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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** October 16, 2001  
**File No.:** DP00-10,064/DVP01-10,054  
(3360-20)

**To:** City Manager

**From:** Planning & Development Services Department

**Purpose:** To vary the minimum lot width requirement of the C10 zone and to obtain a Development Permit in order to facilitate the proposed automotive sales use

**Owner:** T172 Enterprises Ltd.      **Applicant/Contact Person:** Jim Langley

**At:** 2678 Highway 97

**Existing OCP Designation:** Industrial      **Proposed OCP Designation:** Commercial

**Existing Zone:** A1 – Agriculture One      **Proposed Zone:** C10 – Service Commercial

**Report Prepared by:** Shelley Gambacort

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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### 1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 8716 be considered by the Municipal Council;

AND THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,064; T172 Enterprises Ltd.; for Lot 2, District Lot 125, ODYD, Plan 7319 except Plan 12318, located on Highway 97, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,054; T172 Enterprises Ltd.; for Lot 2, District Lot 125, ODYD, Plan 7319 except Plan 12318, located on Highway 97, Kelowna, BC,

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

Section 14.10.4(a) – The C10 – Service Commercial minimum lot width requirement be varied to allow for a minimum lot width of 31.52 m. This is a variance of 8.48 m from the required 40 m minimum lot width.

## 2.0 SUMMARY

Final adoption of the zone amending bylaw was being withheld pending approval from the Ministry of Transportation. As we are now in receipt of the signed and approved certified copies of the zone amending bylaw it is now in order for Council to consider final adoption of the bylaw.

The Development Permit application addresses the exterior renovations proposed to the existing building on-site that the applicant is proposing to renovate for the automotive sales use. The concurrent Development Variance Permit application is necessary in order to vary the minimum lot width requirement of the C10 – Service Commercial zone. The C10 minimum lot width requirement is 40 m and the existing lot width is 31.52 m resulting in a lot width variance requirement of 8.48 m.

### 2.1 Advisory Planning Commission

The above-noted applications were reviewed by the Advisory Planning Commission at their meeting of September 5, 2000 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP00-10,064 by Porter Ramsay (Tom Smithwick), for property described as Lot 2, Plan 7319, Secs. 27, Twp. 26, ODYD; 2678 Hwy 97 N subject to having maintained landscaping out to the edge of the property and to the provision of a right in, right out turning lane.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant is proposing an automotive sales use on the subject parcel in accordance with the requested C10 – Service Commercial zone.

There is an existing single family dwelling on the subject property, which is to be renovated to accommodate the automotive sales office. The exterior finish proposed will consist of dark sage, light sage and medium canyon brush coloured stucco, hunter green coloured trim and windows with aspen gray coloured asphalt roofing. Larger windows and a glass door will replace the existing front windows and door. The entranceway will be extended creating a covered archway and the existing carport will be extended the full length of the budding with an arched entranceway off the front of the building. The automotive display area is proposed between the building and the highway and a fenced storage compound is proposed for the rear of the property. Employee parking is proposed at the rear of the building.

The existing access point off of Highway 97 is proposed to be utilized for the site at this time with alternate access arrangements being made in accordance with the Ministry of Transportation comments noted under Section 4.1 of this report.

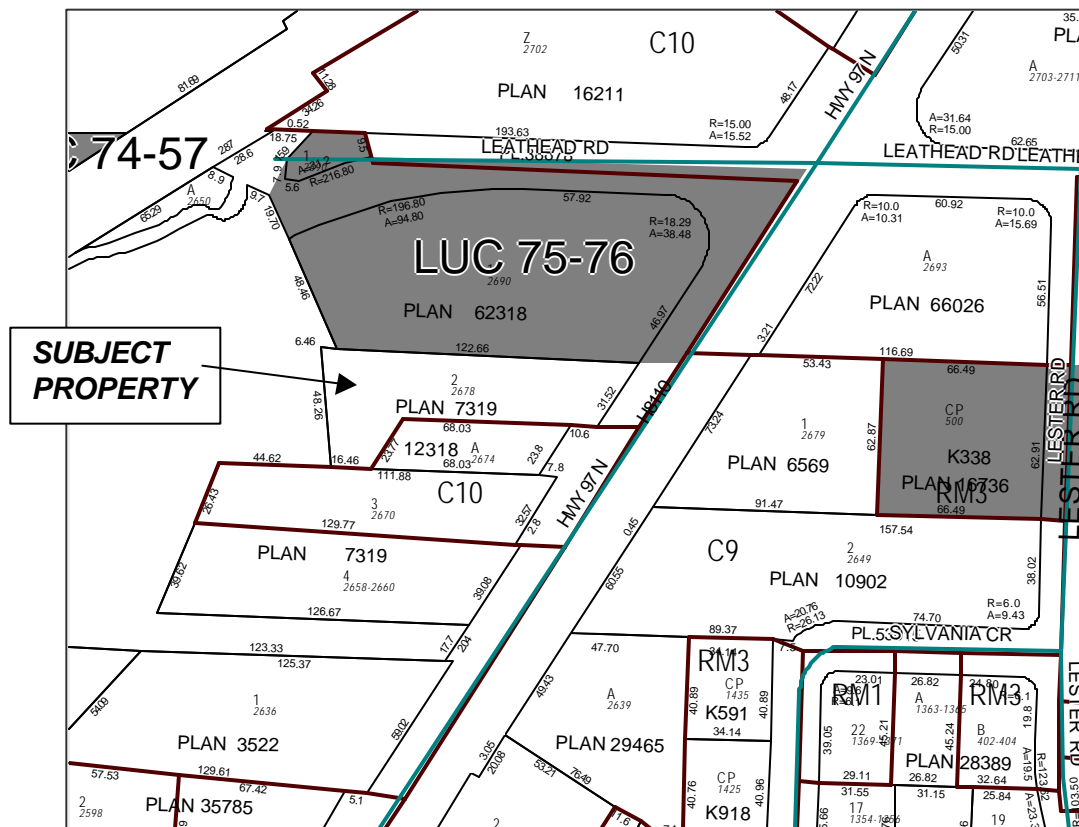
CRITERIA	PROPOSAL	C10 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	3690.86	1000
Site Width (m)	31.52 <sup>a</sup>	40
Site Depth (m)	~110.	30

Site Coverage (%)	6.15	40
Total Floor Area (m²)	.276.5	2551.6
F.A.R.	.075	0.65
Storeys (#)	3.66 m/1 storey	12 m / 3 storeys
Setbacks (m)		
- Front	35.97	2.0
- Rear	63.7	0.0
- North Side	2.9	0.0
- South Side	7.62	0.0
Parking Stalls (#)	5 plus 12 display stalls	6
Loading Stalls (#)	None shown	1

① - Development Variance Permit is required for site width

### 3.2 Site Context

The subject property is located on the west side of Highway 97 as shown on the Map below.



Adjacent zones and uses are, to the:

- North - Land Use Contract; Automotive sales (Scott Plymouth Chrysler)  
 East - C9 – Tourist Commercial; motels  
 South - C10 – Service Commercial; automotive sales (Anthony's Suzuki)  
 West - A1 – Agriculture; undeveloped (under application for rezoning to commercial/industrial)

### 3.4 Current Development Policy

#### 3.4.1 City of Kelowna Strategic Plan (1992)

The proposed OCP amendment and rezoning are in keeping with the objectives of the Strategic Plan.

#### 3.4.2 Kelowna Official Community Plan (1994-2013)

The current OCP designation of the subject property is Industrial. However, the Draft OCP (2020) is proposing to designate the future land use of the subject property as commercial to reflect the existing land uses and to encourage redevelopment.

### 4.0 TECHNICAL COMMENTS

#### 4.1 Ministry of Transportation

We have completed our review and the Ministry has no objection to this proposal subject to the following:

1. Highway 97 must be dedicated 23 meters from existing mean centerline.
2. A 10 meter wide reciprocal access easement must be registered against this property to provide for future alternate access to Lot A, Plan 12318. The easement should be located along the south boundary of the westerly portion of Lot 2. The easement is to be registered as a charge in priority over all other charges except the restrictive covenant required by clause 3.
3. A covenant must be registered against the title, in priority over all other charges, stating that once alternate access becomes available to this property via frontage on a public road OR any other form of access mutually agreeable to both the property owner and the Ministry of Transportation, all access to Highway 97 will be removed immediately at the owners expense.
4. Application for temporary right in/right out only access to Highway 97 must be submitted to this office. Once the site plan is approved a permit will be issued specifying "car sales lot" use only. The permit will also address the condition of removal once alternate access is available as specified in clause 3 above.
5. Site plan is to be amended to provide for future rear access to the 10 meter wide reciprocal access easement proposed over the future Lot 12 under your file Z99-1002. Reference our discussions on September 14, 2000.
6. A minimum of 30 meters of magazine storage at the temporary Highway access is to be provided from the ultimate property line (after Highway dedication has been achieved).
7. Site plan is to be amended to provide for customer parking and demonstrate how vehicles for sale will be delivered and off loaded at this site.

#### 4.2 Park Manager

- The areas along the fence line closest to the building could get a few more trees for shade (columnar variety).
- It would be easier to maintain the sod if the shrub bed was closer adjacent to the parking and all the sod between the shrub bed and highway.

- Suggest using one or two other types of shrubs as opposed to 44 of the same one.
- As long as the landscaping is properly irrigated the Oak trees should be okay. Three are shown on the drawing, not two as shown in the plant list.

Note: All other technical comments addressed through the Rezoning Application No. Z00-1042.

#### 5.0 PLANNING COMMENTS

The Planning & Development Services Department has no objections to the requested Development Variance Permit and Development Permit applications as the proposed use is consistent with existing adjacent uses.

Andrew Bruce  
Current Planning Manager

Approved for inclusion

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

AB/SG/sg

Attachment

**FACT SHEET**

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|--|---|
| 1. APPLICATION NO.:  | DP00-10,064/DVP01-10,054  |
| 2. APPLICATION TYPE:   | Development Permit & Development Variance Permit  |
| 3. OWNER:<br>· ADDRESS<br>· CITY/ POSTAL CODE  | T172 Enterprises Ltd.<br>2035 Bridgeview Road<br>Kelowna, BC V1Z 2N4  |
| 4. APPLICANT/CONTACT PERSON:<br>· ADDRESS<br>· CITY/ POSTAL CODE:<br>· TELEPHONE/FAX NO.:                | Jim Langley<br>1980 Cooper Road<br>Kelowna, BC V1Y 9G8<br>212-0776/860-0016   |
| 5. APPLICATION PROGRESS:<br>Date of Application:<br>Staff Report to Council:                             | August 15, 2000<br>July 23, 2001  |
| 6. LEGAL DESCRIPTION:  | Lot 2, DL 125, ODYD, Plan 7319 except Plan 12318  |
| 7. SITE LOCATION:  | West side of Highway 97, 80 metres south of Leathead Road   |
| 8. CIVIC ADDRESS:  | 2678 Highway 97   |
| 9. AREA OF SUBJECT PROPERTY:   | 3690.86 m <sup>2</sup>  |
| 10. AREA OF PROPOSED REZONING:   | 3690.86 m <sup>2</sup>  |
| 11. EXISTING ZONE CATEGORY:  | A1 – Agriculture 1  |
| 12. PROPOSED ZONE:   | C10 – Service Commercial  |
| 13. PURPOSE OF THE APPLICATION:  | To vary the minimum lot width requirement of the C10 zone and to obtain a Development Permit in order to facilitate the proposed automotive sales use |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:<br>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | 02-081-18853/54   |
| 15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS   | Not applicable  |

**Attachments**

*(Not attached to the electronic copy of the report)*

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Location Map  
Site Plan  
Exterior Elevations  
Landscape Plan