

# REPORT TO COUNCIL



**Date:** April 4, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DP22-0017

**Owner:** Dilworth Shopping Centre Ltd.,  
Inc. No. 319846

**Address:** 2339-2397 Highway 97 North

**Applicant:** Urban Design Group Architects  
Ltd – Eric Ching

**Subject:** Development Permit Application

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

**Existing Zone:** C4rls/rcs - Urban Centre Commercial (Retail Liquor Sales / Retail Cannabis Sales)

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP22-0017 for Lot A District Lots 126 and 532 ODYD Plan 40108, located at 2339-2397 Highway 97 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 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 this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

### Purpose

To issue a Development Permit for the form and character of a food primary establishment.

## 2.0 Development Planning

Development Planning Staff are recommending support for the development permit for the form and character of the proposed food primary establishment with drive-thru food service. The proposed Starbucks restaurant is consistent with the City's 2040 OCP Urban Design Guidelines.

This application proposes a food primary establishment with indoor and outdoor seating areas, as well as a drive-through for food services. Regarding form and character, the proposed building is modern in design and typical of the Starbucks corporate brand. Visual interest is added through architectural articulation including awnings and roofline variation. The buildings most prominent corner, fronting both Highway 97 N and Leckie Road, is to be constructed with faux wooden siding that contrasts the finishes found on the rest of the façade and provides additional definition. Other materials include metal panels, white trim, and paint in neutral tones.

Signage is proposed for the front and side elevations of the building, as well as directional and menu board signage within the site. Landscaping is provided throughout the site and includes large deciduous trees adjacent to Highway 97 N, new boulevard landscaping in between the building and Leckie Rd and complimentary drive-thru landscaping including grasses, flowering shrubs and small to medium sized deciduous trees. Garbage and recycling bins are to be located with a screened enclosure to the east of the building with adequate exterior lighting to illuminate the area. Overall, the proposal is compliant with the zoning bylaw and is consistent with the form and character guidelines in the 2040 OCP for commercial development.

## 3.0 Proposal

### 3.1 Background

The site for the proposed development is located at the northeastern corner of an established shopping complex along the Highway 97 N corridor. The commercial building which was previously operated by Tacotime has been demolished and subsequently removed from site for allow for future construction.

### 3.2 Project Description

The proposal is to construct a new building in the location of the previous building without expanding the size of the building footprint. The site has access from both Highway 97 N and Leckie Road.

### 3.3 Site Context

The subject property is located on the south side of the Highway 97 N corridor in the Midtown Urban Centre. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C9 – Tourist Commercial (Liquor Primary)	Hotels
East	C10 – Service Commercial	Retail Stores
South	RM5 – Medium Density Multiple Housing	Multiple Dwelling Housing
West	C10 – Service Commercial	Automotive and Minor Recreation Vehicle Sales / Rentals, Gas Bar

**Subject Property Map: 2339-2397 Highway 97 N****3.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	C4 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	1.0	0.23
Max. Site Coverage	75%	32%
Max. Height	15.0 m / 4 storeys	7.0 m / 2 storeys
Min. Front Yard	0.0 m	11.6 m
Min. Side Yard (east)	0.0 m	1.8 m
Min. Side Yard (west)	0.0 m	n/a
Min. Rear Yard	0.0 m	n/a
Other Regulations		
Min. Parking Requirements	4 stalls	8 parking stalls, 1 loading stall
Min. Short-term Bicycle Parking	2 stalls	2 stalls

**4.0 Current Development Policies****4.1 Kelowna Official Community Plan (OCP)****Objective 4.8 Support modest residential development to transition Midtown Unto a transit-supportive neighbourhood**

Policy 4.8.5. Midtown Street Character	<p>Support development in the Midtown Urban Centre that includes the following characteristics at grade, as outlined in Map 4.10:</p> <ul style="list-style-type: none"> <li>Retail Space along Highway 97, Springfield Road, Cooper Road and Dilworth Drive.</li> </ul> <p><i>The proposed development will see a new Starbucks located at the north corner of the site which will be highly visible from both Leckie Rd and Highway 97 N. The large glass windows on the street facing sides of the building will help to illuminate the active commercial retail space at grade.</i></p>
--	---

Objective 4.8 Support modest residential development to transition Midtown Unto a transit-supportive neighbourhood		
Policy 4.8.6. Transit Supportive Midtown	To further support higher capacity transit along Highway 97, locate buildings closer to and oriented towards the highway, provide additional landscaping treatments, and do not locate surface parking between the highway and new development.	
	<i>The new commercial building will be located in the same location as the previous building and will be close to both Highway 97 N to the north and Leckie Rd to the east. Landscape features for the site will help to compliment and buffer the location of the building relative to the adjacent streets. There is no parking between the building and adjacent streets.</i>	
Objective 4.17 Create urban streets that are attractive to live, work and shop on		
Policy 4.17.1. Animated Pedestrian Realm	Prioritize streetscape design elements and activities that animate the pedestrian realm in Urban Centres, particularly along high streets, retail streets and civic streets, as illustrated in Maps 4.2, 4.4, 4.6, 4.8 and 4.10. Examples of these elements include event programming, temporary and mobile uses, and streetscape design elements that include but are not limited to:	
	<ul style="list-style-type: none"><li>• Street furniture;</li><li>• Space for pedestrian movement and outdoor patios;</li><li>• Pedestrian scale lighting;</li><li>• Removal of visual clutter;</li><li>• Street trees and planted boulevards; and</li><li>• Placemaking features</li></ul>	
	To further support an animated public realm, discourage the use of window bars and rolls down panels on building facades that front such streets.	
	<i>Highway 97 N is identified in the 2040 OCP as a Retail Character Street with Leckie Road being identified as a Mixed Character Street. Retail Streets require commercial uses at grade while Mixed Use Streets support both residential and commercial uses at grade. As such, the proposal is meeting the requirements for commercial space at grade for both fronting streets.</i>	

## 5.0 Application Chronology

Date of Application Accepted: January 21, 2022

Report prepared by: Andrew Ferguson, 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 DP22-0017

Schedule A: Site Plan

Schedule B: Elevation Drawings and Renderings

Schedule C: Landscape Plan

Attachment B: Applicants Letter of Design Rationale