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

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**DATE:** November 13, 2008  
**FILE NO.:** **DVP08-0191**

**TO:** City Manager

**FROM:** Community Sustainability Division

DEVELOPMENT PERMIT APPLICATION OWNER: SALCO MANAGEMENT  
NO. DVP08-0191 LTD.

AT: 2402 HWY 97 N. APPLICANT: SALCO MANAGEMENT  
LTD.

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO REDUCE  
REQUIRED REAR YARD SETBACK TO 0.6M PROPOSED FOR  
A NEW ENTRY FEATURE

EXISTING ZONE: C9 – TOURIST COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

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**1.0 RECOMMENDATION**

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP08-0191; Salco Management Ltd.; Lot A, DL 125, O.D.Y.D., Plan 19786 Exc. Plans H18058 and KAP44339, located on Highway 97 N., Kelowna, B.C.;

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

Sec. 14.9.5(e) **Development Regulations;**  
Vary the rear yard setback for Hotels from 15.0m required to 0.60m proposed.

**2.0 SUMMARY**

The applicant is proposing to commence their next phase of building upgrades and unit additions to the existing Best Western hotel development on the subject property. As the proposed building addition and entry canopy do not comply to the rear yard setback provisions of the C9 – Tourist Commercial zone for hotel development, an application has been made for a Development Variance Permit to vary the rear yard setback for the C9 zone from 15m required to 0.6m measured to the proposed canopy and 6.0m measured to the face of the proposed building addition.

This application has not been presented to the Advisory Planning Commission as the applicant has provided written support from the adjacent neighbours.

There will be an opportunity for additional scrutiny of the development proposal as part of the Development Permit approval.

### 3.1 The Proposal

The applicant is proceeding with an expansion program for the low-rise motel units located on the subject property in order to add units to the development, and to convert the former motel units with external walkways into a hotel configuration with an internal corridor and accommodation units located on both sides of the corridor. As part of this expansion program, the exterior finishes are being upgraded in order that the rear of the development will complement the exterior form and character of the building facades facing Highway 97.

The associated form and character of the proposed addition will be addressed through a Development Permit application that will be issued by staff.

The proposal as compared to the C9 zone requirements is as follows:

CRITERIA	PROPOSAL	C9 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	19,234 m <sup>2</sup>	1,800 m <sup>2</sup>
F.A.R.	0.60	MAX FAR = 1.5 for Hotels
Storeys (#)	8 storeys to tower ❶ 2 storeys to addition	Max. 22m or 6 storeys for Hotels
Setbacks (m)		
- Front (Leckie Rd)	7.62 m	6.0m
- Rear to property line to easement line	0.6 m 17 m	15m for Hotels
- West Side (Highway 97 N)	15.24	3.0m
- East Side	6.0 m	3.0m
Parking Stalls (#)	239 stalls provided ❷	188 required

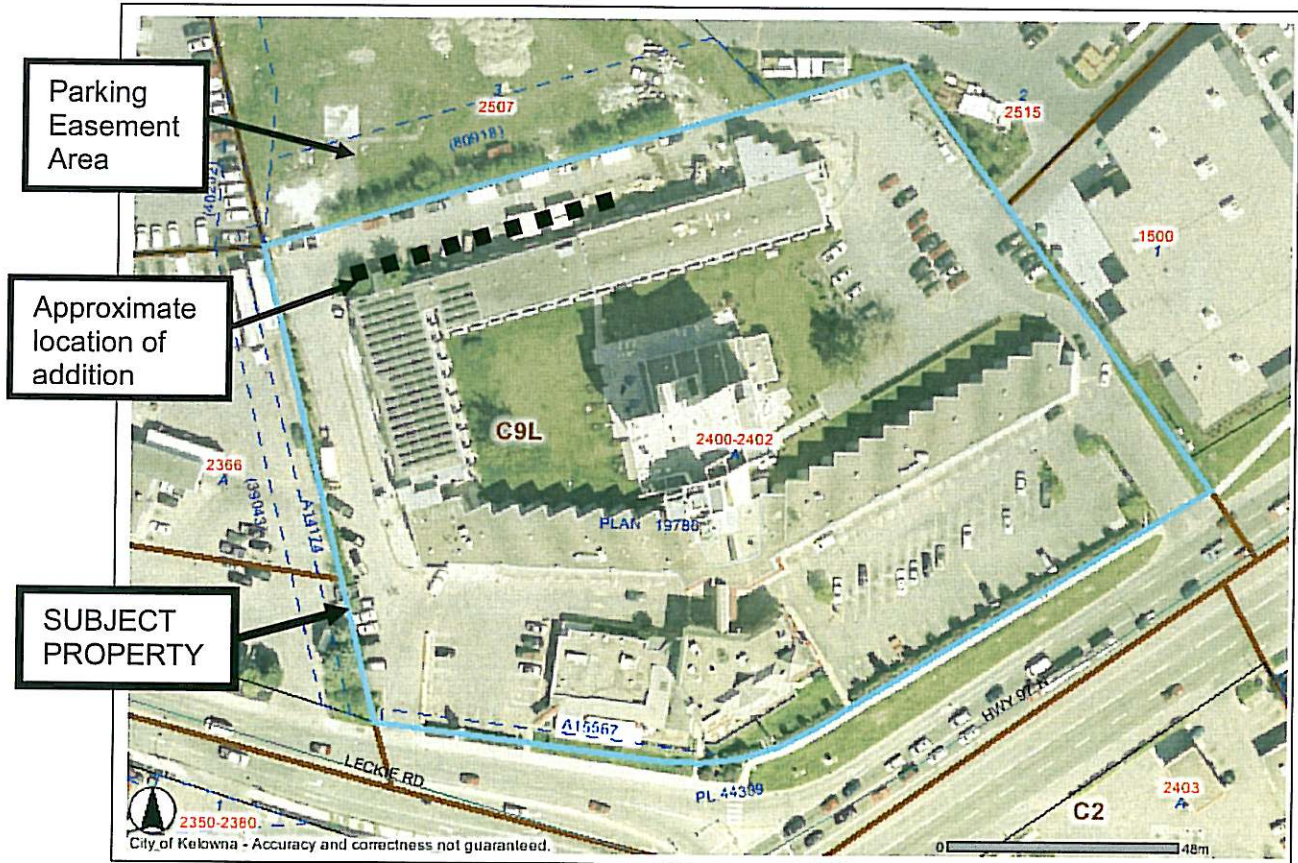
**NOTES:**

❶ The 8 storey hotel addition was authorized by DVP98-10,059.

❷ The proposed addition adds 22 units to the existing development, which adds a requirement for 22 additional parking stalls to the development. The applicant is adding 73 more parking stalls to the site as part of this development, for a total of 239 stalls.

There is an agreement registered on title to protect the parking stalls located on the lot north of the subject property, which is also owned by Salco Management Ltd.

### 3.2 Site Context



The adjacent zone uses are as follows:

- North - C10 – Service Commercial / Parking & Golf Town
- East - C3 – Community Commercial / Central Park Shopping Centre  
C10 – Service Commercial / Home Depot Parking Lot
- South - C2 – Neighbourhood Commercial – HWY 97 / Canadian Tire Gas Bar  
C10 – Service Commercial – HWY 97 / Canadian Tire
- West - C4 – Urban Centre Commercial / Bus Depot Parking  
C10 – Service Commercial / Bus Depot

### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The Official Community Plan designates the subject property as “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

## 4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and their comments have been attached to this report.

## 5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

There had been a Development Permit and Development Variance Permit issued for the subject property in 1998 to authorize construction of an 8 storey hotel tower and conference centre. There had also been permits issued in 1992 that authorized construction of the convention centre and façade improvements for the units facing Highway 97.

This current application seeks permission to upgrade and convert the existing low-rise motel units with exterior corridors into a hotel configuration with internal hallways. A result of the conversion to a hotel, is that the rear yard setback becomes 15m in the C9 zone, whereas a motel is allowed to have a rear yard setback of 4.5m. This change in use to a hotel use triggers a rear yard setback variance as the resulting setback to the existing property line is 6.0m. There is also application for a rear yard setback variance to the proposed canopy to vary the rear yard setback of 0.6m measured to the proposed canopy. The applicant has registered a 17m deep easement area on the property to the north to provide additional parking stalls to replace those stalls lost to the building expansion, as well as to meet the parking requirements for the additional units.

Staff support the requested variances, as the resulting built form of the canopy structure will appear to be 17m from the constructed limit of the parking lot and function essentially the same. It is only because the actual registered property line is closer to the proposed building that the existing easement line that this Development Variance Permit application has been triggered.

As part of this conversion, the applicant is proposing to increase the number of units, as well as to upgrade the exterior finish materials to complement the finishes of the development facing Highway 97. The associated Development Permit application has not been circulated to Council, as the Development Permit application meets the criteria to be dealt with at a staff level.

Staff support this application, and recommend for positive consideration by Council.

A handwritten signature in black ink, appearing to read 'Shelley Gambacort', written over a horizontal line.

Shelley Gambacort  
Director of Land Use Management

PMc/pmc  
Attach.



Attachments

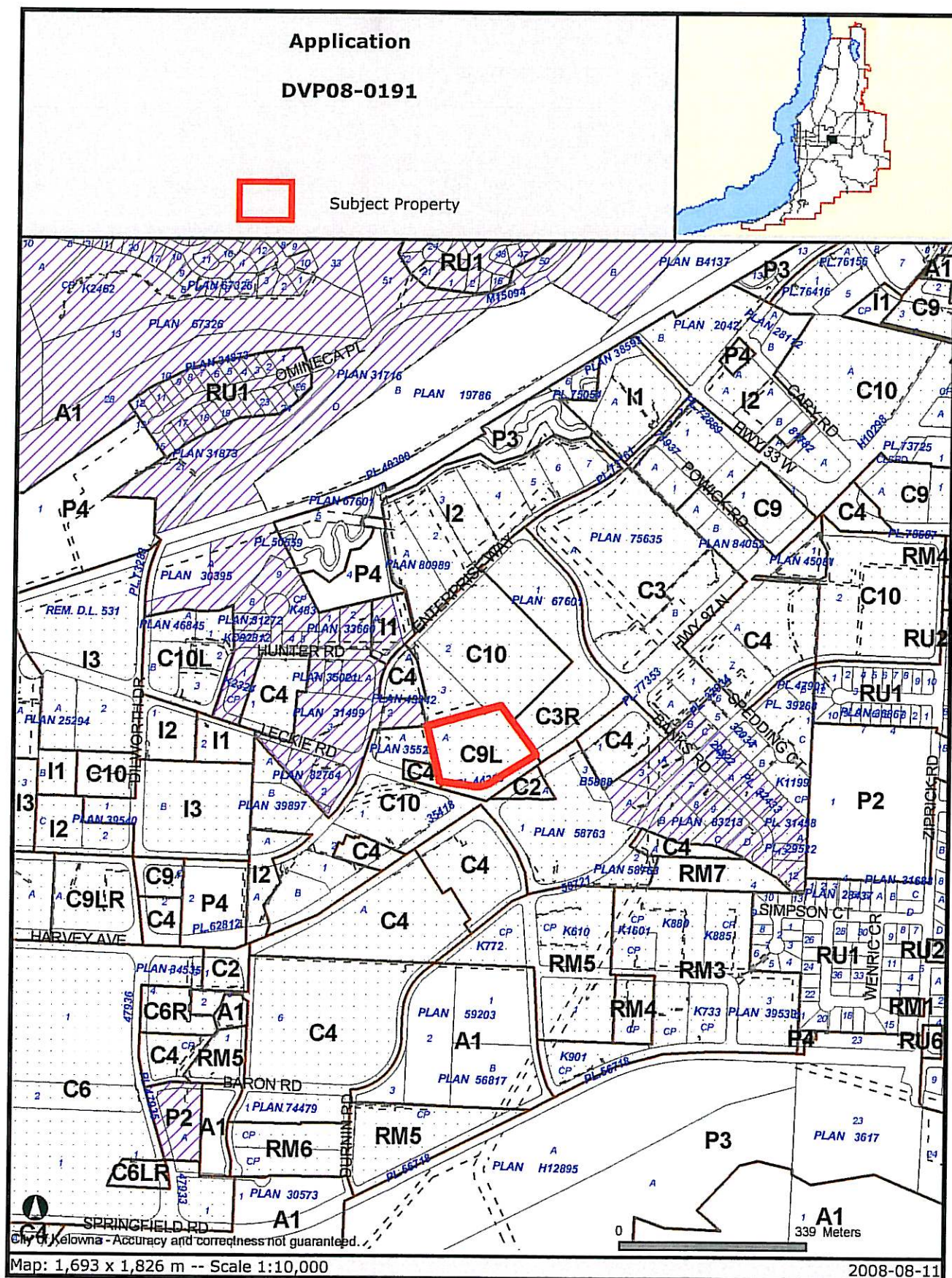
Subject Property Map

1 page of site plan indicating variance

2 pages floor plans and building elevations

Works and Utilities Dept. Comments

Print out of Circulation Comments



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.

File: DVP08-0191

### Application

File: DVP08-0191

Type: DEVP VARIANCE PERMIT - NON APC

### File Circulation

Seq	Out	In	By	Comment
	B.C. Assessment Authority (info only)			
2008-08-08	2008-08-08			
	Fire Department			
2008-08-08	2008-08-22		MNEID	DVP08-0191 2400-2402 HWY 97N:  Not enough information: Is this the main fire department entrance for this building? If so is there the required 3 _ 15 meters as per 3.2.5.5.(1) of the BCBC 2006? Does the fire resistance rating of the walls meet the minimum requirements of the 2006 edition of the British Columbia Building Code?
	Inspections Department			
2008-08-08	2008-08-19		RREADY	1) Fire resistance rating of the walls to meet the minimum requirements of the 2006 edition of the British Columbia Building Code.
	Parks Manager			
2008-08-08	2008-08-22		TBARTON	No comment
	Works & Utilities			
2008-08-08	2008-09-10			See document tab



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**MEMORANDUM**

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**Date:** August 12, 2008  
**File No.:** DVP08-0191  
**To:** Planning and Development Officer (PMcV)  
**From:** Development Engineering Manager (SM)  
**Subject:** 2400-2402 Hwy 97 N, Plan 19786 Lot A

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The application to vary the side yard setback from 15m to 0.6m, does not compromise Works & Utilities servicing requirements.

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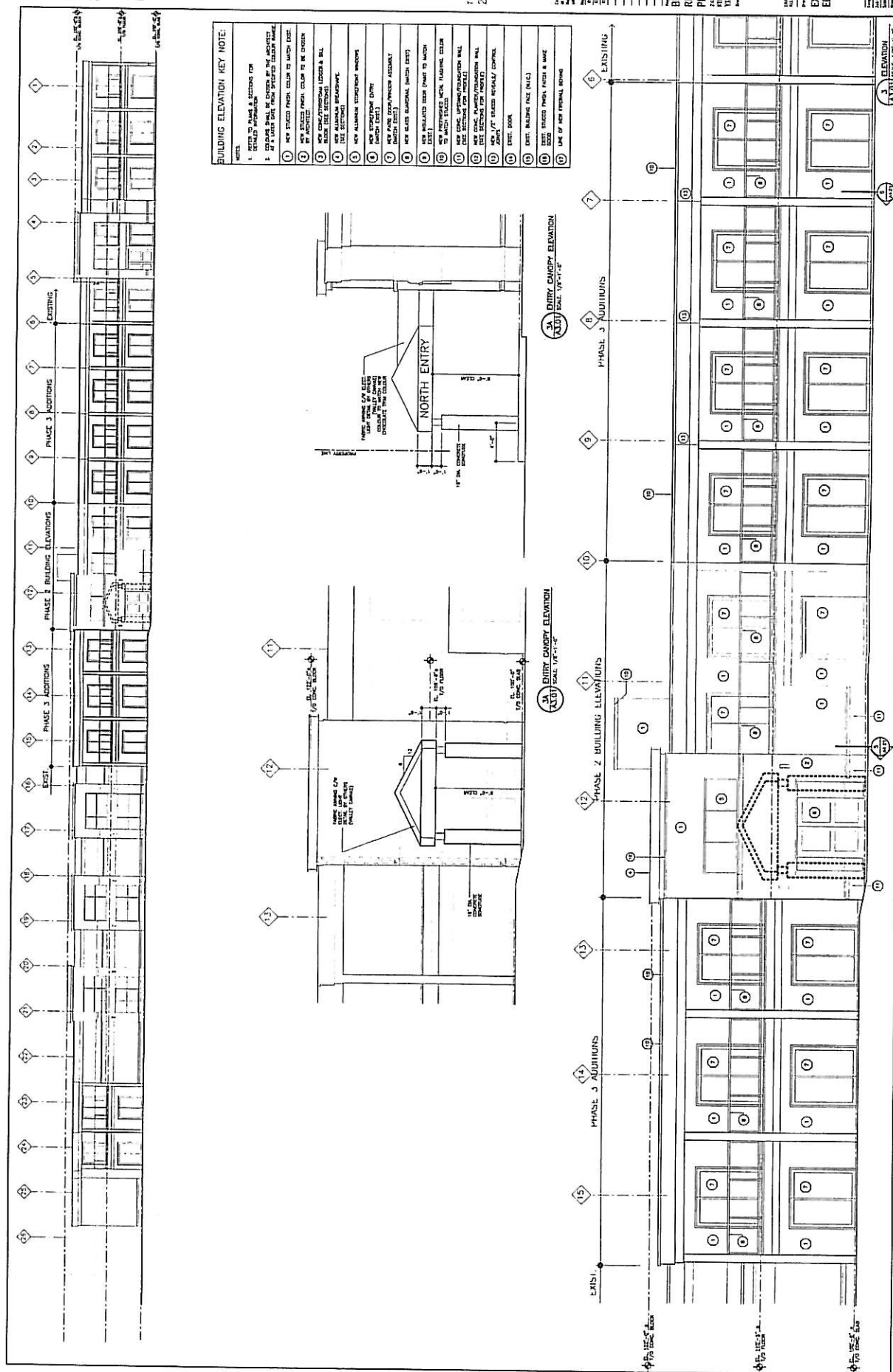
Steve Muenz, P. Eng.  
Development Engineering Manager

DC

A graph of a function  $f_A$  on the interval  $[0, 2]$ . The function is defined by:

$$f_A(x) = \begin{cases} 0 & \text{for } 0 \leq x \leq 1 \\ x-1 & \text{for } 1 \leq x \leq 2 \end{cases}$$

1 SITE PLAN  
AT 01  
SCALE 1/320



## BUILDING SECTIONS

