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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** August 5, 2004  
**File No.:** DVP03-0181  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Subject:**

**APPLICATION NO.** DVP03-0181      **OWNER:** Kelowna General Hospital  
Foundation Inc.

**AT:** 140 Dougall Rd.      **APPLICANT:** Kelowna General Hospital  
Foundation Inc.

**PURPOSE:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO WAIVE THE  
REQUIREMENTS TO COMPLETE FRONTAGE AND LANE IMPROVEMENTS,  
AND TO ALLOW THREE (3) PARKING STALLS WHERE NINE (9) ARE  
REQUIRED.

**EXISTING ZONE:** C4 – Urban Centre Commercial

**REPORT PREPARED BY:** NELSON WIGHT

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0      RECOMMENDATION**

THAT Council NOT authorize the issuance of Development Variance Permit No. 03-0181, Lot 4, Sec. 26 Twp. 26 ODYD, Plan 5494, located at 140 Dougall Road, Kelowna, B.C:

AND THAT a variance to the following section of the Subdivision, Development, and Servicing Bylaw No. 7900 NOT be granted:

Section 9.3 – Required Works and Services

Vary the requirement to complete frontage and lane improvements directly attributable to the development, such that they not be required.

AND THAT a variance to the following sections of Zoning Bylaw No. 8000 NOT be granted:

Section 8.1.2 – Number of Off-Street Vehicle Parking Spaces

Vary the number of spaces required, allowing three (3) parking stalls where nine (9) are required.

**2.0      SUMMARY**

The Applicant is proposing an addition to the old Miller-Wyatt building, located at 140 Dougall Road in Rutland, in order to accommodate a new business occupant. The proposed addition is intended to meet the needs of the KGH Foundation thrift store, which is to be relocated to this building when construction is complete. The Applicant has provided bonding for frontage improvements and lane upgrades, and has also provided cash-in-lieu of parking required for the site, in order that they could begin construction. However, this application seeks to have this

money returned to the Owner, thereby placing the development cost burden on the general taxpayer, as opposed to this one developer.

In essence, this application seeks to have waived (a) the requirements for frontage/lane improvements and (b) the requirement for cash-in-lieu of parking.

### 3.0 BACKGROUND

#### 3.1 **The Proposal**

DP03-0180 was previously issued on May 12, 2004. This permit allows the Applicant to proceed to the Building Permit stage in order that they may begin construction. This Development Variance Permit application addresses only the issue of the frontage/lane improvements, and the cash-in-lieu for parking requirements. The Applicant is requesting that the City cover these development costs.

The application meets the requirements of the C4 – Urban Centre Commercial zone as follows:

| CRITERIA                  | PROPOSAL  | C4 ZONE REQUIREMENTS   |
|---------------------------|---|--|
| Site Area                 | 688 m <sup>2</sup>  | min. 460 m <sup>2</sup>  |
| Lot Width                 | 15.24 m   | min. 13.0 m  |
| Lot Depth                 | 36.6 m  | min. 30.0 m  |
| Site Coverage             | 68%   | max. 75.0%   |
| Total Floor Area          | 697 m <sup>2</sup>  | n/a  |
| F.A.R.                    | 1.0   | max. 1.0   |
| Height                    | 7.9 m, 2-storey   | max. 15.0 m or 4   |
| <b>SETBACKS</b>           |   |  |
| Front                     | 0.0 m   | 0.0 m  |
| Side (north)              | 0.0 m   | 0.0 m  |
| Side (south)              | 0.0 m   | 0.0 m  |
| Rear                      | 11.6 m  | 0.0 m  |
| <b>OTHER REQUIREMENTS</b> |   |  |
| Setback to parking        | meets requirements  | Where a lane is used for aisle access, the parking spaces shall be increased a minimum of 1.2 m in length  |
| Parking Stalls (#)        | 3 stalls<br>(Cash-in-lieu for remaining 6 stalls previously provided) ❶                             | 1.3 per 100 m <sup>2</sup> G.F.A.<br>(9 stalls)  |
| Bicycle Stalls (#)        | Class I: to be accommodated within the building as required by tenant;<br>Class II: <b>5 stalls</b> | Class I: 0.2 per 100 m <sup>2</sup> GLA ;<br>or 1 per 10 employees<br><b>min. 2 stalls</b><br>Class II: 0.6 per 100 m <sup>2</sup> GLA<br><b>min. 5 stalls</b> |
| Loading Stalls (#)        | 1 stall<br>3.7 m x 9.1 m = 28 m <sup>2</sup>  | 1 stall per 1900 m <sup>2</sup> GFA<br>min. 3.0 m wide, 28m <sup>2</sup> in area   |

❶ The Applicant is requesting that the parking requirement for this development be varied from nine (9) stalls required to three (3) stalls proposed, and that the City refund the \$18,000 previously provided.

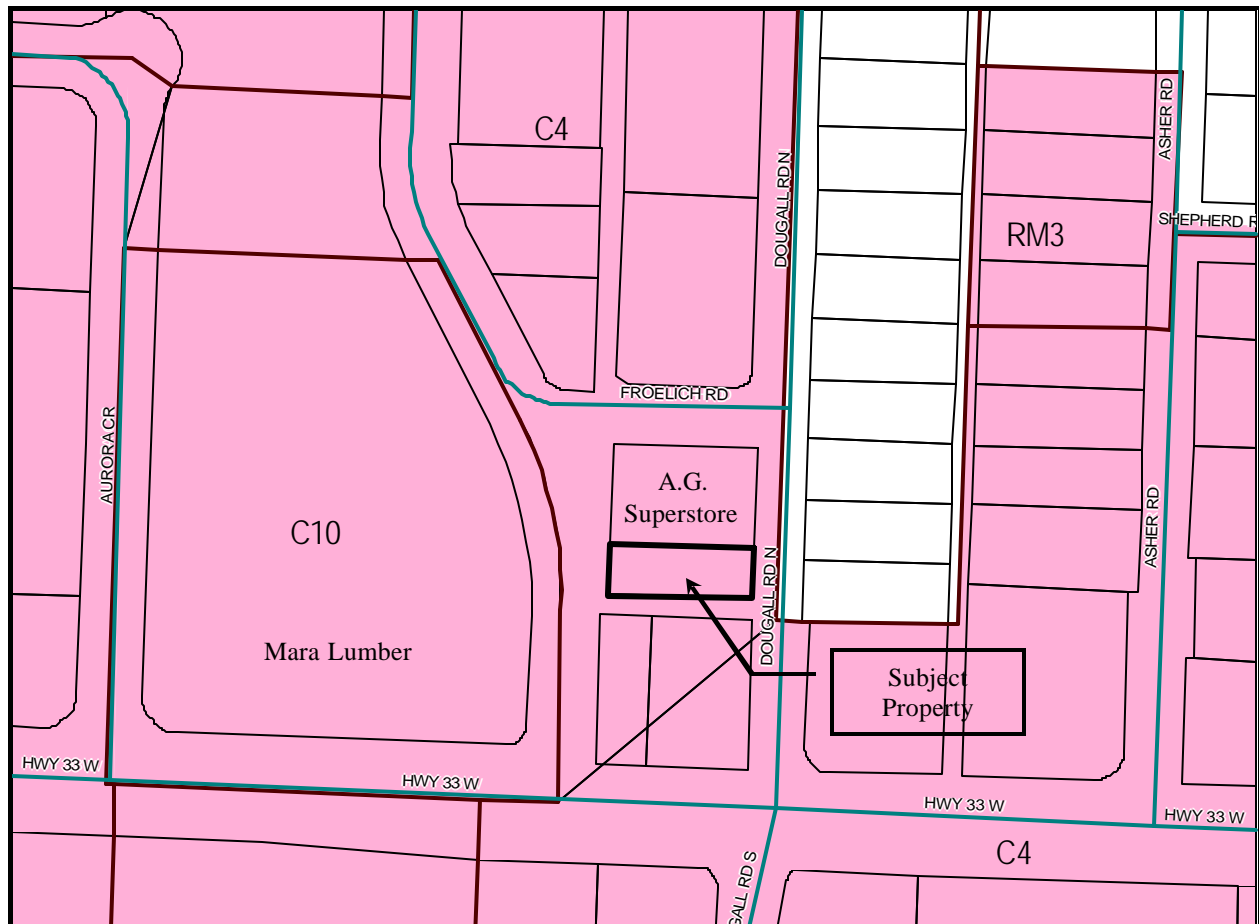
### 3.2 Site Context

The subject property is located in Rutland Urban Centre commercial area, north of Hwy 33, on Dougall Road. The existing uses on adjacent properties are predominantly commercial in nature, with the C7 – Central Business Commercial zone most common. More specifically, the adjacent land uses are as follows:

|       |                              |
|-------|------------------------------|
| North | C4 – Urban Centre Commercial |
| East  | RU1 – Large Lot Residential  |
|       | C4 – Urban Centre Commercial |
| South | C4 – Urban Centre Commercial |
| West  | C10 – Service Commercial     |

### 3.2 Site Map

Subject Property: 140 Dougall Road



### 3.3 Development Potential

The property is zoned C4 – Urban Centre Commercial. The purpose of this zone is to provide for the development of community commercial centres to serve more than one neighbourhood. The intended use of this property as a “used goods store” is listed as a principle use within this zone.

### 3.4 **Current Development Policy**

#### 3.4.2 Subdivision, Development & Servicing Bylaw No. 7900

##### Section 9.3 – Required Works and Services:

- (a) The Owner shall design and construct such Works and Services as are required by the City, which are:
  - (ii) in the case of a Development via Building Permit:
    - all onsite Works and Services, insofar as their requirement is directly attributable to the Development; and;
    - all offsite Works and Services on that portion of a highway(s) immediately adjacent to the site, up to the centre line of that adjacent highway(s), insofar as their requirement is directly attributable to the Development.

#### 3.4.3 Payment in Lieu of Parking Bylaw No. 8125

##### Enactment #3:

- An owner or occupier of a parcel of land within an Urban Town Centre, in respect of which off-street parking facilities are required under the City of Kelowna Zoning Bylaw, 1976, No. 4500, as amended or replaced from time to time, may, in lieu of providing the required off-street parking spaces, pay to the City a sum as set out in **Schedule “A”** of this bylaw for all or any portion of the required number of off-street parking spaces. Incorporate Commercial and Multiple Family Design guidelines into the Sector Plan and the OCP, as the blueprint for managing the future urban form and character of the Rutland community.

##### **Schedule “A”** detail:

Rutland Urban Town Centre: \$3,000.00 per off-street parking space

### 4.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

In consideration of this request to have the City subsidize this development through payment of these aforementioned development costs, Staff has detailed the following issues that may have a bearing in this matter:

#### **Parking**

The landowner to the north has raised objections to this proposed development, citing unauthorized use of his parking lot as the main concern (see letter attached to this report). It is alleged that the A.G. Superstore parking lot is used for parking by non-patrons, as well as it being used for traffic short-cutting from the lane, in an easterly direction to Dougall Road. This landowner fears that increased development on this site, coupled with a reduction in parking will only exacerbate the illegal use of his parking lot.

Staff has been working with the owner of the A.G. Superstore site, proposing measures to mitigate the short-cutting and illegal use of this parking lot. However, it is recognized that this development will necessitate an increased use of available street parking.

#### **Lane**

In discussions with the Applicant, it was noted that the lane located to the south of the subject property could be considered redundant, and may be closed. Consequently, Staff suggested that the Applicant consider initiating a road closure application.

In March of this year, the Applicant initiated an application to close the lane. At this time, the Land Department is processing this application, having sent it out for circulation to adjacent landowners, and affected utility companies. It is anticipated that this lane closure application will proceed to Council for a decision on July 12<sup>th</sup>, 2004.

## Summary

In accordance with Section 9 of the Subdivision, Development and Servicing Bylaw No. 7900, Staff considers that the lane and frontage improvements identified, are directly attributable to this development. As such, the cost should be borne by the developer. However, should Council decide to close the lane, then there would be no need to complete lane improvements. As noted earlier in the report, the Applicant has provided bonding for these upgrades in the amount of \$12,300 for Dougall Road frontage upgrading, and \$18,000 for lane upgrading.

As a result of the inconsistencies with Zoning Bylaw No. 8000 and the Subdivision, Development, and Servicing Bylaw No. 7900, Staff cannot support this application. However, an alternate recommendation is provided below for Council's consideration.

### 5.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. 03-0181, Lot 4, Sec. 26 Twp. 26 ODYD, Plan 5494, located at 140 Dougall Road, Kelowna, B.C:

AND THAT a variance to the following section of the Subdivision, Development, and Servicing Bylaw No. 7900 be granted:

#### Section 9.3 – Required Works and Services

Vary the requirement to complete frontage and lane improvements directly attributable to the development, such that they not be required.

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

#### Section 8.1.2 – Number of Off-Street Vehicle Parking Spaces

Vary the number of spaces required, allowing three (3) parking stalls where nine (9) are required.

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Andrew Bruce  
Development Services Manager

Approved for inclusion   
R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Corporate Services

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### **FACT SHEET**

|  |   |
|--|---|
| <b>1. APPLICATION NO.:</b>   | DVP03-0181  |
| <b>2. APPLICATION TYPE:</b>  | Development Variance Permit   |
| <b>3. OWNER:</b>   | Kelowna General Hospital Foundation   |
| <b>ADDRESS</b>   | 2268 Pandosy Street   |
| <b>CITY</b>  | Kelowna, BC   |
| <b>POSTAL CODE</b>   | V1Y 1T2   |
| <b>4. APPLICANT/CONTACT PERSON:</b>  | Ben Lee<br>KGH Foundation Inc.  |
| <b>ADDRESS</b>   | 2268 Pandosy Street   |
| <b>CITY</b>  | Kelowna, BC   |
| <b>POSTAL CODE</b>   | V1Y 1T2   |
| <b>TELEPHONE/FAX NO.:</b>  | (250) 765-5979  |
| <b>5. APPLICATION PROGRESS:</b>  |   |
| <b>Date of Application:</b>  | December 19, 2003   |
| <b>Date Application Complete:</b>  | March 26, 2004  |
| <b>Servicing Agreement Forwarded to</b>  | N/A   |
| <b>Servicing Agreement Concluded:</b>  | N/A   |
| <b>Staff Report to APC:</b>  | May 31, 2004  |
| <b>Staff Report to Council:</b>  | July 7, 2004  |
| <b>6. LEGAL DESCRIPTION:</b>   | Lot 4, ODYD, Sec. 26 Twp. 26 Plan 5494  |
| <b>7. SITE LOCATION:</b>   | The subject property is located in the Rutland Town Centre commercial area, north of Hwy 33 on Dougall Road.  |
| <b>8. CIVIC ADDRESS:</b>   | 140 Dougall Road, Kelowna, BC   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  | 688 m <sup>2</sup>  |
| <b>10. EXISTING ZONE CATEGORY:</b>   | C4 – Urban Centre Commercial  |
| <b>11. TYPE OF DEVELOPMENT PERMIT AREA:</b>  | Commercial DP   |
| <b>13. PURPOSE OF THE APPLICATION:</b>   | TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO WAIVE THE REQUIREMENTS TO COMPLETE FRONTAGE AND LANE IMPROVEMENTS, AND TO ALLOW THREE (3) PARKING STALLS WHERE NINE (9) ARE REQUIRED |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b><br><b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> | n/a   |
| <b>15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>  | Commercial DP   |

### **ATTACHMENTS**

(not attached to the electronic version of the report)

- Location of subject property
- State of Title
- Floor Plan
- Elevations