



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: July 11, 2023

From: Paul Gipps, CAO

File No: DP 20-13

Subject: **DP 20-13; Development Permit with Variances; 2435 Dobbin Road**

Report Prepared By: Yvonne Mitchell, Planner II

RECOMMENDATION to Consider and Resolve:

THAT Council authorize the issuance of a Commercial Development Permit (DP 20-13) for a commercial development at 2435 Dobbin Road, subject to the conditions outlined in the attached Development Permit;

THAT Council authorize a variance to the City of West Kelowna Zoning Bylaw No. 0265 in accordance with the attached permit, as follows:

- That the minimum distance parking and loading spaces shall be from any side parcel boundary (s.4.3.2(a)) be reduced from 1.5 m to 0.4 m;
- That the width of perimeter landscaping required in a parking area (s.4.11.2(a)) be reduced from 1.5 m to 0.4 m along the side parcel boundaries
- That the number of small car spaces permitted (s.4.7.1(a)) be increased from 30% to 55%; and
- That the number of required loading spaces (s.4.10.1(a)) be reduced from one to zero.

THAT issuance of the Development Permit be withheld pending receipt of:

- Landscaping security in the amount of \$12,855.94.

THAT if the Development Permit has not been issued within one year from the date of approval, the Permit with variances shall be deemed to have been refused and the file closed.

STRATEGIC AREA(S) OF FOCUS

Pursue Economic Growth and Prosperity – We will work with stakeholders throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

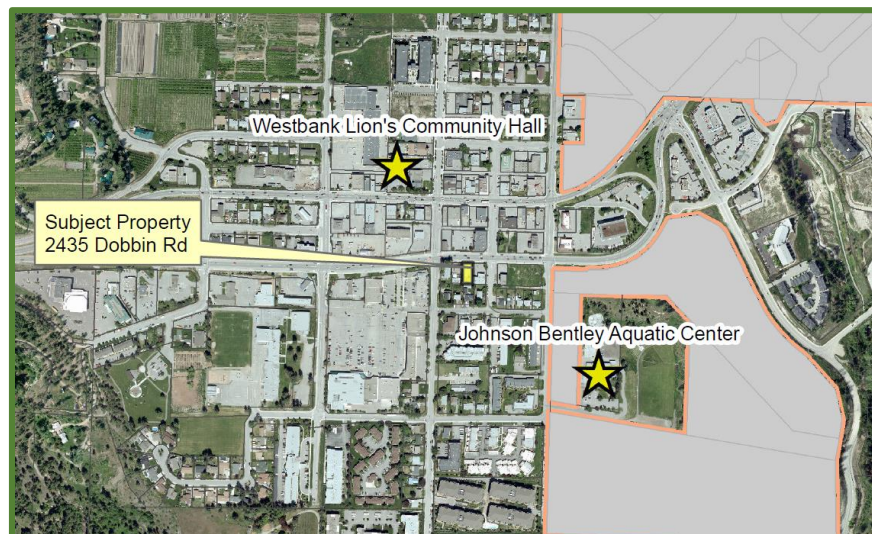
BACKGROUND

The subject property is located at 2435 Dobbin Road in the Westbank Centre neighbourhood. In 2016, the property was rezoned from the Single Detached Residential (R1) Zone to the Urban Centre Commercial (C1) Zone (File Z 16-01). In 2017, the existing single detached dwelling on the property was demolished, and a commercial development permit was submitted for a mixed-use development (File DP 17-04). This development permit never progressed to Council consideration and expired. Since then, the property has remained vacant.

PROPERTY DETAILS			
Address	2435 Dobbin Road		
PID	008-351-040		
Folio	36412611.000		
Lot Size	0.17 acres (687.966 sqm)		
Owner	L'amore Bridal & Formals Ltd.	Agent	Brent Miskuski
Current Zoning	Urban Centre Commercial (C1)	Proposed Zoning	N/A
Current OCP	Commercial	Proposed OCP	N/A
Current Use	Vacant	Proposed Use	Commercial
Development Permit Areas	Commercial		
Hazards	None		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES			
North	^	Urban Centre Commercial (C1)	
East	>	Urban Centre Commercial (C1)	
West	<	Single Detached Residential (R1)	
South	v	Single Detached Residential (R1)	

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Council has the authority under s.490 of the *Local Government Act* to issue Development Permits, and the authority under s.498 of the *Local Government Act* to issue Development Variance Permits.

Proposal

The applicant is proposing to construct a one storey 428m² (4607ft²) commercial building that consists of two commercial units with mezzanines.

DISCUSSION

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

General Development Permit Guidelines

The subject property is subject to the General Development Permit Guidelines. The proposal meets the Guidelines. Key highlights include:

- Landscaping is provided to improve the streetscape and public realm and includes street trees, and low maintenance vegetation (Guidelines 28, 29, and 39).
- Garbage and recycling areas are screened (Guideline 32).

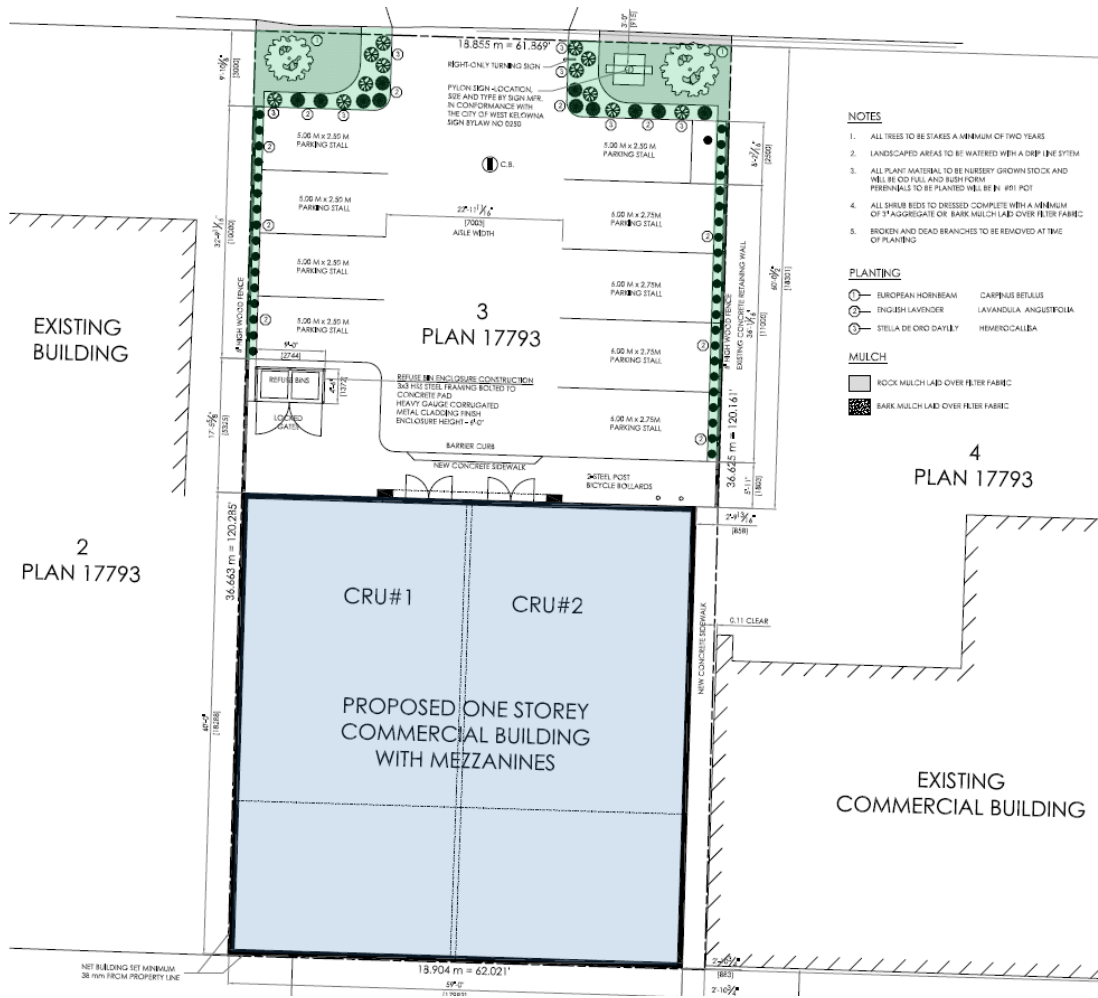


Figure 1: Site Plan of the proposed development showing landscaping and screening of garbage and recycling area.

Commercial Development Permit Guidelines

The subject property is designated as Commercial in the OCP and subject to the Commercial Development Permit Guidelines. The proposal meets the Commercial Form and Character guidelines. Key highlights include:

- Facades are well detailed and incorporate a variety of materials, textures, and design interest at the roofline through variation in height and form (Guideline 6)
- Outdoor bicycle parking should be provided for clients and visitors, and should be located near building entrances where surveillance is possible (Guideline 12)
- No reflective glazing is proposed, and the storefronts are transparent (Guideline 19)
- Weather protection is provided over exterior pedestrian building entrances (Guideline 20)
- Surface parking is defined by concrete curbing and screened by landscaping (Guideline 25)



Figure 2 – Rendering of development proposal showing incorporation of OCP Guidelines such as landscaping in the parking areas, and architectural details on the building, including weather protection over the entrances.

Official Community Plan Bylaw No. 300

The City's Official Community Plan Bylaw No. 300 (OCP 2040) received first and second reading on Tuesday, June 27, 2024. In the draft OCP, the subject property is designated Westbank Urban Centre - Mixed-Use Corridor. This land use designation aims to promote a high-density downtown core with a mix of residential, commercial/retail and office uses, with integrated open space and public amenities with heights up to 19 storeys as drafted. It should be noted that the current development permit application has been instream since before the OCP update began (submitted in 2020, OCP update began in 2021).

Zoning Bylaw No. 0265

The proposal conforms to the regulations in Zoning Bylaw No. 0265 and the C1 Zone except for:

- A variance to decrease the minimum distance parking and loading spaces shall be from any side parcel boundary from 1.5 m to 0.4 m;
- A variance to decrease the width of perimeter landscaping required in a parking area from 1.5 m to 0.4 m along the side parcel boundaries;
- A variance to increase the number of small car spaces permitted from 30% to 55%; and
- A variance to reduce the number of loading spaces required from one to zero.

The variances are discussed in detail below.

The variance to the distance parking is from the side parcel boundaries, and the width of landscaping in this area, is largely caused by the need to accommodate a 7m wide two-way drive aisle in the Zoning Bylaw. As shown in Figure 3, when a 7m drive aisle is provided, only 5.4m is left on either side to accommodate the required parking and landscaping.

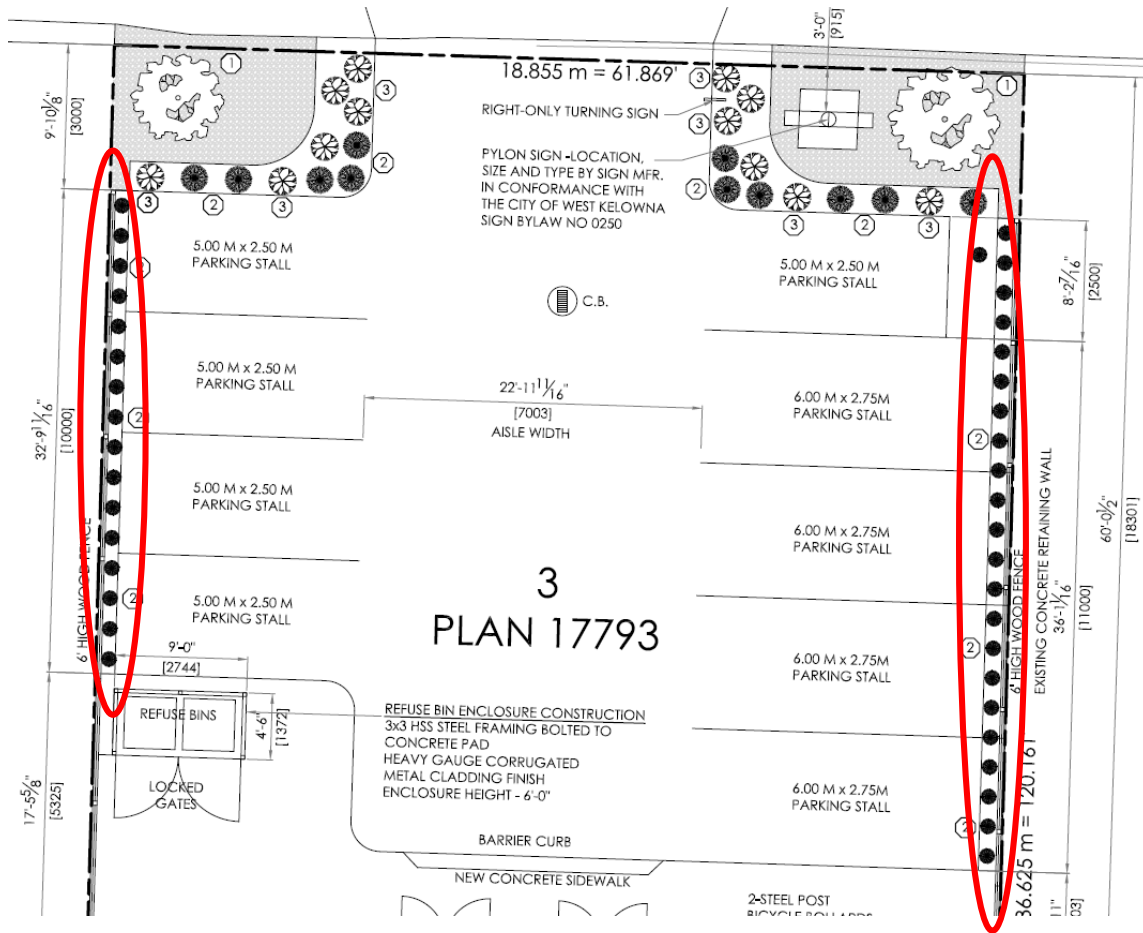


Figure 3: Reduced distance of parking spaces from side parcel boundaries and width of landscaping in this area.

The variance to the number of small car spaces is from 30% (three spaces) to 55% (five spaces) of the required nine parking spaces. Similar to the landscaped area, this variance is largely caused by the limited parcel width (18m). If more regular parking spaces were to be provided, there would likely instead be a variance to the number of parking spaces provided.

The variance to the number of loading spaces is from one loading space to zero. As per the Zoning Bylaw, commercial uses in buildings 300 m² (3,229.2 ft²) to 500 m² (5,382.0 ft²) are to provide 1 loading space. The proposed building is 428m².

The loading space variance is required as accommodating a loading space on this small and narrow property would result in a loss of standard parking spaces. The applicant has indicated the retailers expected to occupy these units will not require larger commercial loading vehicles. Instead, the loading vehicles used will be able to maneuver within the existing parking spaces.

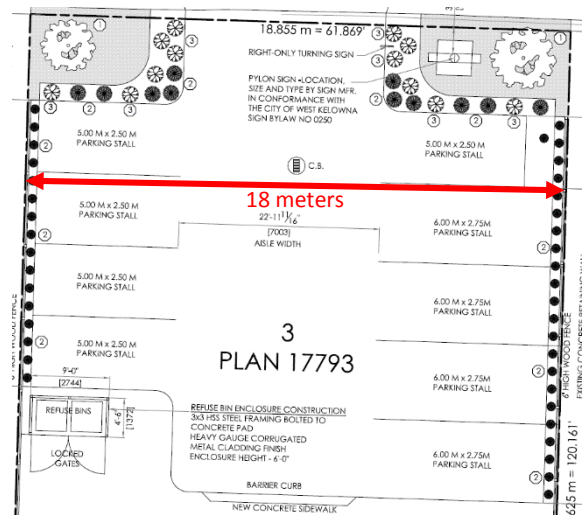


Figure 4: Parcel width

Technical Review

This application was referred to key technical agencies and internal departments for their review. All initial comments or concerns have been addressed besides the requirement for a controlled access permit from the Ministry of Transportation and Infrastructure. As directed by the Ministry in their referral comments from 2022, the applicant will need to apply to the Ministry for this permit after the Development Permit has been issued. It should also be noted that the Ministry of Transportation is currently developing a Central Okanagan Integrated Transportation Strategy, a 20 year plan that includes several transportation improvements. Such transportation improvements could include the removal of the Westbank couplet, which would involve changes to Dobbin Road. It is unknown if these transportation improvements would impact the site design of the current development proposal.

Public Notification

In accordance with the *Local Government Act*, notification letters were sent to all property owners and their tenants within 100 m of the subject property. A Notice of Application sign was also installed on the property in accordance with the Development Application Procedures Bylaw No.0260.

CONCLUSION

The recommended motion is based on the following considerations:

Development Permit

- Adds commercial development to the City's main urban centre on a lot that has remained vacant for an extended period;
- Proposal is generally consistent with the General and Commercial Development Permit Guidelines; and
- Conforms to the regulations in Zoning Bylaw No. 0265 and C1 – Urban Centre Commercial Zone, except for the following:

Parking Variances

- These variances are supported as they are required to accommodate surface parking for the proposed commercial building on a small, narrow lot. In addition, the variances requested help avoid a variance to the total number of parking spaces available for future customers.

Alternate Recommendation to Consider and Resolve:

Option 1:

THAT Council deny the issuance of Development Permit (DP 20-13) with variances; and

THAT Council direct staff to close the file.

Should Council deny the proposed amendment bylaws, the application will be closed in accordance with the Development Applications Procedures Bylaw No. 0260. Council shall not reconsider an application of this nature for the property for a period of six months.

Option 2:

THAT Council postpone the issuance of Development Permit (DP 20-13) with variances.

Council may wish to postpone the issuance of the Development Permit and require the applicant to redesign components of the proposal in accordance with the City's Zoning Bylaw. If the proposal were revised to avoid the variances, the proposed building would have to be redesigned and the Development Permit would require further consideration of Council.

REVIEWED BY

Chris Oliver, Planning Manager

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. Development Permit DP 20-13