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**CITY OF KELOWNA**

**MEMORANDUM**

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**DATE:** September 21, 2007  
**FILE NO.:** **DVP07-0135**

**TO:** City Manager

**FROM:** Planning & Development Services Department

DEVELOPMENT VARIANCE PERMIT      OWNER:      T 186 ENTERPRISES LTD.  
APPLICATION NO. DVP07-0135

AT:    1595 SUTHERLAND AVENUE      APPLICANT: MEIKLEJOHN ARCHITECT

PURPOSE:      TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY;  
                    • PARKING REGULATIONS TO PERMIT EXCESS AMOUNT  
   OF PARKING FROM 125% PERMITTED TO 421%  
   PROPOSED  
                    • SITE COVERAGE FROM 50% PERMITTED TO 80%  
   PROPOSED,  
                    • FRONT YARD SETBACK FROM 3.0 M REQUIRED TO 1.8M  
   PROPOSED

EXISTING ZONE:    C3 – COMMUNITY COMMERCIAL

REPORT PREPARED BY:    PAUL McVEY

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**1.0    RECOMMENDATION**

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP07-0135; Meiklejohn Architect; Lot B, DL 141, O.D.Y.D., Plan 26714, located on Sutherland Avenue, Kelowna, B.C.;

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

1. Section 8.1.2 **Off-Street Parking – Number of Stalls Required**; vary maximum number of stalls from 125% permitted to 421% proposed,
2. Section 14.3.5(b) **Development Regulations**; Vary site coverage from 50% permitted to 80% proposed,
3. Section 14.3.5(d) **Development Regulations**; Vary front yard from 3.0m required to 1.8m proposed

Subject to the registration of a plan of subdivision to consolidate the subject property with property to the east (Lot D, DL 141, O.D.Y.D., Plan 20443)

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued;

## 2.0 SUMMARY

The applicant is seeking a Development Variance Permit to vary the maximum site coverage from 50% permitted to 80% proposed, to reduce the front yard setback from the 3.0 m setback required in the C3 – Community Commercial zone, to the 1.8m setback proposed, and to vary the maximum amount of parking from the maximum of 125% of required parking permitted, to provision of 421% of required parking proposed.

### 2.1 Advisory Planning Commission

The above noted application (DVP07-0135) were reviewed by the Advisory Planning Commission at the meeting of July 3, 2007 and the following recommendation was passed:

**THAT** the Advisory Planning Commission support Development Variance Permit Application No. DVP07-0135, for 1595 Sutherland Avenue, Lot B, Plan 26714, Sec. 20, Twp. 26, ODYD, by Meiklejohn Arch. Inc. (J. Meiklejohn), to vary the maximum site coverage from 50% permitted to 80% proposed.

**THAT** the Advisory Planning Commission support Development Variance Permit Application No. DVP07-0135, for 1595 Sutherland Avenue, Lot B, Plan 26714, Sec. 20, Twp. 26, ODYD, by Meiklejohn Arch. Inc. (J. Meiklejohn), to obtain a Development Variance Permit to reduce the front yard setback from the 3.0 m setback required in the C3 – Community Commercial zone, to the 1.8m setback proposed.

**AND THAT** the Advisory Planning Commission support Development Variance Permit Application No. DVP07-0135, for 1595 Sutherland Avenue, Lot B, Plan 26714, Sec. 20, Twp. 26, ODYD, by Meiklejohn Arch. Inc. (J. Meiklejohn), to obtain a Development Variance Permit to vary the maximum amount of parking from the maximum of 125% of required parking permitted, to provision of 421% of required parking proposed.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant is proposing to develop the subject property with a 3 level parking structure located in the rear of the property adjacent to the lane, and a two storey commercial building fronting Sutherland Avenue. The lowest level of the parking structure will be accessed from the lane at the rear of the property, while the two upper levels of the parking structure will be accessed through the existing parking structure located on the property to the east (Landmark Centre). The two storey commercial space located adjacent to Sutherland Avenue is designed with a blend of wood timber framing and glazing to provide an increased level of pedestrian scale detail to the Sutherland Avenue frontage.

There is not a requirement for a Development Permit Application for this development application, as the subject property is not located within a mandatory Development Permit area.

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

CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	1467 m <sup>2</sup>	460 m <sup>2</sup> if lane
Site Width (m)	50 m	13 m
Site Coverage (%)	80 % ❶	50% buildings
Total Floor Area (m <sup>2</sup> ) (net)	632.5m <sup>2</sup>	
F.A.R. (net)	0.43	F.A.R. = 1.0 max
Storeys (#)	2 storeys (9.45m)	4 storeys or 15 m max
Setbacks (m)		
- Front	1.8 m ❷	3.0m min
- Rear	13 m	0.0 m, or 6.0m abutting a residential zone
- Side	0.0m	0.0 m min
- Side	0.0m	0.0 m min
Parking Stalls (#)	59 stalls provided ❸	18 stalls required

Parking calculations:

$$632.5 \text{ m}^2 @ 2.2 \text{ stalls} / 100 \text{ m}^2 = 14 \text{ stalls required}$$

$$14 \text{ stalls} \times 125\% = \textbf{18 stalls} \text{ max permitted}$$

Variances Required:

- ❶ Section 14.3.5(b) Development Regulations; Vary site coverage from 50% permitted to 80% proposed
- ❷ Section 14.3.5(d) Development Regulations; Vary front yard from 3.0m required to 1.8m proposed
- ❸ Section 8.1.2 Off-Street Parking – Number of Stalls Required; vary maximum number of stalls from 125% permitted to 421% proposed

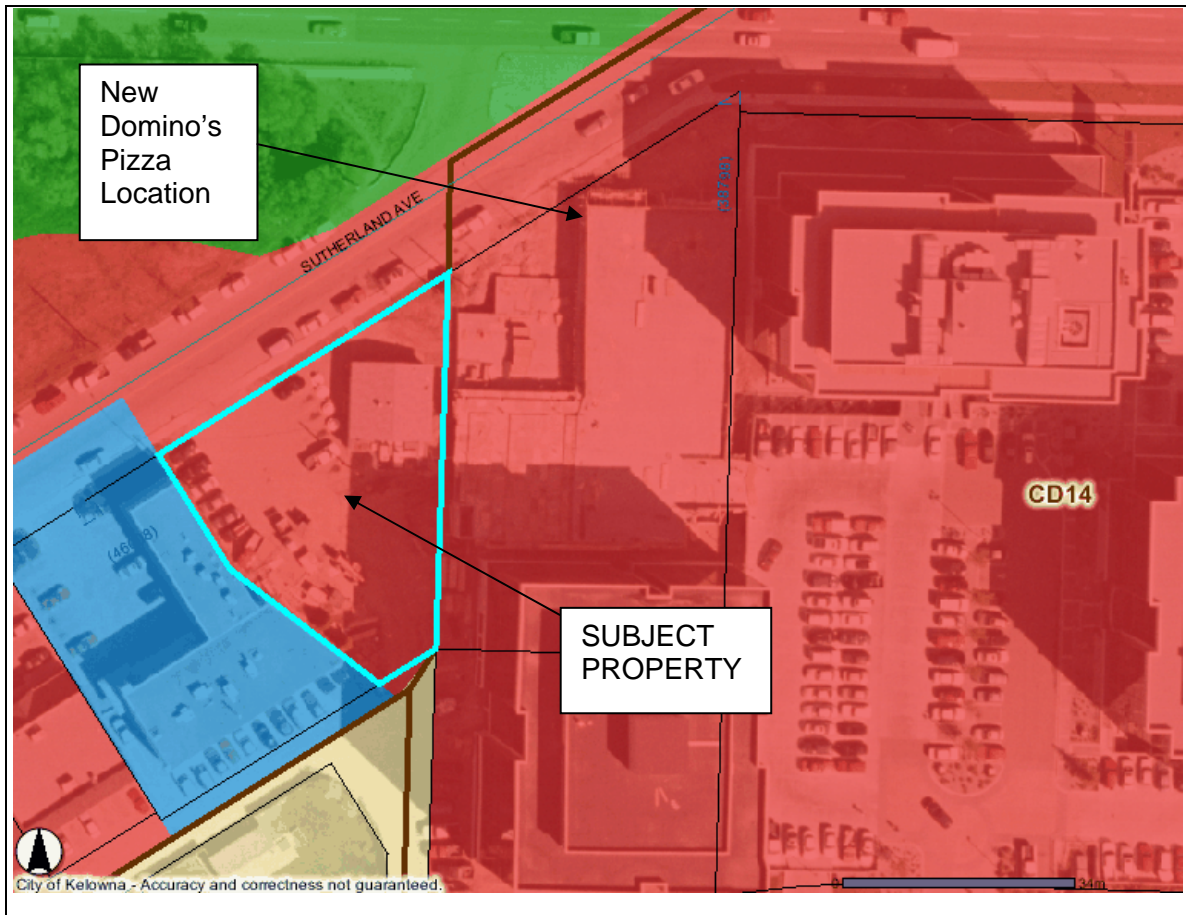
3.2 Site Context

The subject property is the current location of the Dominos Pizza restaurant, which is proposed to be relocated to a new location within the Landmark Centre parking structure to the north. The neighbourhood was developed in the late 1960's. The south side of Sutherland Avenue has been developed with a variety of commercial uses. The area is generally flat and level.

Adjacent zones and uses are, to the:

- North - C3 – Community Commercial - Sutherland Ave/Park
- East - CD14 – Comprehensive High Tech Business Campus
- South - RU6 – Two Dwelling Housing (Under application to RM5 zone)
- West - C3 – Community Commercial

## SUBJECT PROPERTY MAP



### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The Official Community Plan designates the subject properties “Single / Two Unit Residential” or “Commercial” future land use. The proposed use of the property is consistent with that designation.

### 3.3.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs

The City of Kelowna Strategic Plan 2004 also states as Goal 2;

“To foster a strong, stable and expanding economy “

The City of Kelowna Strategic Plan 2004 also states as Objectives for Goal 2;

1. Aid in the growth and progress of Kelowna as a desirable place to do business.
2. Aid in the growth and progress of Kelowna as a desirable place to visit, shop and tour.
3. Increase the diversity of employment opportunities.

## 4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and there are no servicing or other development related issues that cannot be adequately addressed.

## 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The proposed development appears to be a reasonable form of development for the property. The provision of an increased amount of off-street parking should improve the current situation where there is a lack of available on-street parking in the neighbourhood. While the existing development on the adjacent properties (Landmark Centre) meets the parking requirements of the City of Kelowna Zoning Bylaw, from a functional point of view, there is a demonstrated lack of available parking for the development in the area, which is having a negative impact on the local neighbourhood, and the availability of on-street parking.

The provision of commercial units at grade along Sutherland Avenue will create a visual buffer to the parking garage behind. As well, the commercial units will add to the vibrancy to the streetscape, and will add to the number of “eyes on the street “, which should have a positive impact on the inappropriate activities that occur in the park across the street from the subject property.

The Planning and Development Services Department supports this application, and recommends for positive consideration by Council.

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Shelley Gambacort  
Current Planning Supervisor

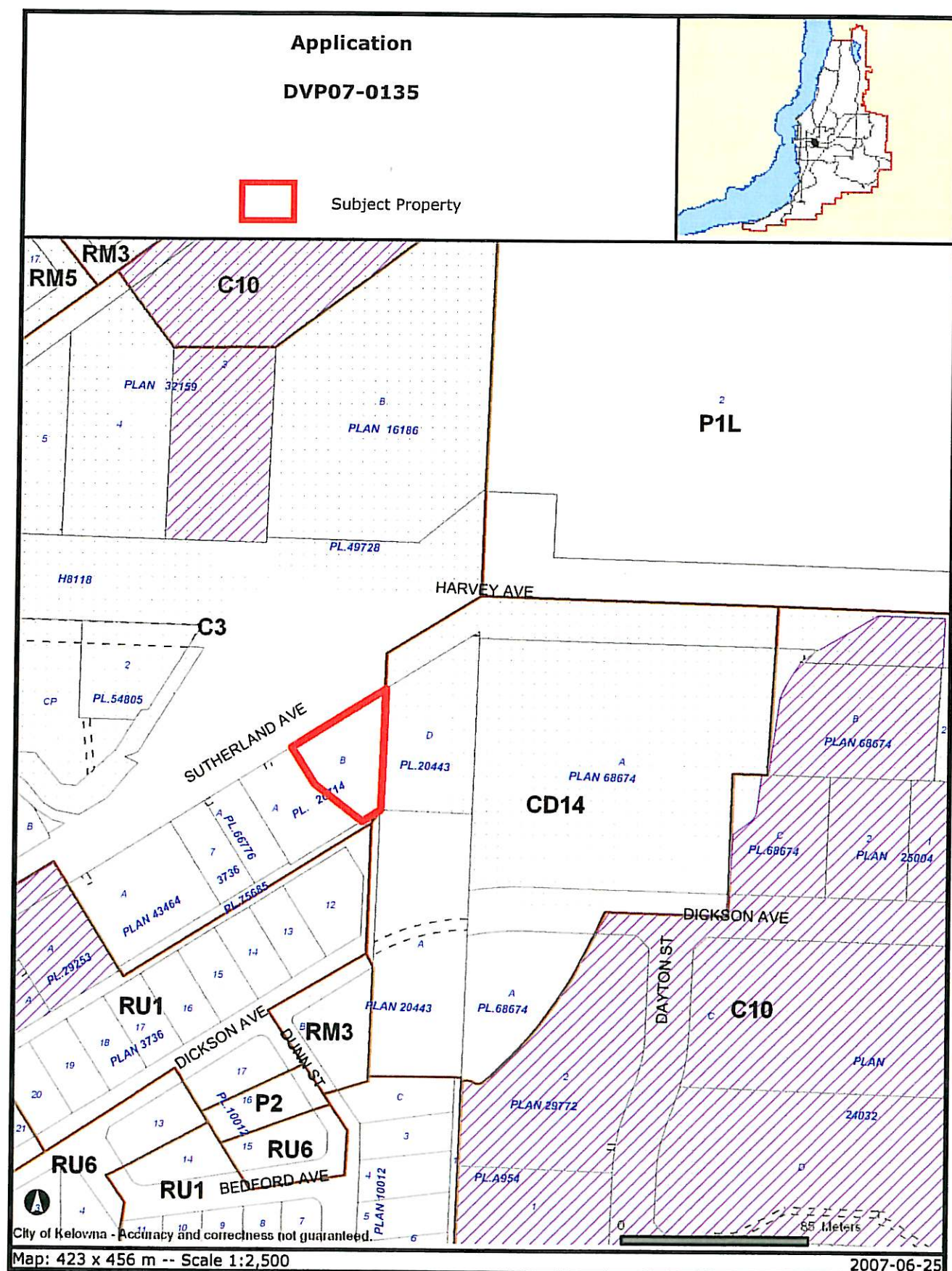
Approved for inclusion

☐

David Shipclark  
Acting Director of Planning & Development Services

PMc/pmc  
Attach.





Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.



We propose a 2'6" x 20' signage zone centered above the retail bay, one sign/tenant

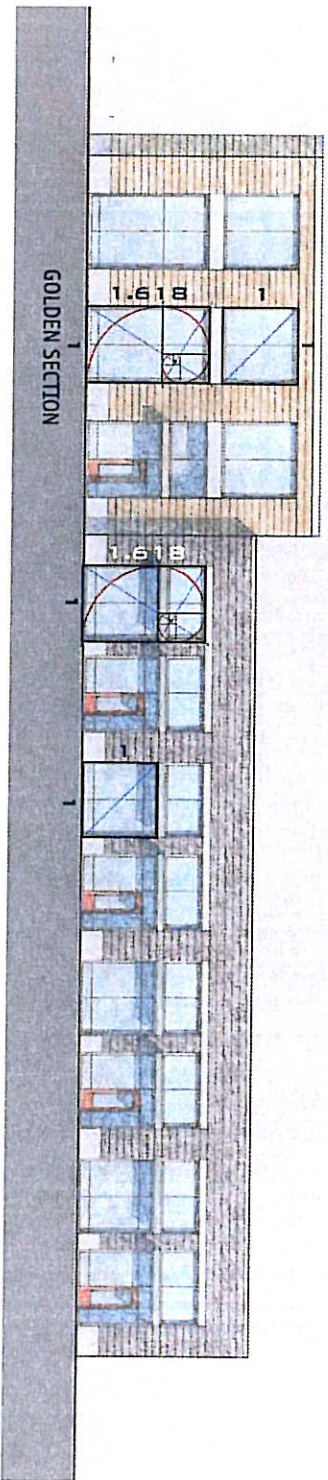
Potted plantings at each pier

The inline retail is set back 6' from the sidewalk allowing for small table and chair seating, or other outdoor amenities



# MATERIAL BOARD

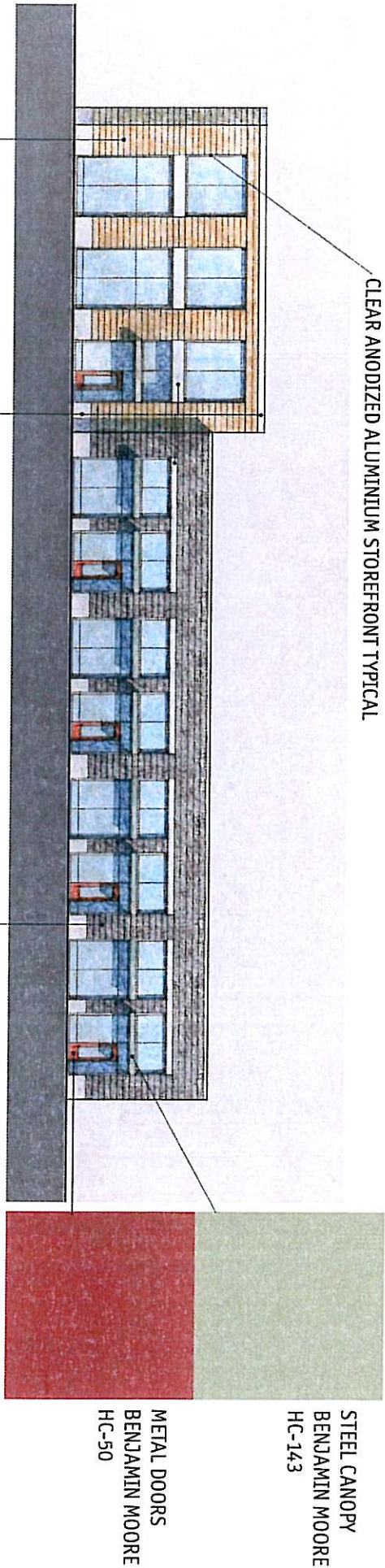






Landmark 5 Parking Garage Expansion

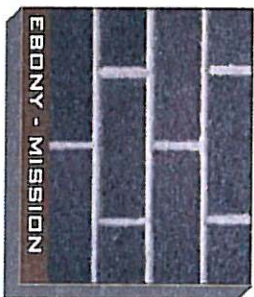
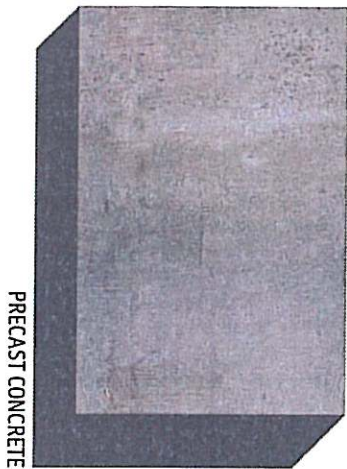


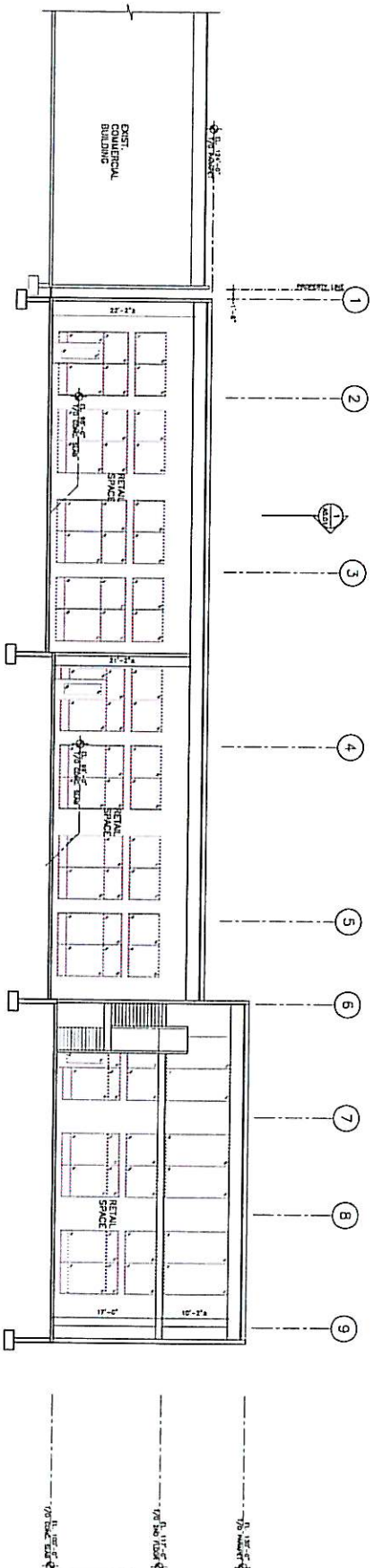
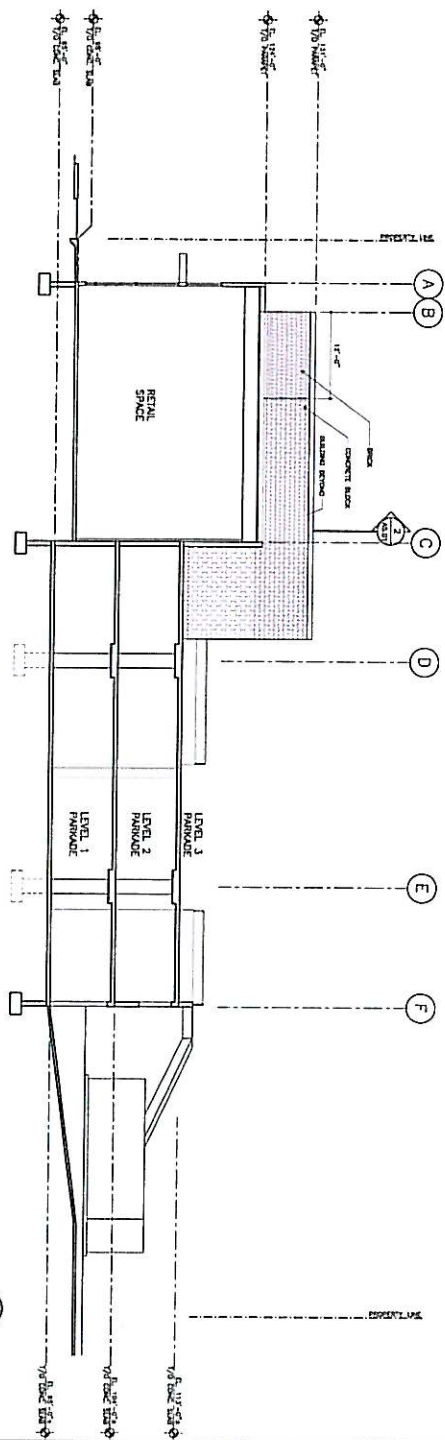


CLEAR ANODIZED ALUMINIUM STOREFRONT TYPICAL

STEEL CANOPY  
BENJAMIN MOORE  
HC-143

METAL DOORS  
BENJAMIN MOORE  
HC-50





**m+m**  
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WWW.M+MARCHITECTS.COM

LANDMARK #5  
RETAIL DEVELOPMENT /  
PARKADE EXPANSION

BUILDING  
SECTIONS

A5.01  
OF

DATE	2007.04.10
BY	MEK
CHECKED	MEK
SCALE	1/8"=1'-0"
PROJECT	LANDMARK #5
SHEET	20
TOTAL	25



