



COUNCIL REPORT
Development Services
For the January 14, 2020 Council Meeting

DATE: December 19, 2019

TO: Paul Gipps, CAO

FROM: Chris Oliver, Planner III

RE: Application: Development Permit Amendment with Variances, 845 Anders Rd.
Legal: Lot 2, DL 2689, ODYD Plan EPP76307
Owner: CERJ Shopping Centres Ltd.
Agent: Patrick McCusker Architecture

RECOMMENDED MOTION:

THAT Council authorize the issuance of a Development Permit Amendment (DP 14-12.05) to construct a commercial building at 845 Anders Road (Lot 2, DL 2689, ODYD Plan EPP76307), subject to the conditions outlined in the attached Development Permit; and

THAT Council authorize a variance to City of West Kelowna Zoning Bylaw No. 0154 in accordance with the attached permit to:

- Reduce the number of parking spaces from 15 to 7 (variance of 8 spaces) to accommodate general commercial uses; and
- Reduce the number of loading spaces from 2 to 0.

RATIONALE:

The recommended motion is based on the following considerations:

Development Permit

- The proposal includes revisions to the final building in the Lakeview Village development and will provide two additional commercial tenant spaces;
- The proposal is consistent with the Commercial Development Permit Guidelines contained in the OCP, where the building design includes a variety of architectural detailing and pedestrian-oriented elements; and
- The proposal conforms to the principal uses and regulations outlined in Zoning Bylaw No. 0154 for the C1 – Urban Centre Commercial Zone, height, parcel coverage, and setbacks, with the exception of the following:

Loading Space Variance

- There are four existing shared loading spaces within the main parking area and two additional loading spaces servicing the Nesters Market/ Liquor Store Building; and
- There may be operational impacts to future tenants by reducing the loading spaces, but the trade-off is more spaces are available for patrons limiting the impacts of parking in the area.

Parking Variance

- The original Development Permit in 2014 was approved with unknown tenants and a general parking requirement of 2 spaces/ 100m² and the proposed parking variance is being calculated based on the general commercial parking requirement of 3 spaces/ 100m²;
- The variance will ensure the proposed building can be constructed as proposed and accommodate a variety of general commercial uses;
- The existing tenants in the Lakeview Village Shopping Centre include a variety of uses that operate at differing peak period (grocery store, liquor store, offices, pharmacy, daycare, etc.); and
- A reduction of 8 spaces is not anticipated to create any impact on surrounding property (5.6% reduction).

NOTE: The recommended motion differs from the applicant's request. The following is rationale for not recommending the applicant's variance request of 33 spaces:

- Any overflow parking would directly impact either adjacent residents or the use of a City recreation facility;
 - There is no street parking available in the immediate area (sidewalk and curb, bike lanes, transit stop, road standards, etc.);
 - Staff anticipate that overflow parking would likely occur at the adjacent City-owned Lakeview Heights Community Hall;
- The existing parking at the development is well utilized and two additional tenants (and their respective parking) have not opened so there is uncertainty with how the parking will operate once fully operational with all tenants;
- There have been previous issues with overflow parking on Olalla Road impacting the ability for the Fire Department to exit their Hall; and
- The proposed brewery will likely draw from visitors and tours of the Westside Wine Trail increasing the parking demand in peak seasons.

LEGISLATIVE REQUIREMENTS:

Council has the authority under Part 14 (s. 490) of the *Local Government Act* to issue a development permit. This Development Permit is specifically for the form and character of a multiple-family residential development. Section 498 of the *Local Government Act* gives Council the authority to issue a development variance permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

BACKGROUND:

The site has been under redevelopment since 2009 with a rezoning application, a development permit and multiple development permit amendments as the site has built out (Figure 1). As part of this process, numerous site characteristics have changed to address economic factors as well as evolving demands for residential and commercial space.



Figure 1. Original Lakeview Village Concept Plan

Proposal

The developer of the Lakeview Village shopping centre proposes to amend their development permit to facilitate changes to the final building (Phase 3) of the four-phase project (Phases 1 and 2 are complete; Phase 4 is currently under construction). As part of this ongoing construction, the parking lot is still being built-out with approximately 84 spaces currently available (77% of total constructible spaces). As noted above, with various amendments to the existing development permit, parking calculations have changed as tenants have moved into the building leaving the final building with a deficiency as there are only 7 remaining parking spaces available on site for the final building.

This application addresses one 506m² commercial building with two commercial spaces, one of which has a potential tenant. A development permit amendment is required to facilitate the changes to the form and character of the building and variance for parking and loading is also required due to the deficiency noted above.

Location and Surrounding Uses

The 0.84 ha (2.08 ac) subject property is located in the Lakeview Heights Neighbourhood (Attachments 2 & 3). The subject property includes four existing buildings and includes a variety of existing tenants (Figure 2). The property is located approximately 270 metres East of the Westside Wine Trail.

The surrounding land uses include the following:

- North – Agricultural (A1 Zone)
- West – Single Family Residential and Institutional (R1 and P2 Zones)
- East – Neighbourhood Commercial and Olalla Comprehensive Development Zone (C2 and CDP Zones)
- South – Single Family Residential, and Neighbourhood Commercial (R1 and C2 Zones)



Figure 2. Subject Property and Surrounding Uses

Policy and Bylaw Review

Official Community Plan (OCP) Bylaw No. 0100

The proposed amendment is subject to the Commercial Form and Character Development Permit (DPA 1) guidelines. The original Development Permit approved in 2014 was amended in 2018 and included revisions to the subject building (Figure 3). The applicant has now applied for a subsequent amendment to revise the building now that the last buildings are under construction.

The proposed amendments include a variety of architectural details and site design characteristics that reinforces the village concept by creating a courtyard feel in the centre of the property and establishing strong commercial, pedestrian-oriented edges fronting Anders Road (Figure 4). The presence of large windows fronting Olalla Road and increased design focus around building entrances are further examples of how the design was centered on the pedestrian experience. The massing and exterior materials include sloped metal roofs, masonry, stone

columns, and metals. The proposed amendment maintains the original design intent and achieves the same high design standards set by the other buildings in the development.



Figure 3. Original (View from Anders Rd. Entrance)



Figure 4. Revised (View from Anders Rd. Entrance)

In addition to the architectural design of the buildings, the proposal includes landscaping, additional bike parking, landscaping along the street frontages. A landscaped pathway linking Anders Road through the centre of the property to the proposed grocery store will enhance pedestrian connectivity through the site (Figure 5).

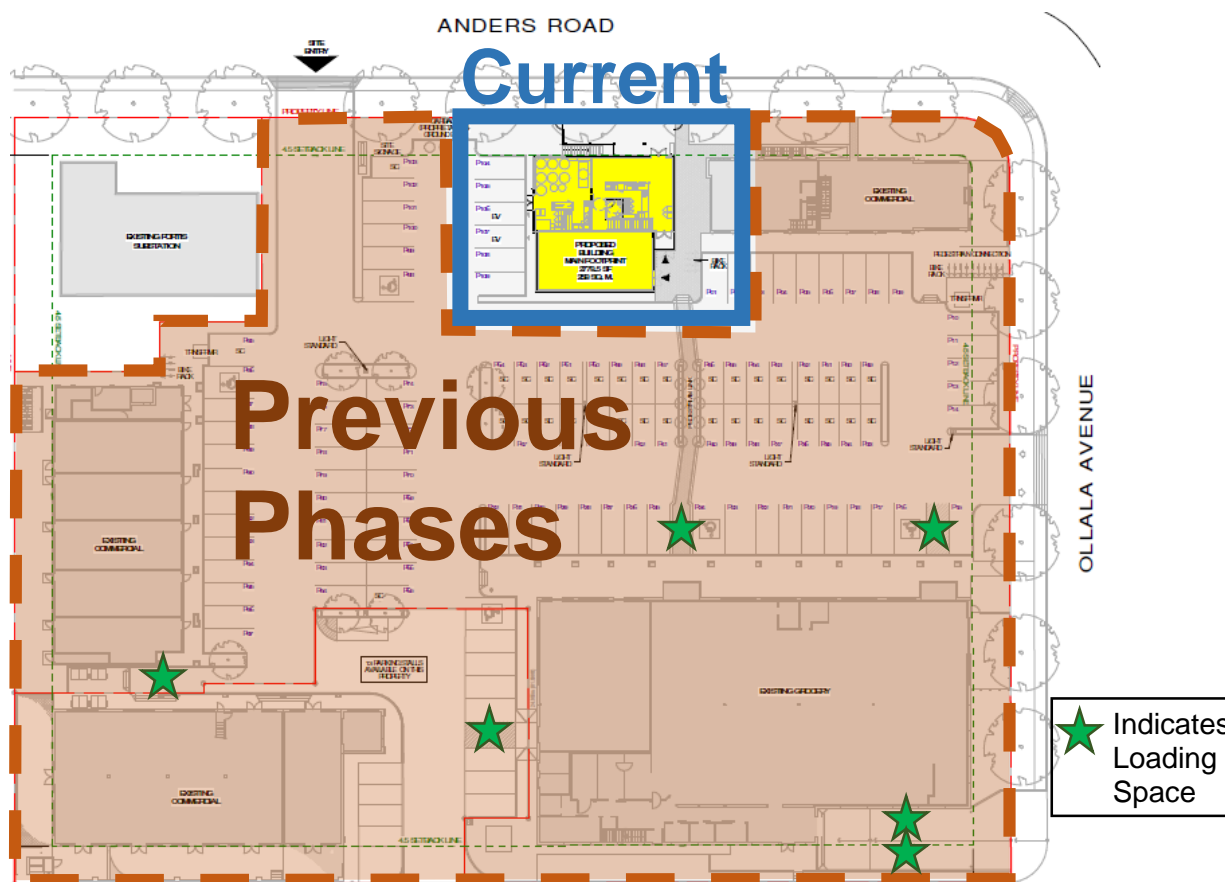


Figure 5. Revised (View from Anders Rd. Entrance)

Zoning Bylaw No. 0154

Development Variance Permit Application:

The proposed structure meets all applicable Zoning Bylaw requirements (height, parcel coverage, setback, etc.) other than the three requested variances to the Zoning Bylaw including:

1. That the number of loading spaces be reduced from 2 to 0;
2. Reduce the number of parking spaces from 15 to 7 (variance of 8 spaces) to accommodate general commercial uses; and
3. Parking spaces be reduced from 40 to 7 (variance of 33 spaces) to accommodate a brewery and accessory uses.

Part 4 of the Zoning Bylaw includes various parking requirements that are based on use. In instances where there is no defined use (either planned or is not specifically included in the Bylaw), there is a default "General" requirement. The General Commercial requirement is 3 spaces per 100m² of GFA. In this instance, staff recommends a variance of 8 spaces to meet the General Commercial parking requirements of the Zoning Bylaw. This general commercial category would encompass a variety of uses including:

- Retail Uses (broad range of potential tenants)
- Bank/ Financial Institution
- Health/ Fitness Facility
- Office Uses (other than medical and dental)
- Veterinary Clinic
- Other similar uses

Applicant's Request

The applicant has a potential tenant who is proposing to operate a brewery. In order to eliminate a subsequent variance at the time of business licencing, the applicant has requested a variance to accommodate a brewery.

The proposed brewery requires parking as part of either a tasting area (GFA)¹ or based on the number of seats for a lounge. Here the applicant has proposed to have no tasting area and a combined lounge area that can accommodate 150 people. The required parking for the lounge area is based on the following requirement: Food and Beverage Service Lounge: 1.0 per 4 seats (including patio seating).

Including the two spaces required for the adjoining commercial unit (no proposed tenant), the total required parking for the building is 40 spaces. Currently, there is a surplus of parking of 7 spaces available on-site once the site once it has been fully built-out and the proposal will require a variance of 33 parking spaces.

Loading Space Variance

In addition to either parking variance for the General Commercial requirement or the brewery, an additional variance for loading spaces is also required. Similar to the parking requirements, the Zoning Bylaw has a requirement for loading spaces that is calculated based on the GFA of the building. Based on the proposed size, two loading spaces are required. The applicant has also

¹ Units less than or equal to 100 m² GFA **tasting area**: 2.0 per 100 m² or 4.0 per for units greater than 100 m².

requested that the requirement for these loading spaces be varied due to the availability of existing loading spaces and reduction in parking that would occur if they were provided.

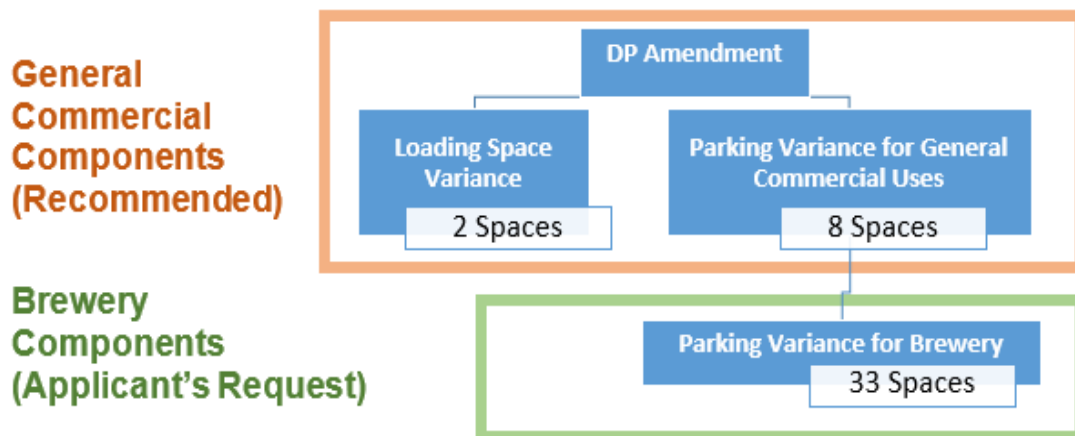


Figure 5. Application Hierarchy

Applicant's Rationale

As part of the application, the applicant has provided a rationale letter highlighting key areas of consideration regarding the requested variance (Attachment 4)². Key highlights include:

- It has been a 6-year journey constructing multiple building with numerous tenants and changing economic drivers;
- It has always been a desire to ensure there is an ideal cross-section of businesses that would support the local community and revitalization of Lakeview Heights;
- The last two buildings have been designed to accommodate two missing community gathering spaces including a coffee shop (previously phase), and a small restaurant or pub (proposed building);
- The existing parking area does have issues with parking congestion, due to the variety of tenants sharing parking;
- The proposed brewery would not conflict with other operations as the brewery would be more popular in the evening and weekends (off-hours compared to other uses);
- The proposed brewery is adjacent to transit, a bike lane, and the Wine Route (multi-use road standard);
- There is also a surplus of secure bicycle parking proposed as part of the project (8 secure bike spaces); and
- The outdoor lounge areas are seasonal and the brewery and the commercial unit would only require 22 spaces in the winter.

In addition to the rationale noted in the applicant's letter, there are additional factors that Council may wish to consider regarding the proposed use:

- The proposed brewery and potential lounge would be located in a commercial centre in close proximity to the wine trail but not located on agricultural land;
- The location is centrally located within the neighbourhood, surrounded by residents;

² Note: The letter incorrectly references 141 as the total demand when 142 are needed.

- As part of the adjacent Comprehensive Development Zone (Olalla), the developer will be constructing a concrete sidewalk along Anders Road to the roundabout on Boucherie Road, increasing the pedestrian connectivity in the area;
- There is an active development permit for a 150 unit residential development directly adjacent to the site and additional units planned in the future as part of the Olalla CD Zone;
- The proposal would be a unique feature for the Wine Trail due to its close proximity; and
- Lakesider is choosing to be located in West Kelowna understanding they will not benefit from the ancillary benefits of being in an area with established breweries as they want to be a family-oriented, neighbourhood focused brewery (Lakesider Brewing owners live in Lakeview Heights).

Discussion

Staff is supportive of the required variance to meet the General Commercial parking requirements (variance of 8 parking and 2 loading spaces). Staff anticipates that the existing parking area can functionally accommodate the additional parking required for general commercial uses. Despite the conceptual support for the proposed brewery use, as it is well supported from a policy perspective and many members of the community, a variance of 33 spaces will create impacts on the surrounding area. Key areas of concern include:

- Any overflow parking would directly impact either adjacent residents or the use of a City recreation facility;
 - There is no street parking available in the immediate area (sidewalk and curb, bike lanes, transit stop, road standards, etc.);
 - Staff anticipate that overflow parking would likely occur at the adjacent City-owned Lakeview Heights Community Hall;
- The existing parking at the development is well utilized and two additional tenants (and their respective parking) have not opened so there is uncertainty with how the parking will operate once fully operational with all tenants;
- There have been previous issues with overflow parking on Olalla Road impacting the ability for the Fire Department to exit their Hall; and
- The proposed brewery will likely draw from visitors and tours of the Westside Wine Trail increasing the parking demand in peak seasons.

Revised Proposal

There may also be opportunities to have the applicant revise their brewery proposal to reduce the parking requirements. The ability to do so is based on the ability to restrict the future liquor license uses which are tied to the parking requirements in the Zoning Bylaw (tasting area vs. lounge). In doing so, the applicant has indicated there would be operational and financial impacts that may jeopardize the viability of the brewery.

The applicant's requested variance (tied to occupancy) can be controlled through the liquor licensing process for the lounge endorsement as the occupancy is regulated through that process. As part of the lounge application processing, additional consideration by Council would be required in the future.

In addition to the recommended motion, two alternate motions have been included for both the applicant's original request of 33 spaces and an option to postpone consideration of the variance for the brewery should Council wish to direct the applicant to revise their proposal to reduce the requested parking variance.

PUBLIC NOTIFICATION

In accordance with the *Local Government Act* for the proposed Development Variance Permit, letters were sent to all property owners and their tenants (28) within 100 metres of the subject property and 11 notices were hand-delivered to tenants (Attachment 5). A Development Application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. As of the date of this report, 23 submissions in support of the proposed parking variance have been made with one submission in opposition citing concern with the supply of parking (Attachment 6). The submissions in support of the application highlight:

- Support for a neighbourhood gathering space;
- Surplus of parking available in the evenings;
- The use of alternative modes of transportation during peak summer months;
- Keeping tourism dollars in West Kelowna instead of losing them to Kelowna's established brewery scene; and
- The need for an alternative to wineries on the Westside Wine Trail.

ALTERNATE MOTIONS:

Applicant's Request

1. **THAT** Council authorize the issuance of a Development Permit Amendment (DP 14-12.05) to construct a commercial building at 845 Anders Road (Lot 2, DL 2689, ODYD Plan EPP76307), subject to the conditions outlined in the attached Development Permit; and

THAT Council authorize a variance to City of West Kelowna Zoning Bylaw No. 0154 in accordance with the permit to:

- Reduce the number of parking spaces from 15 to 7 (variance of 8 spaces) to accommodate general commercial uses;
- Reduce the number of loading spaces from 2 to 0; and

THAT the number of parking spaces be reduced from 40 to 7 (variance of 33 spaces) to accommodate a brewery and accessory uses.

Postpone (Only Brewery Variance)

2. **THAT** Council authorize the issuance of a Development Permit Amendment (DP 14-12.05) to construct a commercial building at 845 Anders Road (Lot 2, DL 2689, ODYD Plan EPP76307), subject to the conditions outlined in the attached Development Permit; and

THAT Council authorize a variance to City of West Kelowna Zoning Bylaw No. 0154 in accordance with the attached permit to:

- Reduce the number of parking spaces from 15 to 7 (variance of 8 spaces) to accommodate general commercial uses;
- Reduce the number of loading spaces from 2 to 0; and

THAT Council postpone consideration to vary the parking space requirements to accommodate a brewery so the applicant can reduce the required parking variance.

REVIEWED AND APPROVED BY:

Brent Magnan, Planning Manager
Mark Koch, Director of Development Services
Tracey Batten, Deputy CAO/Corporate Officer
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Development Permit with Variances
2. Context Map
3. Subject Property Map
4. Applicant's Rational Letter
5. Public Notification Map
6. Submissions (Up until January 6, 2020)