
CITY OF KELOWNA
MEMORANDUM

Date: May 25, 2001
File No.: (3090-20) **DVP01-10,010**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP01-10,010

OWNER: JAG VENTURES LTD.
(INC. NO. 507857)

AT: 809 FINNS ROAD

APPLICANT: JAG VENTURES LTD. /
RAY GAGNON

PURPOSE: TO SEEK VARIANCES TO THE I1 – BUSINESS INDUSTRIAL
ZONE TO VARY MINIMUM LOT SIZE FROM 4,000M²
REQUIRED TO 1,477 M² EXISTING, AND TO VARY EAST SIDE
YARD SETBACK FROM 6.0M REQUIRED TO 0.0M PROPOSED

EXISTING ZONE: A1 – AGRICULTURAL 1

PROPOSED ZONE: I1 – BUSINESS INDUSTRIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT the portion of Council Resolution No. R386/01/05/14 dealing with the requirement for the registration of a reciprocal access and parking easement in relation to Rezoning Application No. Z01-1015 be rescinded;

AND THAT Final Adoption of Zone Amending Bylaw No. 8693 be considered by the Municipal Council;

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,010; Jag Ventures; Lot 1, Sec. 34, Twp. 26, O.D.Y.D., Plan 16944, located on Finns Road, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 15.1.4(c) Subdivision Regulations, be varied from the minimum lot area of 4,000 m² required to the existing lot area of 1,477 m²;

Section 15.1.5 (d) Development Regulations be varied from the 6.0 m setback required to 0.0 m setback proposed to east side yard.

2.0 SUMMARY

The applicant has made application to rezone the subject property to the I1 – Business Industrial zone in order to construct a new, 2 storey, 926.7 m² building for Business Industrial uses. As the existing property is 1,477 m² which is less than the minimum required 4,000 m² necessary for the I1 – Business Industrial zone, this Development Variance Permit application has been made concurrently with the application to rezone. The Development Variance Permit application also includes a request to reduce the east side yard from the 6.0 m required to the 0.0 m setback proposed.

A Development Permit application is not required as the subject property is not located in an Mandatory Development Permit area.

2.1 Advisory Planning Commission

The above noted application was reviewed by the Advisory Planning Commission at the meeting of April 3, 2001 and the following recommendation were passed:

THAT the Advisory Planning Commission Supports Rezoning Application No. Z01-1015 by JAG Ventures Ltd. (Ray Gagnon) to rezone the subject property from the existing A1 – Agricultural 1 zone to the I1 – Business Industrial zone to permit a new business industrial building, and

THAT the Advisory Planning Commission Supports Development Permit Application No. DP01-10,015 by JAG Ventures Ltd. (Ray Gagnon) in order to vary the minimum lot area requirements of the I1 – Business Industrial zone.

3.0 BACKGROUND

3.1 The Proposal

The applicant rezoned the adjacent property to the south in 1995, and constructed a new business industrial building on the site soon after. There has been an application to rezone the subject property to the I1 – Business Industrial zone in order to permit the development of the subject property with a similar type of Business Industrial building.

The site plan of the proposed development anticipates the use of the subject property together with the adjacent property as if the two lots were developed together. The original site plan indicated that the subject property was proposed to be accessed only from what was Lot 2, Plan 16944, now KAS2197. The design of the new building is virtually the same as the original building constructed on lot 2, Plan 16944, now KAS2197. It is anticipated that once the development is complete, that the site construction will look as if it both buildings had been developed at the same time, as if it had been one comprehensive development.

It has been necessary for the applicant to apply for a Development Variance Permit in conjunction with the application to rezone, as the subject property has a lot area of 1,477 m² where the minimum lot size requirements of the I1 – Business Industrial zone is 4,000 m². The applicant is not in a position to consolidate the subject property with the previously developed site to the south. However, at the time of the original application, the access to the new development was proposed to be from the previously developed property. The shared vehicle access was to be protected by a reciprocal access easement. Now the applicant has amended the site development plan to provide direct access to Finns Road without cross access from the existing property to the east. Although there is still the physical ability for cross access between the properties, the Development Engineer does not require the cross access easement based on the revised drawings as both lots have separate legal access to Finns Road.

There has also been a request to reduce the east side yard setback to 0.0 m. The side yard setback for the I1 – Business Industrial zone is 6.0 m, where the property is located adjacent to property which is not zoned Commercial or Industrial. The variance to the side yard setback is considered supportable as the future land use of the portion of the lot adjacent to the subject property where the proposed development is located is designated for a Commercial future land use, and the I1 zone permits development to occur within 0.0m of the property line when the adjacent property is zoned Industrial or Commercial.

As the property is not located within a mandatory Development Permit area, there has been no application for a Development Permit associated with the development application.

The proposal as compared to the I1 zone requirements is as follows:

CRITERIA	PROPOSAL	I1 ZONE REQUIREMENTS
Site Area (m ²)	1,477 m ² *	4,000.00 m ²
Site Width (m)	42.6 m	40.0 m
Site Coverage (%)		N/A
Total Floor Area (m ²)	422.9 m ²	1,772.4 m ² @ FAR = 1.2
F.A.R.	0.28	1.2 Max
Storeys (#)	2 stories	3 stories (16.0 m)
Setbacks (m)		
- Front	6.0 m	6.0 m
- Rear	N/A	0.0 m adj. to Ind. / Com. Zones 6.0 m to other zones
- South West Side	13.5 m	0.0 m adj. to Ind. / Com. Zones 6.0 m to other zones
- East Side	0.0 m **	0.0 m adj. to Ind. / Com. Zones 6.0 m to other zones
Parking Stalls (#)	19 stalls provided	Office uses 2.0 per 100 m ² Warehousing uses 0.5 per 100 m ²
Loading Stalls (#)	1 stall provided	1 per 1,900 m ²

Parking calculations; main floor (417 m²) – 45% Office 187.6 m² 4 stalls required,
55% warehousing 229.3 m² - 2 stalls req'd
Upper floor (509 m²) – 93% office use = 473.3 m² - 10 stalls req'd
Total parking req'd - 16 stalls

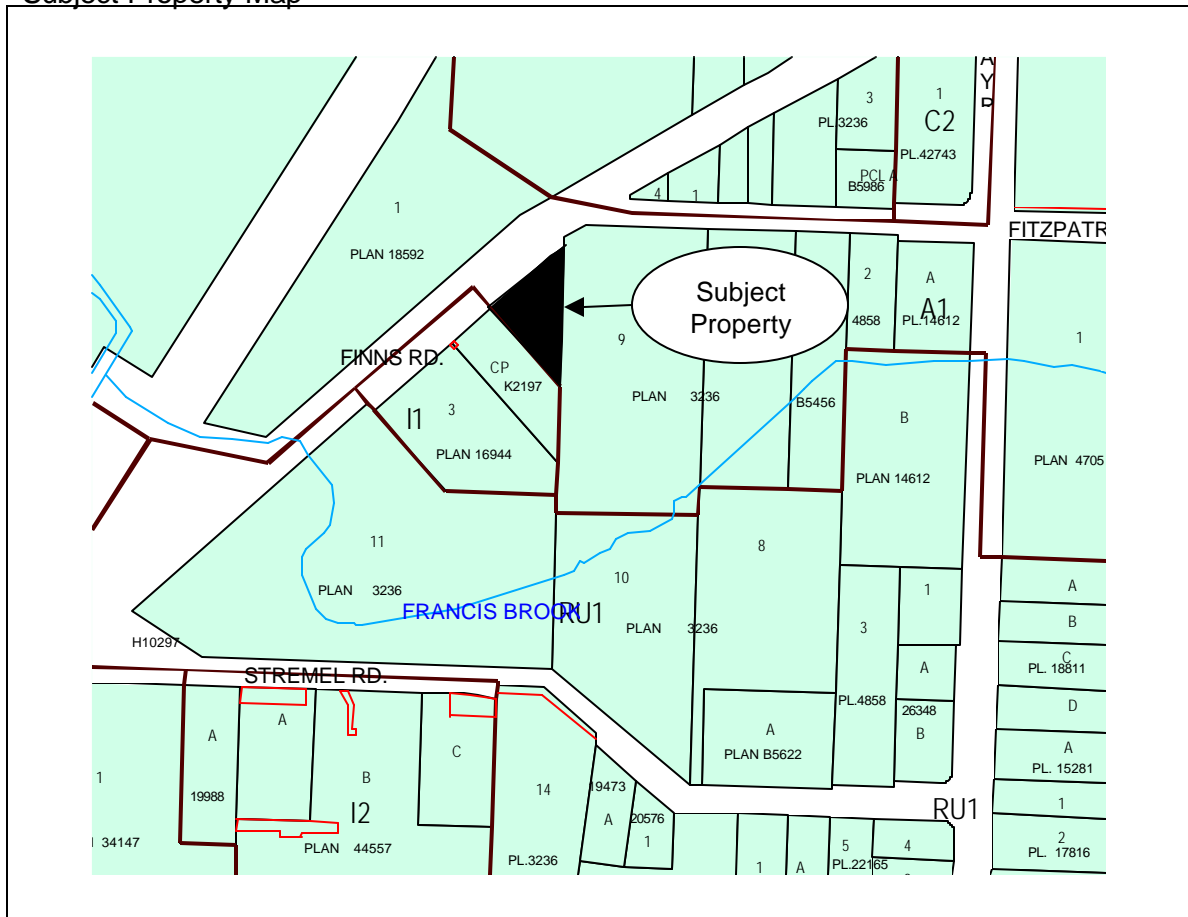
Variances required

- * Section 15.1.4 (c.) Minimum lot area of 4,000 m² be varied to permit minimum lot area of 1,477 m²
- ** Section 15.1.5 (d) Minimum side yard is 6.0 m be varied to permit 0.0 m setback

3.2 Site Context

The subject property is located east of Highway 97, in the area of Fitzpatrick Road, north of Stremel Road. The site has been cleared and is generally level. The neighbourhood contains a variety of existing residential and agricultural uses, which are changing as the transition from the original agricultural uses occurs to the anticipated industrial uses envisioned by the Official Community Plan. The property located to the south was rezoned to the I1 – Business Industrial zone in 1995, and a Business Industrial building was constructed soon after.

Subject Property Map



Adjacent zones and uses are, to the:

- | | |
|-------------|--|
| Northwest | A1 - Agricultural 1, Finns Rd., vacant lot with old Expo building |
| East - | A1 - Agricultural 1, single family residential uses |
| Southwest - | I1 - Business Industrial / Multi-unit Business Industrial building |
| West - | A1 - Agricultural 1 / Finns Rd., vacant lot with old Expo building |

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

This proposal is consistent with the "Industrial" designation of the Official Community Plan.

3.3.2 City of Kelowna Strategic Plan (1992)

"The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill and will provide for an increased density of development within established urban areas through re-development of areas which are in transition. Urban areas which are targeted include the Central City area with emphasis on the waterfront and north end, Rutland, and South Pandosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor."

3.3.3 Finns Road concept Development Plan

Finns Road concept Development Plan identifies the subject property as future Industrial Business land use.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments as part of the application to rezone. There has been a servicing agreement based on those requirements.

The following comments were made by the Work and Utilities department in regards to the Development Variance Permit application;

- a) Requirements of the rezoning application no. Z01-1015 must be satisfied before approval of this application.
- b) The variance permit application to reduce the building setback from the property lines does not compromise Works and Utilities requirements.

Revised comments dated May 30, 2001 For Z01-1015;

Should the developer be able to provide access and parking on the subject property that meets current standards and without trespassing over the adjacent property then the registration of a cross-access agreement is not required.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department supports the proposed development as a suitable form of industrial development upon the subject property. Owing to the unique shape and location of the subject property, it makes sense to develop this site in conjunction with the adjacent property to the south west.

The variance for the minimum lot area from the 4,000 m² lot area required down to 1,477 m² proposed is considered supportable as the lot already exists. The need for this variance would not be required if the subject property were consolidated with the property to the west. However, the applicant does not wish to consolidate. Regardless of consolidation, the proposed development will appear to be one comprehensive development when complete. The variance for a 0.0m setback from the adjacent agricultural zone land is also considered supportable as the future land use for the property to the east property is Commercial for that area in the vicinity of the proposed building construction. When the property to the east becomes zoned commercial, the zoning bylaw permits a 0.0 m building setback for the east side yard.

The outstanding issues from the Rezoning application regarding the Servicing Agreement have been addressed.

In light of the above, the Planning and Development Services Department supports this application, and recommends for Council's positive consideration.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

PMc/pmc
Attach.

FACT SHEET

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|---|--|
| 1. APPLICATION NO.: | DVP01-10,010 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | Jag Ventures Ltd. (inc. no. 507857) |
| . ADDRESS | 575 Rifle Road |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1V 2H2 |
| 4. APPLICANT/CONTACT PERSON: | Jag Ventures Ltd. / Ray Gagnon |
| . ADDRESS | 575 Rifle Road |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1V 2H2 |
| . TELEPHONE/FAX NO.: | 212-4553/762-5231 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | March 5, 2001 |
| Date Application Complete: | March 9, 2001 |
| Servicing Agreement Forwarded to Applicant: | May 2, 2001 |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | May 22, 2001 |
| 6. LEGAL DESCRIPTION: | Lot 1, Sec. 34, Twp. 26, O.D.Y.D.,
Plan 16944 |
| 7. SITE LOCATION: | East side of Finns Road, south of
Fitzpatrick Road |
| 8. CIVIC ADDRESS: | 809 Finns Road |
| 9. AREA OF SUBJECT PROPERTY: | 1,477 m ² |
| 10. TYPE OF DEVELOPMENT PERMIT AREA | N/A |
| 11. EXISTING ZONE CATEGORY: | A1 – Agriculture 1 |
| 12. PROPOSED ZONE: | I1 – Business Industrial |
| 13. PURPOSE OF THE APPLICATION: | To Rezone The Subject Property To
Permit The Construction Of A New
926.7 M ² Building For Business
Industrial Uses |

- | | |
|--|---|
| 14. DEVELOPMENT VARIANCE PERMIT
VARIANCES: | <p>Variances to the following sections of Zoning Bylaw No. 8000 be granted:</p> <p>Section 15.1.4(c) Subdivision Regulations, be varied from the minimum lot area of 4,000 m² required to the existing lot area of 1,477 m²;</p> <p>Section 15.1.5 (d) Development Regulations be varied from the 6.0 m setback required to 0.0 m setback proposed.</p> |
| 15. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | 2-81-19148/19149 |
| 16. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

Attachments

Subject Property Map

4 pages of site elevations / diagrams