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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** August 17, 2004  
**File No.:** (3090-20) **DVP01-10,055**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

DEVELOPMENT VARIANCE PERMIT      OWNER:      MR. B.W. & MRS. M.E.  
APPLICATION NO. DVP01-10,055      DROSDOVECH

AT:    1561 SUTHERLAND AVE      APPLICANT: AS ABOVE

PURPOSE:      TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY  
THE OFF-STREET PARKING FROM 16 STALLS REQUIRED TO  
15 STALLS PROPOSED

EXISTING ZONE:    RU1 – LARGE LOT HOUSING

PROPOSED ZONE: C3 – COMMUNITY COMMERCIAL

REPORT PREPARED BY:    PAUL McVEY

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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. 8726 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP01-10,055; Lot 7, DL 141, O.D.Y.D., Plan 3736 Exc. Plan Kap75685, located on Sutherland Avenue, Kelowna, B.C.;

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

Vary Section 8.1 – Parking Schedule, for Animal Clinics – Major & Minor from 5.0 stalls per 100 m<sup>2</sup> (16) required to 4.6 stalls per 100 m<sup>2</sup> (15 stalls) provided.

**2.0    SUMMARY**

The original applicant has made application to rezone the subject property to the C3 – Community Commercial zone to permit the use of the property for commercial uses. The current owners purchased this lot in March 2003. This rezoning application is currently at 3<sup>rd</sup> reading pending the registration of a plan of subdivision for required lane widening, and Council's consideration of a DVP to vary the off-street parking requirements from the 16 stalls required to the 15 stalls proposed to be provided. Now

that these outstanding issues have been addressed, it is now appropriate for Council to consider final adoption of the zone amending bylaw.

## 2.1 Advisory Planning Commission

The Advisory Planning Commission reviewed the associated rezoning application Z00-1052 at the meeting of December 5, 2000, and the following recommendation was passed:

That the Advisory Planning Commission supports Rezoning Application No. Z00-1052, by Red & Gold Properties (the owner of the day) 1561 Sutherland Avenue

NOTE: The above recommendation relates to the original proposal to rezone the property from the RU1 to the C3 zone and keep the original house. The APC was notified of the proposed changes to construct a new building and they had no concerns with the proposed development.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant has made application to rezone the subject property to the C3 – Community Commercial zone to permit the use of the property for commercial uses, and proposes to construct a 320 m<sup>2</sup> office building. This rezoning application is currently at 3<sup>rd</sup> reading pending the registration of a plan of subdivision for required lane widening, and Council's consideration of a DVP to vary the off-street parking requirements from the 16 stalls required to the 15 stalls proposed to be provided.

As the plan of subdivision has been registered, it is now appropriate for the zone amending bylaw to be considered by Council for adoption, and the associated Development Variance Permit for required parking to be considered by Council.

The one storey building is designed to be located in the centre of the lot with off-street parking located in both the front and the rear of the proposed building. The applicant wishes to be able to lease or sell space in the proposed building for use as either a health care or an animal clinic business. For a building this size, the required off-street parking calculates out at 16 parking stalls. However, the proposed site layout can only accommodate 15 parking stalls. Since the subject property is not located in an urban town centre, there is no opportunity to pay cash in lieu of required parking, so it has been necessary for the applicant to make application to vary the parking requirements for this application.

The front yard is designed with a 3 m wide landscape buffer, which is interrupted by a driveway. 4 regular sized, 5 small car sized and 1 handicapped accessible parking stalls are located in the front of the proposed building. In addition, there will be required bicycle parking provided adjacent to the main building entrance.

There are an additional 5 parking stalls and 1 loading stall located at the rear of the proposed building. The applicant has dedicated the required lane widening.

The main access to the building is from the front yard. There is also an additional rear entrance from the rear parking and loading area. The front elevation includes some dormer roof elements to break up the massing of the roof area. The building is proposed to be finished with a blend of earth tone colours.

However, please note that the subject property is not located in a mandatory development permit area, and that this application is for a Development Variance Permit to vary the amount of off-street parking for this site.

The proposal as compared to the C3 zone requirements is as follows:

CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	836.1 m <sup>2</sup>	460m <sup>2</sup>
Site Width	18.3m	13.0m
Site Coverage (%)	40%	50%
Lot Depth	45.7m	30.0m
Total Floor Area (m <sup>2</sup> )	320 m <sup>2</sup>	803 m <sup>2</sup> @ FAR = 1.0
F.A.R.	0.40	FAR = 1.0 (max)
Storeys (#)	1 Storey (5.0m)	4 Storeys (15 m) max
Setbacks (m)		
- Front	17.1 m	3.0m min.
- Rear	7.2 m	0.0m min.
- West Side	0.15 m	0.0m min.
- East Side	0.15 m	0.0m min
Parking Stalls (#)	15 stalls provided ❶	5.0 per 100 m <sup>2</sup> = 16 stalls req'd
Loading Stalls (#)	1 stall provided	1 stall per 1,900 m <sup>2</sup>

Notes.

❶ Variance to reduce number of parking stalls from 16 required to 15 provided

### 3.2 Site Context

The property is located on the south side of Sutherland Ave, between Burtch Road and Harvey Avenue. The subject property is the last property to redevelop to a commercial use on this block. The adjacent properties have been developed with commercial uses, while there are existing residential uses located across the lane to the south.

The adjacent zone uses are as follows:

North - C3 – Community Commercial – Mill Creek  
 East - C3 – Community Commercial – Health Services  
 South - RU1 – Large Lot Housing – Single Detached housing  
 West - C3 – Community Commercial – Retail and Office uses

SUBJECT PROPERTY MAP

and north end, Rutland, and South Pandosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor.”

#### 4.0 TECHNICAL COMMENTS

The technical requirements of this application have been addressed through the associated rezoning application.

There are no additional requirements associated with the Development Variance Permit application.

#### 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The associated application for rezoning has been held at 3<sup>rd</sup> reading, pending registration of the plan of subdivision for the widening of the lane at the rear of the subject property.

Now that the lane widening has been registered, it is now appropriate for Council to consider final adoption of the zone amending bylaw, and consideration of the Development Variance Permit application to vary the off-street parking from the 16 stalls required to the 15 stalls proposed. It is interesting to note, that the subject property is not located in a mandatory Development Permit area, so that this application for redevelopment will not address form and character of the proposed construction.

The variance that is under application has been identified as the applicant has considered an animal clinic related use for the proposed building, which requires parking at a rate of 5.0 stalls per 100m<sup>2</sup> of Gross Floor Area. If the building was to be used for other uses permitted in the C2 zone, the parking rate could be reduced to 2.2 stalls per 100m<sup>2</sup> of Gross Floor Area or 3.0 stalls per 100m<sup>2</sup> of Gross Floor Area, which would calculate out to a required off-street parking of 8 stalls to 10 stalls required, which would not require a variance.

In light of the above, the Planning and Corporate Services Department supports this application, and recommends for positive consideration by Council.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning and Corporate Services

PMc/pmc  
Attach.

**FACT SHEET**

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. APPLICATION NO.:</b>                                                                                                                                                                                                                                          | DVP01-10,055                                                                                                                                                                                       |
| <b>2. APPLICATION TYPE:</b>                                                                                                                                                                                                                                         | Rezoning                                                                                                                                                                                           |
| <b>3. OWNER:</b> <ul style="list-style-type: none"><li>• ADDRESS</li><li>• CITY</li><li>• POSTAL CODE</li></ul>                                                                                                                                                     | Mr. B.W. & Mrs. M.E. Drosdovech<br>860 Camelia Rd.<br>Kelowna, BC<br>V1X 3N1                                                                                                                       |
| <b>4. APPLICANT/CONTACT PERSON:</b> <ul style="list-style-type: none"><li>• ADDRESS</li><li>• CITY</li><li>• POSTAL CODE</li><li>• TELEPHONE/FAX NO.:</li></ul>                                                                                                     | Mr. B.W. & Mrs. M.E. Drosdovech<br>860 Camelia Rd.<br>Kelowna, BC<br>V1X 3N1<br>862-2727/862-2787                                                                                                  |
| <b>5. APPLICATION PROGRESS:</b> <ul style="list-style-type: none"><li>Date of Application:</li><li>Date Application Complete:</li><li>Servicing Agreement Forwarded to Applicant:</li><li>Servicing Agreement Concluded:</li><li>Staff Report to Council:</li></ul> | October 30, 2000<br><br><br><br>August 17, 2004                                                                                                                                                    |
| <b>6. LEGAL DESCRIPTION:</b>                                                                                                                                                                                                                                        | Lot 7, DL 141, O.D.Y.D., Plan 3736<br>Exc. Plan Kap75685                                                                                                                                           |
| <b>7. SITE LOCATION:</b>                                                                                                                                                                                                                                            | South Side of Sutherland Ave,<br>between Burtch Rd and HWY 97                                                                                                                                      |
| <b>8. CIVIC ADDRESS:</b>                                                                                                                                                                                                                                            | 1561 Sutherland Ave.                                                                                                                                                                               |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                                                                                                                                                                                                                                 | 836 m <sup>2</sup>                                                                                                                                                                                 |
| <b>10. AREA OF PROPOSED REZONING:</b>                                                                                                                                                                                                                               | 836 m <sup>2</sup>                                                                                                                                                                                 |
| <b>11. EXISTING ZONE CATEGORY:</b>                                                                                                                                                                                                                                  | RU1 – Large Lot Housing                                                                                                                                                                            |
| <b>12. PROPOSED ZONE:</b>                                                                                                                                                                                                                                           | C3 – Community Commercial                                                                                                                                                                          |
| <b>13. PURPOSE OF THE APPLICATION:</b>                                                                                                                                                                                                                              | To seek a development variance<br>permit to vary off-street parking from<br>16 stalls required to 15 stalls<br>proposed                                                                            |
| <b>14. DEVELOPMENT VARIANCE PERMIT<br/>VARIANCES:</b>                                                                                                                                                                                                               | Vary Section 8.1 – Parking Schedule,<br>for Animal Clinics – Major & Minor<br>from 5.0 stalls per 100 m <sup>2</sup> (16)<br>required to 4.6 stalls per 100 m <sup>2</sup> (15<br>stalls) provided |

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| <b>15. MIN. OF TRANS./HIGHWAYS FILES NO.:</b><br><b>NOTE: IF LANDS ARE WITHIN 800 m OF A</b><br><b>CONTROLLED ACCESS HIGHWAY</b> | 02-081-18957 |
| <b>16. DEVELOPMENT PERMIT MAP 13.2</b><br><b>IMPLICATIONS</b>                                                                    | N/A          |

Attachments

Subject Property Map  
5 pages of site plan, building elevations / diagrams