

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: February 13, 2024
To: Council
From: City Manager
Address: 3226 Appaloosa Road
File No.: DP23-0079 and DVP23-0170
Zone: I2 – General Industrial

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12606 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP23-0079 and Development Variance Permit No. DVP23-0170 for Lot 1, Section 2, Township 23, ODYD, Plan EPP134314, located at 3226 Appaloosa 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 amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

AND THAT the variance to the following section of the Zoning Bylaw No. 12375 be granted:

Section 14.12 – Industrial, Institutional and Water Zone Development Regulations

To vary the minimum flanking side yard setback from 2.0m required to 1.0m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application and Development Variance Permit 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 three new industrial buildings and a Development Variance Permit to vary the minimum flanking side yard setback.

3.0 Development Planning

Staff support the proposed Development Permit for the form and character of three new industrial buildings. Each building is two-storeys with a mezzanine space on the upper floor. The proposal conforms with policies for The Gateway District by supporting the development of industrial lands, providing low-impact industrial when adjacent to residential, and adding employment. The proposal is also in substantial compliance with the Official Community Plan (OCP) Form and Character Guidelines for Industrial and Service Commercial Development. The applicant is concurrently developing the subject property and the adjacent property to the east; in terms of form and character, both projects have been designed to fit within the context of one another and to complement each other.

Key design guidelines that are met for the project include:

- Locate buildings to ensure good sight lines for vehicular and pedestrian traffic;
- Provide direct, safe, continuous, and clearly defined pedestrian access from public sidewalks, parking areas, and transit stops to building entrances;
- Distribute trees and landscaping throughout the site;
- Articulating the façade facing the road through a variation of colour, plantings, and glazing;
- Where parking areas are visible from the street, screen them using strategies such as tree planting, berming, low walls, decorative fencing and/or hedging.

Proposed materials include concrete tilt up walls that are painted white and accented with dark grey and light grey, with a simple reveal pattern, together creating a modern design. Expansive curtain wall glazing features highlight each building along the Academy Way frontage, which is contrasted by the dark grey panels and slit windows adjacent to it. To bring some colour into the design, the canopy over the entrances is painted a bright green which ties into the windows on the west façade. The less visible façades along the east and north side of the northernmost building use reveals and paint to maintain visual interest.

Finally, to increase the walkability of the neighbourhood, several stairways from the subject property to the existing sidewalk along Academy Way will connect the new development with the neighbourhood. On-site walkability and accessibility are achieved with canopy covered sidewalks located along the length of each building's main frontage.

Flanking Side Yard Setback Variance:

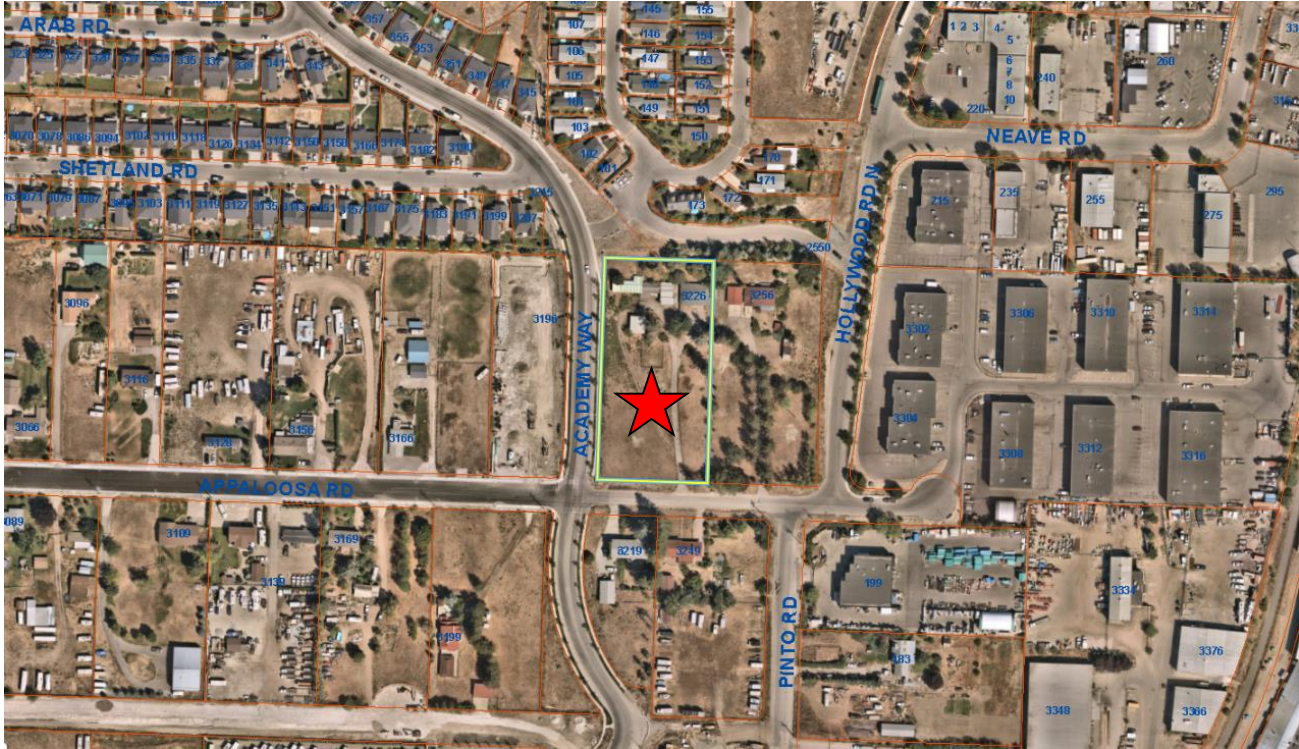
A variance is proposed to reduce the flanking side yard setback from 2.0m required to 1.0m to accommodate a 1.0m road dedication along Academy Way. The proposed variance is considered minor in nature and is not expected to impact the overall landscaping requirements for the project. Currently Academy Way is a fully built-out road; the dedicated area will be landscaped with no net loss in the overall landscaped area. Additionally, the applicant has met the required on-site tree and landscaping requirements along Academy Way with no net loss to the required total number of on-site trees.

In order to help mitigate the side yard setback variance and to enhance the public realm, the applicant is proposing a public art piece to be designed and installed by a local artist. Estimated at approximately \$47,600, the voluntary art piece is a mural that would be painted on fence panels located along Academy Way. The proposed mural would be painted on two separate fence panels located between the buildings to ensure the design, form and character of the buildings and the landscaping are not obstructed but are

enhanced by the mural. The addition of a public art piece at an industrial development would engage visitors and the public, add visual interest along Academy Way and further enhance the public realm.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is a corner lot located at Appaloosa Rd and Academy Way, is within an industrial area of The Gateway District with many industrial services and is near Highway 97. Located within the permanent growth boundary, the 2040 Official Community Plan (OCP) designates the subject property as IND – Industrial, which supports the continued development of industrial lands under this designation. The development pattern in the surrounding area varies between rural residential, industrial, and single dwelling housing.

5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	8,114m ²
Net Industrial Floor Area	7,977m ²
Total Number of Units	18

DEVELOPMENT REGULATIONS		
CRITERIA	I ₂ ZONE	PROPOSAL
Total Maximum Floor Area Ratio	1.5	0.65
Max. Site Coverage (buildings)	60%	45.3%
Max. Site Coverage (buildings, parking, driveways)	90%	90%
Max. Height	16.0m	9.85m

DEVELOPMENT REGULATIONS		
CRITERIA	I2 ZONE	PROPOSAL
Setbacks		
Min. Front Yard (South - Appaloosa)	2.0m	16.0m
Min. Flanking Side Yard (West – Academy Way)	2.0m	1.0m ❶
Min. Side Yard (East)	0m	0.3m
Min. Rear Yard (North)	4.5m	4.5m
Landscaping		
Min. Number of Trees	25 trees	25 trees
❶ Indicates a requested variance to minimum flanking side yard setback from 2.0 m required to 1.0 m proposed.		

PARKING REGULATIONS		
CRITERIA	I2 ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	75 stalls	77 stalls
Total Loading Stalls	3 stalls	3 stalls
Bicycle Stalls Long-Term	3 stalls	3 stalls

6.o Application Chronology

Application Accepted: April 21, 2023
 Adoption of Zoning Amendment Bylaw: February 13, 2024

Report prepared by: Barbara B. Crawford, Planner II
Reviewed by: Dean Strachan, Community Planning & Development Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Draft Development Permit DP23-0079 and DVP23-0170
 Schedule A: Site Plan & Floor Plans
 Schedule B: Elevations & Sections
 Schedule C: Landscape Plan
 Attachment B: OCP Form and Character Development Permit Guidelines
 Attachment C: Public Artwork Mural Concept

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