

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: June 18, 2024
To: Council
From: City Manager
Address: 1330, 1340, 1350-1352 Belaire Ave
File No.: DP23-0141 and DVP23-0243
Zone: UC2 – Capri-Landmark Urban Centre

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP23-0141 for:

- Lot 31 District Lot 137 ODYD Plan 10011 located at 1330 Belaire Ave, Kelowna, BC;
- Lot 32 District Lot 137 ODYD Plan 10011 located at 1340 Belaire Ave, Kelowna, BC; and
- Lot 33 District Lot 137 ODYD Plan 10011 located at 1350-1352 Belaire Ave, Kelowna, BC;

subject to the following:

1. The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of Phase 1 building to be constructed on the land be in accordance with Schedule "B";

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP23-0243 for:

- Lot 31 District Lot 137 ODYD Plan 10011 located at 1330 Belaire Ave, Kelowna, BC;
- Lot 32 District Lot 137 ODYD Plan 10011 located at 1340 Belaire Ave, Kelowna, BC; and
- Lot 33 District Lot 137 ODYD Plan 10011 located at 1350-1352 Belaire Ave, Kelowna, BC;

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

Section 6.4.1 – General Development Regulations, Setback from Provincial Highways

To vary the required distance to any lot line abutting the highway for all buildings and structures on lots abutting Highway 97 or Highway 33 from 4.5 m required to 3.0 m proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit are 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 for Phase 1 of a three-phased supportive townhouse development.

To issue a Development Variance Permit to vary the setback from provincial highways from 4.5 m required to 3.0 m proposed.

3.0 Development Planning

Staff support the proposed Development Permit for the form and character of a supportive townhouse development. The proposal generally conforms to the Official Community Plan (OCP) Form and Character Development Permit Design Guidelines for Townhouse Development. Guidelines that are met include:

- Orienting primary building façades and entries to the fronting street and minimizing the distance between the building and the sidewalk to create street edge definition, activity, and a sense of enclosure;
- Designing units to have easy access to useable private and semi-private outdoor amenity space;
- Avoid locating off-street parking between the front façade of a building and the fronting public street;

The applicant is proposing a three-phased development. This will allow the 26 residents currently residing in three existing dwellings to maintain their housing while the townhouses are constructed one at a time. As each construction phase is completed, the residents from the existing dwellings will relocate into a new townhouse, then existing dwellings demolished one at a time making room for the next development phase. The phased approach will require three different development permits. Following the completion of the full buildout, the applicant will consolidate the three properties into one.

The full build-out consists of 12 dwelling units with a total of 50 sleeping units. Currently the applicant is seeking development permit for Phase 1 of the proposed development which consist of:

- Phase 1 building - 4 dwelling units with 16 sleeping units and a staff office space;
- Phase 2 building - 4 dwelling units with 20 sleeping units, two of which are ground oriented wheelchair accessible sleeping units;
- Phase 3 building - 4 ground-oriented dwelling units with 14 sleeping units.

Common amenity space includes designated landscaped outdoor areas as well a deck on the second floor of each townhouse. The required number of on-site residential and visitor parking stalls are met for Phase 1.

Staff are tracking one development variance to setback from Provincial Highways - the applicant is seeking relaxation to Highway 97 setback from 4.5 m required to 3.0 m propose. The Ministry of Transportation and Infrastructure (MoTI) was consulted with early in the application review process. Although the MoTI does not have legislative authority to approve DVPs, the proposed site plan, building layout and proposed landscaping in the varied setback was approved by the Ministry. Additionally, reducing the setback to 3.0 m is consistent with how this setback regulation has been managed for other similar applications.

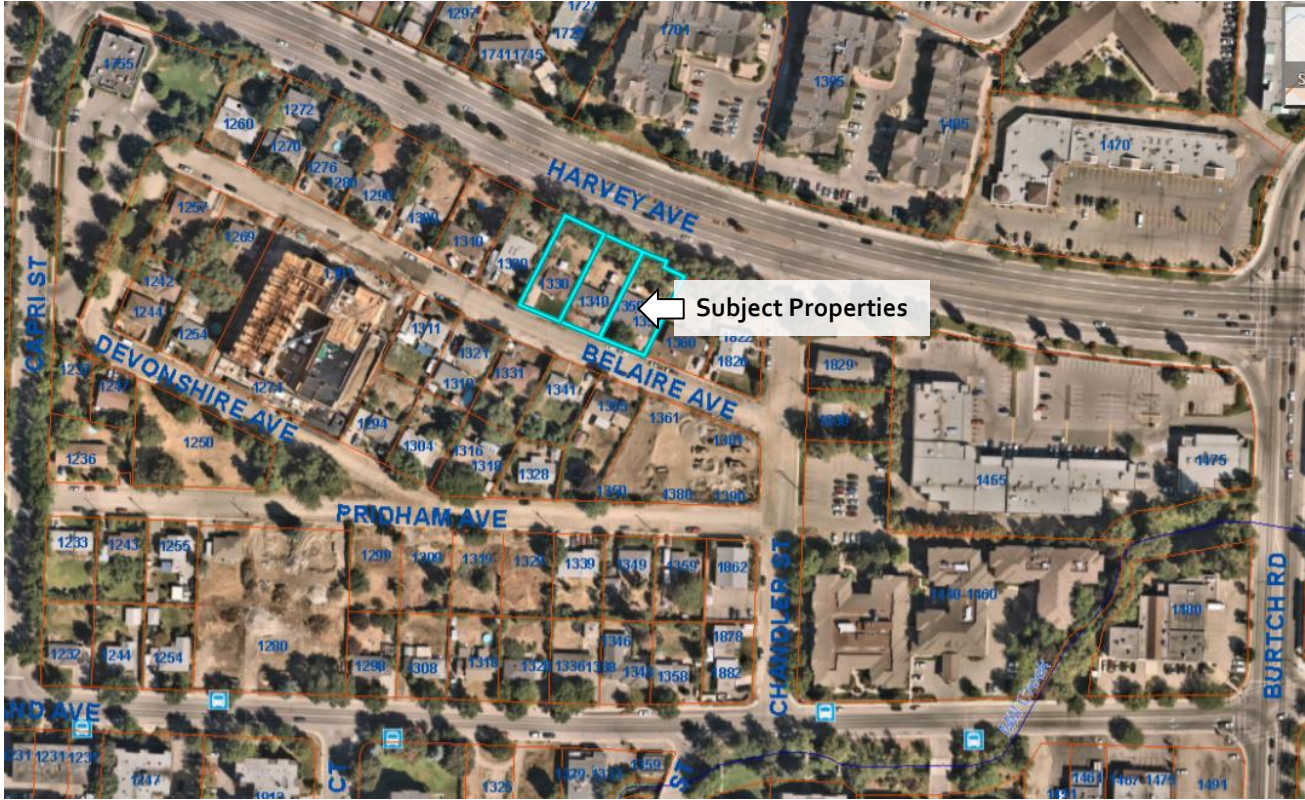
Finally, the proposed supportive townhouse development the intent of number of Official Community Plan objectives and policies in the Urban Centre zone, namely:

- OCP Objective 4.12 - Increase the diversity of housing types and tenures to create inclusive, affordable, and complete Urban Centres
Policy 4.12.3 – Diverse Housing Tenures: Encourage a range of rental and ownership tenures that support a variety of households, income levels and life stages. Promote underrepresented forms of tenure, including but not limited to co-housing, fee-simple row housing, co-ops, and rent-to-own.
- OCP Objective 4.13 – Protect citizens from displacement due to Urban Centre development.
Policy 4.13.1 – Housing supports: Prioritize the development of subsidized housing and housing with supports in the Urban Centres in addition to the Core Area, particularly near employment, public transit, services, and amenities. Promote acceptance by the community for these supports, services and the citizens that are using them.

Policy 4.13.2 – Displacement effects of gentrification: Ensure Urban Centre planning initiatives and significant redevelopment opportunities include affordable housing and access to services to ensure low to moderate income renters are protected from displacement effects of gentrification.

4.0 Subject Property

4.1 Subject Property Map



The surrounding neighbourhood context mostly consists of single detached housing, however, there are also townhouses and mid-rise apartment housing within the area of the proposed development.

The subject properties are located within the Capri-Landmark Urban Centre, abutting Hwy 97, a Transit Supportive Corridor, and a short walking distance to transit bus stops located along the Sutherland Avenue Recreation Corridor. Additionally, the proposed development site is near several parks, including Parkinson Recreation and Pacific Court Park, as well as Capri Mall and a variety of service providers.

5.0 Zoning Bylaw Regulations Summary for Phase 1 of Proposed Development

AREA & UNIT STATISTICS – PHASE 1	
Gross Lot Area	2,549.7 m ²
Total Number of Units	4
1-bed sleeping units	12
Town homes	1

DEVELOPMENT REGULATIONS – PHASE 1		
CRITERIA	UC2 ZONE	PROPOSAL
Total Maximum Floor Area Ratio	1.8	0.1
Max. Site Coverage (buildings)	85%	Approx. 10%
Max. Site Coverage (buildings, parking, driveways)	90%	Approx. 20%
Max. Height	6 storey / 22 m	3 storey / 11.5 m
Setbacks		
Min. Front Yard (South)	2.0 m	34.0 m
Min. Side Yard (East)	0.0 m	22.7 m
Min. Side Yard (West)	0.0 m	1.8 m
Min. Rear Yard (North)	4.5 m	3.0 m *

PARKING REGULATIONS – PHASE 1		
CRITERIA	UC2 ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	9 stalls	9 stalls
Residential	8	8
Visitor	1	1
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	100 % Regular
* Variance to Section 6.4.1 of the Zoning Bylaw No. 12375 – Setback from Provincial Highways, seeking relaxation to Highway 97 setback from 4.5 m required to 3.0 m proposed.		

6.o Application Chronology

Application Accepted: August 11, 2023
 Revised Drawings Received: December 15, 2023
 Neighbour Notification Received: N/A
 Adoption of Zone Amending Bylaw: N/A

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, Climate Action & Development Services

Attachments:

- Attachment A: Draft Development Permit DP23-0141 & DVP23-0243
 - Schedule A: Site Plan & Floor Plans
 - Schedule B: Elevations & Renderings
- Attachment B: OCP Form and Character Development Permit Guidelines
- Attachment C: Applicant’s letter of rationale
- Attachment D: MoTI Letter

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