

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: May 13, 2025
To: Council
From: City Manager
Address: 3805 Lakeshore Road
File No.: DP23-0109 DVP24-0068
Zone: VC1 – Village Centre

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12683 be considered by Council;

THAT Council authorizes the issuance of Development Permit No. DP23-0109 and Development Variance Permit No. DVP24-0068 for Lot 1 District Lot 134 ODYD Plan 39987, located at 3805 Lakeshore 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;
5. The applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a in Zoning Bylaw No. 12375;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

Table 7.2 – Tree & Landscaping Planting Requirements

To vary the minimum ratio between tree size from 50% large trees permitted to 0% large trees proposed.

Section 14.11 – Commercial and Urban Centre Zone Development Regulations

To vary the minimum building setback from 3.0 m permitted to 0.0 m 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 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 building and a Development Variance Permit to vary the minimum ratio between tree sizes and minimum building setback.

3.0 Development Planning

Staff support the proposed Development Permit for form and character of a mixed-use development. The proposal aligns with the Official Community Plan (OCP) Form and Character Design Guidelines for Low & Mid-Rise Mixed-Use Development. Key guidelines that are met include:

- Orienting primary building façades to both fronting streets with active frontages, including commercial along Lakeshore Road;
- Siting and designing the building to respond to the unique site condition, including the corner site and the natural wetland;
- Expressing a unified architectural concept with a range of architectural features and details, including brick and metal cladding; and
- Incorporating a distinct architectural treatment for a corner site.

Proposed materials primarily include white brick, grey fibre cement panels, and grey, white and copper metal panels. Common amenity space includes an indoor amenity room with a lounge space and fitness area, and a rooftop amenity deck with community gardens, outdoor kitchen, outdoor furniture, planters, and pool.

17 new trees are being planted around the perimeter of the building and 12 on the rooftop amenity space. The protection of the adjacent wetland and restoration of the associated riparian area is separately regulated under a Natural Environment Development Permit. This includes the registration of a restrictive covenant protecting the wetland and substantial restoration plantings including 32 trees and 428 shrubs.

Building Setback Variance

A variance is proposed to reduce the required minimum setback for a portion of the front and flanking side of the building from 3.0 m to 0.0 m. The vast majority of the building meets the minimum setback requirements. The proposed variance is only required to facilitate the protruding architectural feature at the corner of the building. The proposed variance enhances the façade by allowing for a distinct architectural treatment for the prominent corner site in alignment with OCP Design Guidelines.

Tree Ratio Variance

A variance is proposed to reduce the required minimum tree ratio from 50% large trees to 0% large trees within the landscape area. 13 trees are proposed around the perimeter of the building within the landscape area, which meets the minimum number of required trees. However, as the project is utilizing reduced setbacks as a result of road dedication, the minimum tree setbacks cannot be met for the minimum number of large trees within the landscape area. The proposed variance is mitigated by the substantial plantings proposed as part of the adjacent riparian restoration (61 total on-site trees, including 32 as part of the wetland riparian area restoration).

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located at the intersection of Lakeshore Road and Cook Road within the Cook Truswell Village Centre. Lakeshore Road is a Transit Supportive Corridor with transit stops located within 50 m walking distance of the site. The southern portion of the subject property is a wetland which is protected by a restrictive covenant and subject to the Natural Environment Development Permit Area.

5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	9,182 m ²
Undevelopable Land (riparian)	5498 m ²
Total Number of Units	103
Bachelor	0
1-bed	67
2-bed	31
3-bed	5
Net Commercial Floor Area	378.1 m ²

DEVELOPMENT REGULATIONS		
CRITERIA	VC1 ZONE	PROPOSAL
Total Maximum Floor Area Ratio	1.75	1.75

Base FAR	1.5	
Bonus FAR	0.25	
Max. Site Coverage (buildings)	75%	33.01%
Max. Site Coverage (buildings, parking, driveways)	85%	35.26%
Max. Height	6 storeys & 22.0 m	6 storeys & 21.54 m
Base Height	6 storeys & 22.0 m	
Bonus Height	n/a	
Setbacks		
Min. Front Yard (north)	2.0 m	2.0 m
Min. Flanking Side Yard (west)	2.0 m	2.0 m
Min. Side Yard (east)	3.0 m	4.0 m
Min. Rear Yard (south)	4.5 m	> 4.5 m
Upper Floor Setbacks		
Min. Front Yard (north)	2.0 m	2.0 m
Min. Flanking Side Yard (west)	2.0 m	2.0 m
Stepbacks		
Min. Fronting Street (north)	3.0 m	0.0 m ❶
Min. Flanking Street (west)	3.0 m	0.0 m ❶
Amenity Space		
Total Required Amenity Space	1905 m²	2236 m²
Common	412 m ²	1201 m ²
Private		1035 m ²
Landscaping		
Min. Number of Trees	13 trees	29 trees
Min. Large Trees	7 trees	0 trees ❷
❶ Indicates a requested variance to minimum front and flanking side step back from 3.0 m required to 0.0 m proposed.		
❷ Indicates a requested variance to the minimum number of large trees from 7 large trees to 0 large trees.		

PARKING REGULATIONS		
CRITERIA	VC1 ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	117 stalls	117 stalls
Residential	108.1	
Commercial / Visitor	14	
Bonus Bicycle Parking	-5	
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	56.4% Regular 43.6% Small
Bicycle Stalls Short-Term	14 stalls	14 stalls
Bicycle Stalls Long-Term	142 stalls	142 stalls
Bonus Stalls Provided for Parking Reduction	y	y
Bike Wash & Repair	y	y

6.0 Application Chronology

Application Accepted:	May 26, 2023
Neighbour Notification Received:	June 28, 2024
Adoption of Zone Amending Bylaw:	May 13, 2025

Report prepared by: Mark Tanner, Planner Specialist
Reviewed by: Adam Cseke, 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 DP23-0109 & Development Variance Permit DVP24-0068

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: Renderings

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