

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: November 5, 2024
To: Council
From: City Manager
Address: 1930 Underhill St
File No.: DP24-0095 DVP24-0152
Zone: UC₃ – Midtown Urban Centre

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP24-0095 for LOT B DISTRICT LOTS 4646 AND 127 ODYD PLAN EPP104418, located at 1930 Underhill St, 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 Council authorizes the issuance of Development Variance Permit No. DVP24-0152 for LOT B DISTRICT LOTS 4646 AND 127 ODYD PLAN EPP104418, located at 1930 Underhill St, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted as shown on Schedule "B":

Section 14.11: Commercial and Urban Centre Zone Development Regulations, UC₃

To vary the required minimum building setback from the front yards from 3.0 m required to 0.0 m proposed (east and west).

Section 14.11: Commercial and Urban Centre Zone Development Regulations, UC₃

To vary the required minimum building setback from the flanking side yard from 3.0 m required to 0.0 m proposed (north).

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Application 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 a mixed-use development and a Development Variance Permit to vary the minimum building setback for the Dilworth Dr, Baron Rd and Underhill St road frontages.

3.0 Development Planning

Staff recommend support for the Development Permit and Development Variance Permit applications. The proposal generally conforms with Official Community Plan (OCP) Form and Character Design Guidelines for Low & Mid-Rise Residential Mixed-Use Development. Key guidelines that are met include:

- Orienting the primary building façades and entries to the three fronting streets (Dilworth Dr, Baron Rd and Underhill St);
- Locating off-street parking and other 'back of house' uses (including waste collection and parking access) away from public view and accessed off an existing access road, parallel to the south property line; and
- Incorporating a range of architectural features and details into building facades to create visual interest, and breaking up the building with an integrated, consistent range of materials and colours that provide variety.

The proposal is a six storey mixed-use development, with 177 residential units and 418 m² commercial retail space at the northwest corner (Dilworth Dr and Baron Rd). Enclosed surface parking and one level of underground parking is provided. Proposed main floor (podium) materials include metal and brick in different variations of colours, and the residential levels above have cement board lap siding with corrugated metal accents. To satisfy amenity space requirements, there is indoor amenity space on the ground floor (games room, workshop and co-working space), and a south-facing outdoor amenity area is located on the second storey. This outdoor amenity area will be programmed with a dog run, bocce ball court and seating areas.

Urban Plaza

Any site within an urban centre larger than 4,000 m², with a building length greater than 100 m, requires an urban plaza be provided at grade. This property is 6,030 m² and has a building length of 126.5 m along Baron Rd, which indicates an urban plaza is required. An urban plaza is intended as a screening or masking site design element to separate adjacent uses when large building frontages are proposed. The Zoning Bylaw requires a minimum plaza street frontage of 7.5 m, a minimum plaza depth of 6.0m, and a minimum of one tree. The urban plaza is proposed on the northeast corner of the site, at the Baron Rd and Underhill St corner, and meets these minimum specifications.

Variations

This application includes variations to the minimum building setback for all road fronting elevations. A setback is the horizontal recessing of the building façade measured from the face of the building wall above a specified storey. For properties located within an urban centre, a setback can occur on any floor above the second storey. This proposal does not meet this regulation, however the façades are articulated with complementary materials and colours, the rooflines varied and balconies are included to help provide visual interest on these elevations and to meet OCP Design Guidelines.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is 1.49 acres in size and currently vacant. It is within the Midtown Urban Centre and located just outside of the Orchard Park Transit Oriented Area. It is near Orchard Park Shopping Centre, grocery stores and BC Transit bus stops.

5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	5,512.47 m ²
Total Number of Units	177
Studio	21
1-bed	61
2-bed	85
3-bed	10
Net Commercial Floor Area	418 m ²

DEVELOPMENT REGULATIONS		
CRITERIA	UC ₃ ZONE	PROPOSAL
Total Maximum Floor Area Ratio	3.5	1.91
Base FAR	3.5	1.91
Max. Site Coverage (buildings)	100 %	71 %
Max. Height	44.0m / 12 storeys	21.91 m / 6 storeys
Base Height	44.0 m / 12 storeys	21.91 m / 6 storeys
Setbacks		
Min. Front Yard (west – Dilworth Dr)	3.0 m	3.0 m
Min. Flanking Side Yard (north – Baron Rd)	3.0 m	3.0 m
Min. Front Yard (east – Underhill St)	3.0 m	3.0 m
Min. Side Yard (south)	3.0 m	3.0 m
Upper Floor Setbacks		
Min. Front Yard (west – Dilworth Dr)	3.0 m	3.0 m
Min. Flanking Side Yard (north – Baron Rd)	3.0 m	3.0 m
Min. Front Yard (east – Underhill St)	3.0 m	3.0 m
Building Setbacks		
Min. Front Yard (west – Dilworth Dr)	3.0 m	0.0 m ⓘ
Min. Flanking Side Yard (north – Baron Rd)	3.0 m	0.0 m ⓘ
Min. Front Yard (east – Underhill St)	3.0 m	0.0 m ⓘ
Amenity Space		
Total Required Amenity Space	2,161 m²	3,182.99 m²
Common	708 m ²	1,939.63 m ²
Private	1,453 m ²	1,243.36 m ²
Urban Plaza	Required	Provided
Landscaping		
Min. Number of Trees	21 trees	21 trees
Min. Large Trees	11 trees	11 trees
<p>ⓘ Indicates a requested variance to minimum building setbacks from 3.0 m required to 0.0 m proposed for all three fronting streets</p>		

PARKING REGULATIONS		
CRITERIA	UC ₃ ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	192 stalls	196 stalls
Residential	167	167
Visitor/Commercial	25	30
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	50% Regular 50% Small
Min. Loading Stalls	0 stalls	1 stalls
Bicycle Stalls Short-Term	12 stalls	12 stalls
Bicycle Stalls Long-Term	139 stalls	148 stalls
Bonus Stalls Provided for Parking Reduction	n/a	n/a
Bike Wash & Repair	Required	Provided

6.0 Application Chronology

Application Accepted: May 27, 2024
Neighbour Notification Received: September 19, 2024

Report prepared by: Kimberly Brunet, Planner Specialist
Reviewed by: Dean Strachan, Development Planning 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 and Development Variance Permit DP24-0095 DVP24-0152
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: Applicant's Letter of Rationale
Attachment D: Summary of Neighbour Notification

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