
CITY OF KELOWNA

MEMORANDUM

Date: February 23, 2001
File No.: (3060-20/3090-20) **DP00-10,095/DVP01-10,003**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION OWNER: VICTOR PROJECTS LTD.
NO. DP00-10,095
DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP01-10,003

AT: 2280 BARON ROAD

APPLICANT: WESTFAIR PROPERTIES
LTD.

PURPOSE: TO SEEK PERMISSION TO CONSTRUCT A 2,390.6 M²
ADDITION TO EXISTING RETAIL BUILDING AND TO ADD A
NEW FUEL PUMP ISLAND TO EXISTING GAS BAR,

TO VARY LOADING BAY REQUIREMENTS TO REDUCE
NUMBER OF LOADING BAYS FROM 8 REQUIRED TO 2
PROPOSED

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,095; for Lot 6, DL 126, O.D.Y.D., Plan KAP59534, located on Baron Road, Kelowna, B.C., subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general 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 professional landscaper;

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,003; Westfair Properties Ltd.; Lot 6, DL 126, O.D.Y.D., Plan KAP59534, located on Baron Road, Kelowna, B.C.;

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

Section 8 – Parking and Loading, Table 8.2 – Loading Schedule, Commercial and Industrial Uses, be varied from 8 loading stalls (1 loading stall per 1,900 m²) required to 2 loading stalls provided (1 loading stall per 6,800 m²),

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued;

2.0 SUMMARY

The applicant wishes to construct a 2,390.6 m² building addition to the existing commercial development on site, to add an additional fuel pump island to the existing gas bar, and to replace the existing wooden shopping cart storage structures located within the parking lot with new steel units. As the subject property is located within the Springfield/Highway 97 Urban Town Centre, a Development Permit application is required to authorize construction. An application for a Development Variance Permit has also been made concurrently with the Development Permit application to reduce the number of loading stalls from the total of 8 loading stalls required to 2 loading stalls proposed to be provided.

2.1 Advisory Planning Commission

The above noted application was reviewed by the Advisory Planning Commission at the meeting of January 23, 2001 and the following recommendation was passed:

THAT the Advisory Planning Commission supports application No. DP00-10,095 by Westfair Properties Ltd. (Glen Carlberg) for an expansion to the Real Canadian Superstore/Gas Bar at 2280 Baron Road.

3.0 BACKGROUND

3.1 The Proposal

The original Real Canadian Super Store was constructed in 1996 as approved by Development Permit 95-10,043 which was issued on October 1, 1996. That Development Permit authorized the construction of 11,431 m² of building area for both the Real Canadian Super Store building and the gas bar. The issued development permit also identified five development pad locations around the perimeter of the subject property. To date there has been no development on these pad locations. As part of the original construction, there has been in excess of 600 parking stalls provided on site.

This current application seeks approval for construction of a 2,390.6m² addition to the main commercial building, and approval for the addition of an additional fuel pump island to the existing gas bar development on site.

This current development application proposes the construction of a new 2,390.6 m² building addition to the south side of the existing building, projecting approximately 25.8 m into the existing south side parking lot. The proposed construction will eliminate approximately 97 parking stalls, and one loading stall. However, the existing site development provides over 600 parking stalls, which greatly exceeds the requirements of the current Zoning Bylaw 8000, which would require 275 parking stalls for a development of 15,642.9 m² retail space for the C4 zone requirements. Bylaw 8000 contains a maximum limit of 125% of the minimum number of required parking stalls as the maximum number of parking stalls permitted to be developed, which in this case would be a maximum number of 345 parking stalls. As the existing parking lot was authorized by a Development Permit issued under the previous Zoning Bylaw 4500, the existing situation is considered as legal non-conforming situation. The proposed construction will actually reduce the number of parking stalls provided on site while increasing the parking requirement. This will reduce the existing non-conformity and bring the existing site development closer to conformity with current bylaw requirements.

The original development application also included a variance to the number of loading stalls from the 6 stalls required down to the 3 stalls proposed. As this current application increases the size of the building and the resulting number of required loading stalls, and proposes the removal of one of the existing loading stalls, a Development Variance application has been made concurrently with the Development Permit application to vary the zoning bylaw requirements for the number of loading stalls is required to address this proposal.

The exterior finishes and materials of the proposed building addition are designed with the same as the finishes and colours of the existing portion of the constructed building. The landscaping that exists along the south wall in it's current location is proposed to be relocated to the new wall location.

Included with the proposed building expansion, is also the proposal to expand the existing gas bar development on the subject property by adding a new exposed pump island with two gas pumps, proposed to be installed east of the existing gas bar building. There are no changes proposed to the existing gas bar building. It is also proposed to replace the existing wood framed shopping cart storage enclosures which are located at various locations in the parking lot, with new steel structures. It is anticipated that the steel structures will provide the same quality of enclosure while reducing the required maintenance of the previous wooden structures.

There are no changes proposed to the existing landscaping on site. The existing landscape trellis features located along the south wall adjacent to where the proposed addition is proposed to be built, are designed to be relocated to the new wall location.

The proposal as compared to the C4 zone requirements is as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)	81,020 m ²	1,300 m ² (min.)
Site Coverage (%)	16.8% ±	75%
Total Floor Area (m ²)	13,651 m ² ±	FAR = 1.0 (max.)
Storeys (#)	2 storeys / 10.6m ± 9.6 m canopy	4 storeys (max.) 15.0 m (max.)
Setbacks (m)		
- Front (Underhill)	145 m building 13.7 m gas bar	0.0 m, 6.0m to pump island, 3.0 m to canopy
- Rear	9.2 m	0.0m
- North Side	10.8 m	0.0m
- South (flanking) Side	90 m	2.0 m
Parking Stalls (#)	628 stalls ± *	1.75 stalls per 100 m ²
Loading Stalls (#)	2 stalls provided **	1 loading stall per 1,900 m ² (8 loading stalls required)
Bicycle Parking Stalls (#) (2,390.6 m ² addition)	Class I: 5 required Class II: 15 required	Class I: 0.20 per 100 m ² GLA Class II: 0.60 per 100 m ² GLA

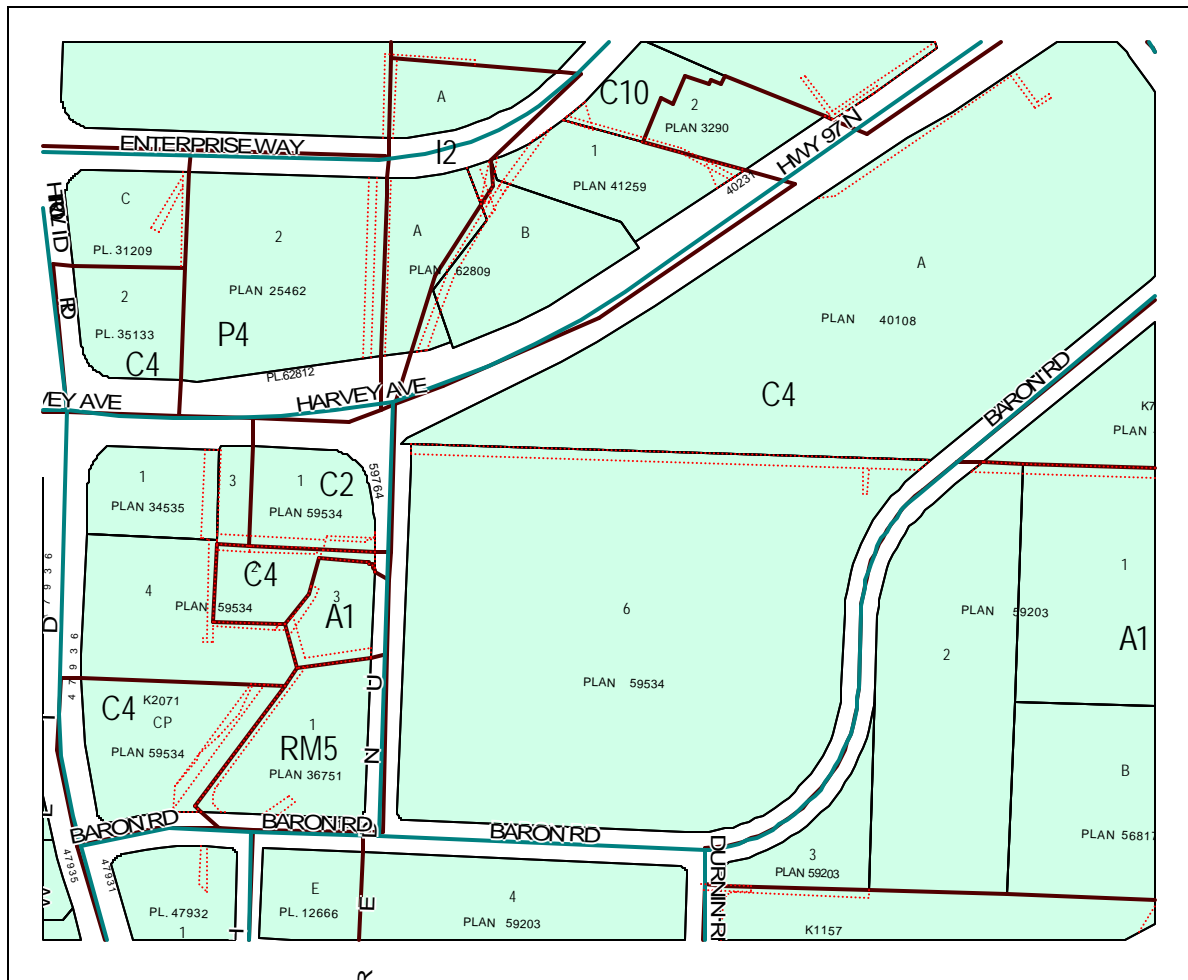
Notes:

- * Original development under C-3 Community Commercial, Zoning Bylaw 4500 required parking at 1 stall per 40 m² (for retail uses) = 285 stalls. However, Bylaw 4500 did not have a maximum limit of parking provided.
- ** Original development required 6 loading stalls. However, a variance was obtained to reduce the requirement to 3 loading stalls. This current application proposes the removal of 1 loading stall to provide a total of 2 loading stalls, where the size of the revised building would require a total of 8 loading stalls. A new Development Variance Permit application has been made concurrently with the Development Permit application to further reduce this loading stall requirement to the 2 stalls proposed.

3.2

Site Context

Subject Property Map



The subject property is located within the Springfield/Highway 97 Urban Town Centre, in an area that is surrounded by a blend of highway commercial uses (Dilworth Centre), multiple family residential development, and various auto oriented uses (Skogies Car Wash, Petro Canada gas bar)

Adjacent zones and uses are, to the:

- North - C4 – Town Centre Commercial/Dilworth Shopping Centre
- East - A1 – Agricultural 1/vacant
- South - C4 – Town Centre Commercial
- West - C2 – Neighbourhood Commercial/Underhill Rd, Gas Bar and Car Wash
- A1 – Agricultural 1/Underhill Rd, vacant
- RM5 – Medium Density Residential/Underhill Rd, Apartment uses

3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

This proposal is consistent with the commercial designation of the Official Community Plan which recognize the existing commercial development along Highway 97 (Harvey Avenue).

3.3.2 City of Kelowna Strategic Plan (1992)

The project is consistent with the Urban Form objectives of the Strategic Plan which encourages a “more compact urban form by increasing densities through infill and redevelopment within existing urban areas...”.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Fire Department

Access as per the BC Building Code and City of Kelowna Subdivision By-law. Contact F.P.O. for relocation of fire department siamese connection.

4.2 Works and Utilities Department

The Works & Utilities Department comments and requirements regarding this application are as follows:

1. General

The proposed building expansion does not compromise Works and Utilities requirements. The property is fully serviced by all utilities.

2. Traffic and site layout suggestions.

- a) Some of the Handicapped parking stalls located at the north end of the building should be relocated to the area in front of the new expansion.
- b) Additional Bicycle parking must be supplied for patrons. Two more racks similar to (or better than - see www.cora.com) the one they already have should be located in front of the store, preferably under cover to protect from the weather. The developer should demonstrate how up to 20 secure long-term bicycle parking spaces can be provided for staff as required in the zoning by-law.
- c) The crosswalk at the south end of the building needs to be aligned with the other crosswalks and the stop sign and stop line should be located behind the crosswalk. Ramp will have to be moved to correspond with proper alignment of crosswalk. Consider raising these crosswalks to the level of the curb so that there aren't six changes in elevation for the pedestrians walking from Baron Rd. to the building.

- d) A sidewalk of 2.5 metres or greater, free of obstructions, should be located along the entire front of the building.
- e) 1.5 m Sidewalk should be provided along the south side of the building where it shows "trellis planting".
- f) Some shopping carts should be available at the front of the store for patrons who arrive on foot. It isn't reasonable (or very safe) for a person arriving on foot to travel well into the parking lot to pick up and drop off a shopping cart. It unnecessarily adds extra distance and increases their exposure.
- g) The drawing shows a crosswalk at the north end of Underhill (near highway 97), this crosswalk location is not supported as there is one a few metres north.
- h) There is a wheel chair ramp located at the middle of the "temporary outdoor centre" it is blocked by display shelving. If the shelving is to remain for any length of time, the wheel chair ramp should be relocated to a more practical location.

The proposed Development Variance Application for reducing the number of loading spaces does not compromise Works and Utilities requirements. Presumably the reduced loading does not impede the supplies transfer function for the expanded facility.

Note; The road and utility upgrading requirements outlined in this report will be a requirement of the issuance of a building permit, but are outlined in this report for information only.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The proposed building expansion is felt to be a reasonable form of building addition to the subject property, and is anticipated to have little impact of the current site development. When the subject property was originally developed under DP95-10,043, the parking lot was developed with an excess of 600 parking stalls, a number that exceeded the number of parking stalls required for that size of commercial development. However, zoning Bylaw 4500 did not have a limit to the maximum number of parking stalls permitted. With the adoption of the new zoning Bylaw 8000, there has now been included a maximum limit on the number of parking stalls that may be created as an measure to introduce Traffic Demand Management initiatives, to control the use of motor vehicles.

The original Development Permit application (DP95-10,043) also included a Development Variance Permit application (DVP95-10,061) to reduce the required number of loading stalls from the 6 loading stalls required by the zoning bylaw down to the 3 provided at that time. Now with the current application to add 2,390.5 m² of building area creates a requirement for an additional 2 loading stalls, increasing the total number of loading stalls required up to 8. However, the applicant proposes to eliminate 1 of the existing stalls, leaving a total of 2 loading stalls. The reduction in the number of loading stalls is not considered a problem in this circumstance, as the entire building is used by only one tenant, and the provision of the reduced number of loading stalls meets the applicants operational requirements.

The original Development Permit (DP95-10,043) required the future building “pads” to be kept as dust free surfaces. Staff recommend that these surfaces should be upgraded to a maintained turf area, complete with appropriate irrigation. However, to date, the applicant has been unwilling to provide this upgrade to the future building “pad” locations.

The above, the Planning and Development Services Department supports this application subject to the landscaping requirements as outlined in this report.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

PMc/pmc
Attach.

FACT SHEET

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|---|---|
| 1. APPLICATION NO.: | DP00-10,095
DVP01-10,003 |
| 2. APPLICATION TYPE: | Development Permit
Development Variance Permit |
| 3. OWNER:
- ADDRESS
- CITY
- POSTAL CODE | Victor Projects Ltd.
#100 – 266 Lawrence Ave.
Kelowna, BC
V1Y 6C3 |
| 4. APPLICANT/CONTACT PERSON:

- ADDRESS
- CITY
- POSTAL CODE
- TELEPHONE/FAX NO.: | Westfair Properties Ltd. /
Glen Carlberg
3189 Grandview Hwy
Vancouver, BC
V5M 2E9
(604)439-5453/(604)439-5456 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | December 15, 2000
December 15, 2000
N/A
N/A
February 6, 2001 |
| 6. LEGAL DESCRIPTION: | Lot 6, DL 126, O.D.Y.D., Plan
KAP59534 |
| 7. SITE LOCATION: | Northeast corner of baron Road and
Underhill Street |
| 8. CIVIC ADDRESS: | 2280 Baron Road |
| 9. AREA OF SUBJECT PROPERTY: | 59,007 m ² |
| 10. TYPE OF DEVELOPMENT PERMIT AREA: | Urban Town Centre – Springfield /
Highway 97 |
| 11. EXISTING ZONE CATEGORY: | C4 – Town Centre Commercial |
| 12. PURPOSE OF THE APPLICATION: | To Seek Permission To Construct A
2,390.6 M ² Addition To Existing Retail
Store And To Add A New Fuel Pump
Island To Existing Gas Bar |
| 13. DEVELOPMENT VARIANCE PERMIT
VARIANCES: | To Vary Loading Bay Requirements
To Reduce Number Of Loading Bays
From 8 Required To 2 Proposed |

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|-----|---|-----|
| 14. | VARIANCE UNDER DEVELOPMENT
PERMIT: | N/A |
| 15. | DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

Attachments

State of Title
Subject Property Map
Schedule A, B & C
(6 pages of site elevations / diagrams)