest and reduce the apparent mass of the building, especially the street facing side. Staff have worked with the applicant on the form and character of all elevations to ensure they meet the design guidelines in the OCP. Overall, the proposed design achieves the following form and character objectives, from the OCP's Comprehensive and Revitalization Design Guidelines:

- Visually prominent entrances;
- Step back upper floors to reduce visual impact;
- Use of a variety of materials to create contrast and reduce the apparent mass of a building; and
- Locate buildings to provide an effective street edge

The property is located within the Permanent Growth Boundary (PGB) and within the City's Rutland Urban Centre. The increase in density at this location is supported by local amenities such as parks, transit, and recreational opportunities in the immediate area.

### Variance

The application includes one variance, to maximum building height. This variance request is supported by policy within the OCP, which supports six storeys within C<sub>4</sub> - Urban Centre Commercial zoned areas in the Rutland Urban Centre. The increase to six-storeys allows additional height and density to be facilitated in an underutilized commercial parking lot and along a major transit corridor (Highway 33). Overall, the height variance does not negatively impact adequate supply of on-site parking, nor overall form and character objectives and staff consider the request reasonable.

## **4.0 Proposal**

### 4.1 Background

The Willow Park Mall was originally constructed in 1960 and has been owned and operated by Argus Properties for the last 40 years. In 1995, approximately 40 residential infill townhome units were constructed at the north end of the property adjacent to Aurora Cr. The site has undergone several tenant improvements to the existing commercial spaces located throughout the site but the parcel has more or less remained as is since that time.

#### 4.2 Project Description

The applicant is proposing a six-storey mixed-use residential / commercial building which will be located at the western edge of the subject site, adjacent to Hollywood Rd N and within the existing mall parking plaza. Site access to the development will come from the existing vehicle entrances located along Hollywood Rd to the north and south of the building location.

The main residential entrance for the building will be located at the north west corner of the structure and will be visible to Hollywood Rd N with commercial retail entrances situated throughout the north and south building elevations. The ground floor commercial component includes an exterior patio area located at the south west corner of the building which will help activate the streetscape and better define the street edge.

The building will contain 1 storey of ground floor commercial space and 5 storeys of residential above, including 95 total units comprising 57 micro-suites, 28 one-bedroom and 10 two-bedroom units. To meet the open space requirements a majority of the units proposed will include balconies, however, the units that do not have a private balcony will utilize the rooftop patio and grade level park space proposed on the north side of the building.

Required parking will be met on site by utilizing a combination of below grade parking in addition to surface parking located on the north, south and east sides of the building. Access to the parkade will come from the internal drive aisle located between the subject site and the adjacent property to the south.

The development has been designed using modern materials including; light blue and brown composite panels, brick veneer, concrete and storefront glazing with black trim.

#### 4.3 Site Context

The subject property is located in the Rutland Urban and City Sector nearest to the major intersection of Hwy 33 W and Hollywood Rd N, approximately 330m southeast of Ben Lee Park. Surrounding zones include; C<sub>4</sub> – Urban Centre Commercial, C<sub>10</sub> – Service Commercial, RU<sub>1</sub> – Large Lot Housing, RM<sub>3</sub> – Low Density Multiple Housing, RM<sub>5</sub> – Medium Density Multiple Housing, P<sub>1</sub> – Major Institutional, and P<sub>2</sub> – Education and Minor Institutional. Surrounding Future Land Use Designation include; MXR – Mixed Use (Residential / Commercial), MRL – Multiple Unit Residential (Low Density), MRM – Multiple Unit Residential (Medium Density), S<sub>2</sub>RES – Single / Two Unit Residential, EDINST – Educational / Major Institutional, and PARK – Major Park / Open Space.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C <sub>4</sub> – Urban Centre Commercial	Commercial
East	C <sub>4</sub> – Urban Centre Commercial	Commercial
South	C <sub>4</sub> – Urban Centre Commercial / RU <sub>1</sub> – Large Lot Housing	Commercial / Residential
West	RM <sub>5</sub> – Medium Density Multiple Housing	Residential

**Subject Property Map: 590 Highway 33 West**



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	1.3	0.51
Max. Site Coverage	75%	34.5%
Max. Height	15.0 m / 4 storeys	22.6 m / 6 storeys <span style="color: red;">❶</span>
Min. Front Yard (west)	0.0 m	0.8 m
Min. Side Yard (south)	0.0 m	63.1 m
Min. Side Yard (north)	0.0 m	15.9 m
Min. Rear Yard (east)	0.0 m	103.3 m
Other Regulations		
Min. Parking Requirements	107 stalls	107 stalls
Min. Bicycle Parking	71 long-term stalls 11 short-term stalls	74 long-term stalls 12 short-term stalls
Min. Private Open Space	772 m <sup>2</sup>	893.6 m <sup>2</sup>
Min. Loading Space	1 stall	1 stall

❶ Indicates a requested variance to maximum building height.

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

##### *Objective 5.5 Ensure appropriate and context sensitive built form*

Policy .1 Building Height. Rutland Urban Centre: Generally 4 storeys. Six storeys within C4 or C9 zoned areas.

##### *Objective 5.22 Ensure context sensitive housing development.*

Policy .6 Sensitive Infill. 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.

Policy .11 Housing Mix. Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed-use developments.

Policy .13 Family Housing. Support housing alternatives for families when single detached housing is too costly, including features that are important to families, such as: outdoor space, direct access to grade, workshop space, larger units, safe design, and neighbourhood characteristics (e.g.: location and amenities)

## 6.0 Application Chronology

Date of Application Accepted: February 6, 2020

Date Public Consultation Completed: March 25, 2021

**Report prepared by:** Andrew Ferguson, Planner II

**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 and Development Variance Permit No. DP20-0055 / DVP20-0056

Schedule A: Site Plan

Schedule B: Building Elevations & Material and Colour Board

Schedule C: Landscape Plan

Attachment B: Project Renderings

Attachment C: Comprehensive and Revitalization Design Guidelines Checklist

Attachment D: Applicant's Letter of Rationale