

REPORT TO COUNCIL



Date: July 28, 2020

To: Council

From: City Manager

Department: Development Planning

Application: DP18-0218/DVP18-0219

Owner: Kelowna Motors Investments Ltd. ,
Inc.No. BCo271671

Address: 2800 Hwy 97 N

Applicant: Paul Passuto, Innocept
Developments

Subject: Development Permit and Development Variance Permit Application

Existing OCP Designation: REP – Resource Protection Area

Proposed OCP Designation: SC – Service Commercial

Existing Zone: A1 – Agriculture 1 and I2 – General Industrial

Proposed Zone: C10 – Service Commercial

1.0 Recommendation

THAT final adoption of Official Community Plan Bylaw No.11933 and Rezoning Bylaw No.11934 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP18-0218 for Lot 1 District Lots 124 and 143 ODYD Plan KAP83915 Except Plan KAP84828 and EPP57498 located at 2800 Hwy 97N, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0219 for Lot 1 District Lots 124 and 143 ODYD Plan KAP83915 Except Plan KAP84828 and EPP57498 located at 2800 Hwy 97N, Kelowna, BC;

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

Section 6.10.1: Setback from Provincial Highways – General Development Regulations

To vary the minimum setback of all buildings and structures on lots abutting Highway 97 from 4.5 m to 4.0 m.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit are valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider the form and character of a commercial development for an automotive vehicle sales and service dealership and to consider a variance to the minimum setback of a building or structure from a Provincial Highway.

3.0 Development Planning

Development Planning is recommending support for the proposed commercial automotive sales and service dealership development project. The application meets the Official Community Plan (OCP) Comprehensive Development Permit Area design guidelines and is considered compatible with the existing land uses in the area.

4.0 Proposal

4.1 Background

The subject property is a narrow remnant parcel that is flanked by the Okanagan Rail Trail (ORT) and Highway 97 N. The Future Land Designation for the entire property is REP – Resource Protection Area, and it is not located within the Agricultural Land Reserve. It has a split zone between I2 – General Industrial and A1 – Agriculture 1. It is currently used for outdoor storage with a small construction office located on the portion of the land zoned for industrial use.

4.2 Project Description

The "August Luxury Motorcars" proposal is a commercial development including a 2,670 m² sales/service building, 2 storeys in height, which will be located on the north end of the subject property. An existing smaller building on the south end will be used as a service building and the remaining space will be used for inventory display. Access will be from Hwy 97 N, with the entry way on the north end and the exit on the south. This will be connected by a one-way drive aisle flanked by inventory and on-site parking stalls. Site signage will be in accordance with Sign Bylaw No. 11530 including one 5.0 m pylon sign located at the entryway and a 2.0 m pylon sign on the south end of the property.

The form and character of the sales/service building is a modern form using a variety of materials including matte black metal siding, concrete panels, and large windows with black aluminium trim. The elevations fronting the highway have the most visual impact and consist of mainly large glazed windows trimmed with

concrete panels and black metal siding. The elevation which fronts the ORT is dominated by concrete panels and limited architectural features.

Okanagan Rail Trail and Landscaping

The subject property runs parallel with the Okanagan Rail Trail along the entire west boundary. Given the sites narrow configuration there is limited opportunity to add significant landscaping around the proposed building and within the automotive sales portion of the site. In discussions with staff, the applicants have agreed to compensate for the lack of onsite landscaping by providing a 1.5m wide landscape strip abutting the property boundary. The landscaped area proposed would be dense thorned shrubs and be irrigated and maintained by the property owners in accordance with the City's Bylaw No. 10425 for maintenance of boulevards. The proposed fence along the property line is pre-cast concrete or metal with no access to the ORT.

Variance – Setback of a Building or Structure from a Provincial Highway

The applicant is requesting a variance to the minimum setback of all buildings and structures on lots abutting Highway 97 from 4.5 m to 4.0 m to accommodate the main sales and service building.

Given the site conditions and the subject properties legal configuration there is limited building envelope to accommodate a building for the intended use. The positioning of the building is using the widest portion of the property at the north end. The building location meets the objectives and guidelines of the OCP's Comprehensive Development Permit Area and is considered reasonable. Further, the Ministry of Transportation and Infrastructure is in support of the variance. Staff are in support of the variance for the above noted reasons.

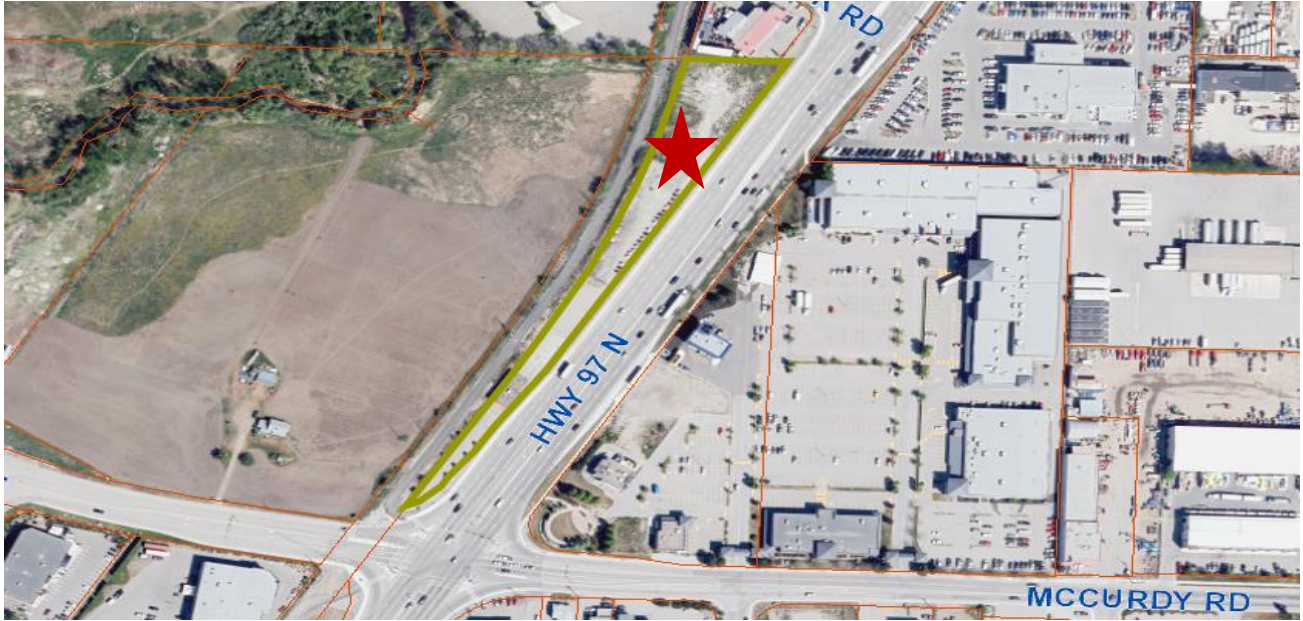
Any further structures within the Highway 97 road corridor must have approval from the Ministry of Transportation and Infrastructure.

4.3 Site Context

The subject property is located in the Highway 97 City Sector, north of McCurdy Road. It is flanked by the Okanagan Rail Trail and Highway 97 N. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 - Agriculture	Automotive Centre
East	C3 – Community Commercial	Shopping Centre
South	A1 – Agriculture/ I2 – General Industrial	Vacant/ Automobile Dealership
West	A1 - Agriculture	Rail Trail

Subject Property Map: 2800 Hwy 97 N



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	C10 REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Floor Area Ratio	0.60	0.42
Max. Site Coverage (buildings)	60%	38%
Max. Site Coverage (buildings, parking, driveways)	60%	58%
Max. Height	12 m / 3 storeys	11.68 m / 2 storeys
Min. Front Yard	4.5 m	4.0 m ❶
Min. Side Yard (north)	0.0 m	4.5 m
Min. Side Yard (south)	0.0 m	> 50 m
Min. Rear Yard	0.0 m	0.0 m
Other Regulations		
Min. Parking Requirements	2.0 per/ 100 m ² = 49 Total = 49 stalls	Total: 50 stalls
❶ Indicates a requested variance to Section 6.10.1 Setbacks from a Provincial Highway		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 14: Urban Design Development Permits Areas

Comprehensive Development Permit Area Objectives.

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;

- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;
- Incorporate architectural features and detailing of buildings and landscapes that define an area's character; and
- Promote alternative transportation with enhances streetscapes and multi-modal linkages

6.o Application Chronology

Date of Application Received: May 23, 2018
Date Public Consultation Completed: August 2, 2018
Application Revised: June 25, 2020

Report prepared by: Wesley Miles, Planner Specialist
Reviewed by: Dean Strachan, Community Planning & Development Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Draft Development and Development Variance Permit DP18-0218/DVP19-0219
Schedule A: Site Plan/Layout
Schedule B: Elevations/Renderings/Section Drawings
Schedule C: Landscape Plan