



COUNCIL REPORT

To: Paul Gipps, CAO

Date: June 22, 2021

From: Chris Oliver, Senior Planner

File No: DVP 21-16

Subject: **DVP 21-16; Development Variance Permit, 3731 Old Okanagan Highway**

RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit (DVP 21-16) for Lot 1 DL 5066 ODYD Plan KAP47408 (3731 Old Okanagan Highway) in general accordance with the attached permit to vary the following sections of Zoning Bylaw No. 0154:

- S.13.2.5.(d) to increase the maximum permitted height from 12.0 m to 18.65 m;
- S.13.2.5.(e).5 to reduce the minimum setback distances from land in the ALR from 15.0 m for the first and second stories, 18.0 m for the third story, and 21.0 m for the fourth storey to 0.0 m;
- S.3.21.1.(a), s.3.21.3.(a), and s.3.22 to eliminate the setback and buffer requirements for parcels abutting land in the ALR; and
- S.4.3.1.(a) to permit a portion of the required parking spaces to be located on Lot 2 DL 5066 ODYD Plan KAP47408 (3737 Old Okanagan Highway).

STRATEGIC AREA(S) OF FOCUS

- Invest in Infrastructure – to invest in building, improving and maintaining quality infrastructure to meet the needs of, and to provide a high quality of life for, current and future generations.
- Strengthen Our Community – to provide opportunities for the residents of West Kelowna to build connections, celebrate successes, embrace the community's strengths and diversity, address shared needs, and contribute to shaping the community's future.

BACKGROUND

The subject property will be the location of the City of West Kelowna's first purpose built City Hall and Okanagan Regional Library branch (ORL). The subject property was historically a Westbank Irrigation District property and is surrounded by Westbank First Nation land and lands in the Agricultural Land Reserve (ALR). Based on the design of the building, variances are required for higher ceiling heights, setbacks from the Annette Beaudreau Amphitheatre and JBMAC along with parking on the same site for both the City and the ORL.

PROPERTY DETAILS

Address	3731 Old Okanagan Highway		
PID	017-816-696		
Folio	36415507.502		
Lot Size	1.5 acres (6070.29 sqm)		
Owner	City of West Kelowna	Agent	Chris Oliver
Current Zoning	P2 - Parks and Institutional	Proposed Zoning	P2 – Parks and Institutional
Current OCP	Institutional	Proposed OCP	Institutional
Current Use	Skate Park	Proposed Use	City Hall/Library
Development Permit Areas	Aquatic and Terrestrial (Exempt)		
Hazards	None		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	Westbank First Nation Lands
East	>	Parks and Institutional Zoned Lands (Memorial Park)
West	<	Westbank First Nation Lands
South	v	Parks and Institutional Zoned Lands (JBMAC)

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Zoning Bylaw Review

Through the design and refinement of the proposed City Hall/Library building, the need for variances for ceiling heights, setbacks from the Annette Beaudreau Amphitheatre and parking on the same site has been identified. The required variances are outlined in greater detail below, but all other bylaw requirements have been met.

Height

The four storey building exceeds the 12.0 m maximum permitted height in the P2 – Parks and Institutional Zone. To accommodate the facility requirements identified by the City and the ORL, a variance to allow for a maximum permitted height of 18.65 m is necessary (Figure 1.). The proposed siting of the building is well situated from the adjacent Westbank First Nation lands in the southwest corner, limiting future impacts to the development of those lands, and the height variance would enhance the overall function of the building.

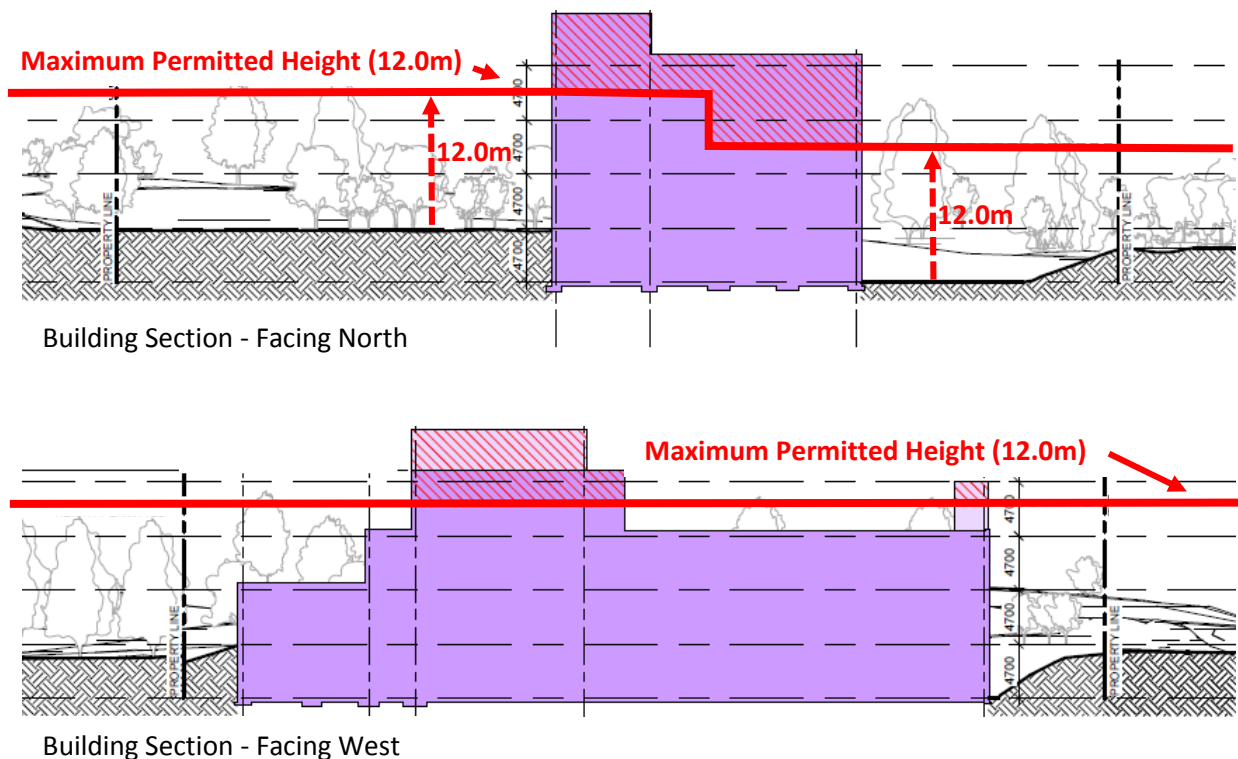


Figure 1. Over-height portions of the proposed City Hall and ORL Building




Setback and Buffer Requirements

The subject property is surrounded to the north and west by Westbank First Nation lands and the east and south by parkland located in the ALR. Both adjacent parkland properties (Memorial Park and Johnson Bentley Memorial Aquatic Centre) are owned by the City of West Kelowna and operate with non-farm use approvals. Despite the current and identified long-term use of these lands for parks and institutional purposes, they are subject to the Zoning Bylaws minimum setback and buffering requirements from lands in

the ALR. These large setback distances and buffers intend to provide a functional separation between agricultural and non-agricultural uses to avoid conflict and nuisance issues.

In this instance, none of the City's previous, current, or identified future plans have identified the surrounding lands as being used for agricultural purposes and instead have been designated as one of our most significant recreational and cultural amenities.

By eliminating the minimum setback distances and buffer requirements, it would provide the necessary flexibility to construct the City Hall/Library Building and enable the area to operate as a civic hub. Figure 2 identifies:

- the required setback from ALR lands in green hatching ;
- the typical interior parcel boundary setback of 3.0m if these parcels were not in the ALR in blue hatching ; and
- the areas that conflict with the identified setbacks in red hatching .

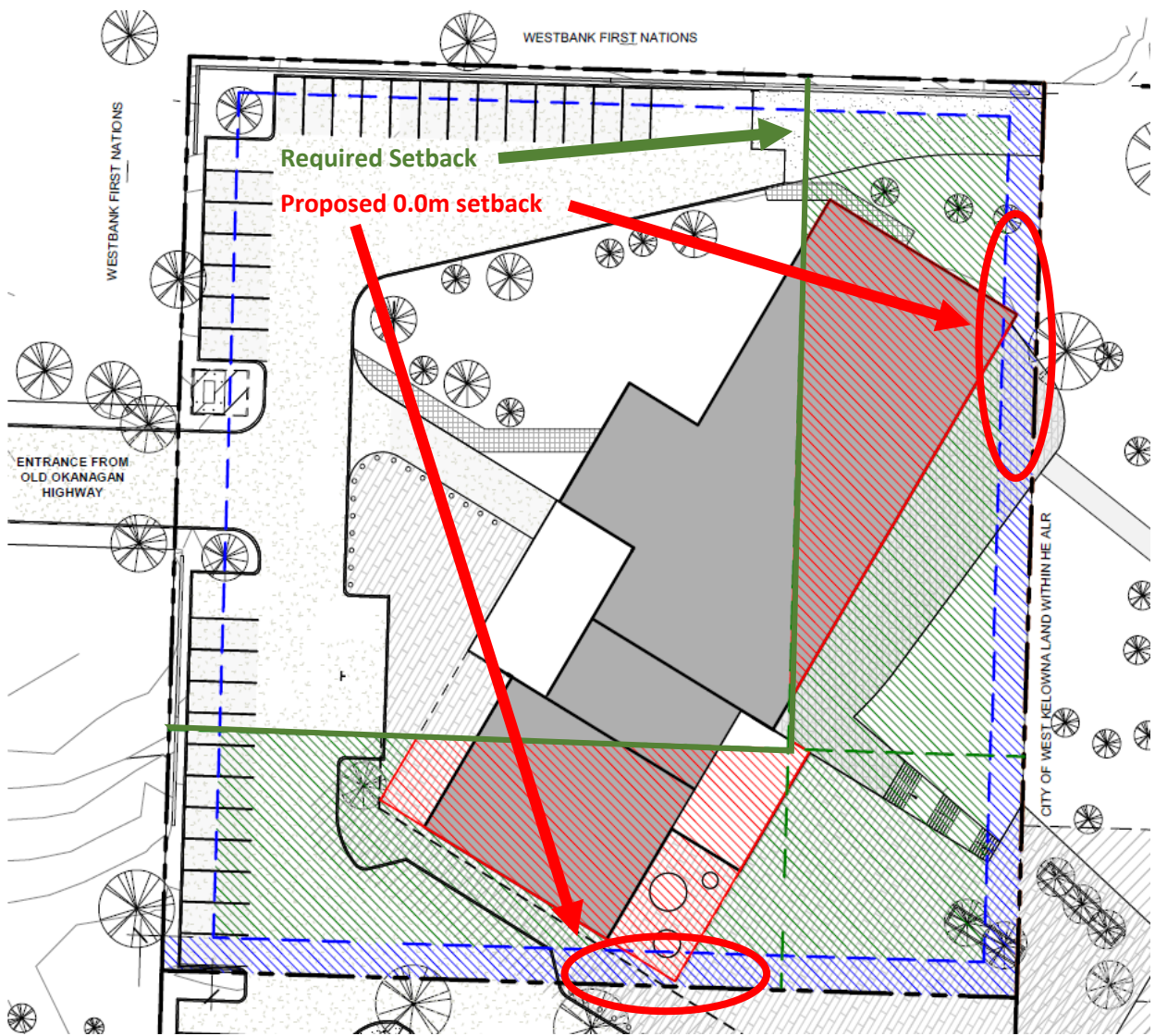


Figure 2. Required and Proposed Setback Areas

Parking

The Zoning Bylaw requires that parking spaces for an identified use be located on the parcel where the use occurs except in some circumstances identified in the Westbank Centre Revitalization Plan area¹. To maximize the buildable area and fully utilize the available land surrounding the building, the parking areas surrounding City Hall/Library building and JBMAC are proposed to be used as shared parking. Based on the existing use of JBMAC as an indoor recreation center (3 spaces/ 100m²) and the institutional uses for City Hall/Library building (2.5 spaces/ 100m²), there would be a small surplus of spaces available between the two properties (Table 1.).

Table 1. Parking Calculation Overview

Use	Parking Requirement	Spaces Required	Spaces Provided	Combined Surplus
JBMAC	3.0 / 100m ² (Indoor Rec.)	65	141	3 spaces (173 provided)
City Hall/ ORL	2.5/ 100m ² (Office)	105	32	

Public Notification

In accordance with the *Local Government Act*, 79 notification letters were sent to all property owners and their tenants within 100 metres of the subject property and a notice of application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. At the time of writing this report no submissions have been received.

FINANCIAL IMPLICATIONS

If the requested variances are postponed or denied, there would be delays to the construction as a redesign would be required.

CONCLUSION

The requested variances are necessary to accommodate the required space for the City Hall/Library building. As highlighted throughout this report, the variances are primarily related to the unique surrounding context and contiguous nature of the parcel. The requested variances would enable the subject property to operate as a civic hub surrounded by other institutional and park uses.

¹ S.4.12.1 of the Zoning Bylaw allows parking in the C1 – Urban Centre Commercial Zone to be located on a parcel other than the parcel on which the use that the parking spaces serve if various criteria are followed (e.g., be within 200m of the parcel, registering a covenant and access easement, etc.).

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. Development Variance Permit (DVP 21-16)