
**CITY OF KELOWNA
MEMORANDUM**

Date: May 17, 2005
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 IMPROVEMENTS, AND TO
ALLOW THREE (3) PARKING STALLS WHERE NINE (9) ARE REQUIRED.

EXISTING ZONE: C4 – Urban Centre Commercial

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP03-0181, 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 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 UPDATE

On August 10, 2004, Council passed the following resolution:

THAT further consideration of Development Variance Permit No. DVP03-0181 (KGH Foundation Inc. – 140 Dougall Road) be deferred pending a report back from Staff that deals with the issues raised regarding closure of the lane.

Since that time, Staff has initiated a road closure application. Once complete, the lane will be consolidated with the subject property, thereby eliminating a portion of the improvement costs attributable to this development.

The revised estimates for road improvements are as follows:

Dougall Road Frontage Improvements	\$12,300.00
Lane Upgrades	\$18,000.00
Total	\$12,300.00

The existing development still falls short of providing the required number of parking spaces. Therefore, the Applicant maintains their request to have the parking requirement varied, and the cash-in-lieu amount of \$18,000.00 returned. This amount was previously provided to the City in order to allow their project to go ahead.

3.0 SUMMARY

The Applicant has completed an addition to the old Miller-Wyatt building, located at 140 Dougall Road in Rutland, in order to accommodate the new location for the KGH Foundation Thrift Store. 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 improvements and (b) the requirement for cash-in-lieu of parking.

4.0 CURRENT DEVELOPMENT POLICY

4.1 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.

4.2 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

5.0 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.

Conclusion

In accordance with Section 9 of the Subdivision, Development and Servicing Bylaw No. 7900, Staff considers that the frontage improvements identified, are directly attributable to this development. As such, the cost should be borne by the developer.

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.

6.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0181, 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 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.

Andrew Bruce
Development Services Manager

Approved for inclusion ☐

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

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