
CITY OF KELOWNA

MEMORANDUM

Date: March 28, 2001
File No.: Z01-1010 & DP01-10,007

To: City Manager

From: Planning & Development Services Department

APPLICATION NO. Z01-1010 & DP01-10,007 **OWNER:** Cambridge Shopping Centres Limited

AT: 2430 Highway 97 **APPLICANT:** IBI Group, Marshal Hundert

PURPOSE: To rezone the site from P3 - Parks and Open Space to I2 – General Industrial to facilitate the development of five (5) Automotive and Minor Recreation Vehicle sales / rentals and two (2) general industrial uses.

EXISTING ZONE: P3 – Parks and Open Space

PROPOSED ZONE: I2 – General Industrial

REPORT PREPARED BY: Josephine Duquette

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of part of Lot B, D.L. 125, Sec. 28, Twp. 26, O.D.Y.D., Plan 19786 except Plans M15094, 37794, KAP67598, KAP67599 and KAP67601, as shown on Map "A" dated January 2001, attached to the report of March 28, 2001, located on Highway 97, Kelowna, B.C., from the P3 – Parks and Open Space zone to the I2 – General Industrial zone;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer;

AND THAT final adoption of the zone amending bylaw be considered following registration of an amended Road Reservation Agreement in the Land Title Office;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and the Ministry of Highways being completed to their satisfaction.

2.0 SUMMARY

The applicant is applying to rezone the site from P3 – Parks and Open Space to I2 – General Industrial to facilitate the development of five (5) Automotive and Minor Recreation Vehicle Sales / Rentals and two (2) general industrial uses. The applicant is concurrently applying for a Subdivision and a Development Permit. The Subdivision application proposes to create a total of eight (8) lots; seven (7) lots for development and a remainder lot for future development. The Development Permit application will establish guidelines for the uniform development of the proposed uses. The application will be primarily concerned with the perimeter details of the site such as points of access, landscaping, and signage, however the internal parking layout, including landscaping, is also a concern. The Development Permit will also address the environmental concerns adjacent to Mill Creek.

The applicant is required to submit a revised landscaping plan for the concept layout for the seven proposed development lots including the general internal landscaping within the parking layout and a revised landscaping / environmental mitigation plan for Mill Creek.

3.0 ADVISORY PLANNING COMMISSION

The subject application was reviewed by the Advisory Planning Commission at the meeting of March 6, 2001 and the following recommendation was passed:

That the Advisory Planning Commission supports rezoning Application No. Z01-1010 by IBI Group, (Marshall Hundert), for the development of seven industrial lots;

AND THAT the Advisory Planning Commission supports Development Permit Application No. DP01-10,007 by IBI Group, (Marshall Hundert), for the development of seven industrial lots, five of which are proposed for automotive vehicle sales / rental and two lots proposed for general industrial uses.

4.0 BACKGROUND

4.1 The Proposal

The applicant is proposing an Auto Mall on at least 5 of the proposed lots. The intention is to locate several Automotive dealers within a relatively compact area. The concept is consistent with the recently approved Central Golf Course Area Structure Plan.

CRITERIA	PROPOSAL	I2 ZONE REQUIREMENTS
Site Area (m ²)	Total: 13.79 ha (137,900 m ²) Minimum: 0.48 ha (4,800 m ²) Maximum: 1.37 ha (13,700 m ²)	0.4 ha (4000 m ²)
Site Width (m)	Minimum: 51.54 m Maximum: 75.4 m	40.0 m
Site Coverage (%)	Minimum: 8.4 % Maximum: 15.5 %	60 %
Total Floor Area (m ²)	Minimum: 743.2 m ² Maximum: 1672.2 m ²	

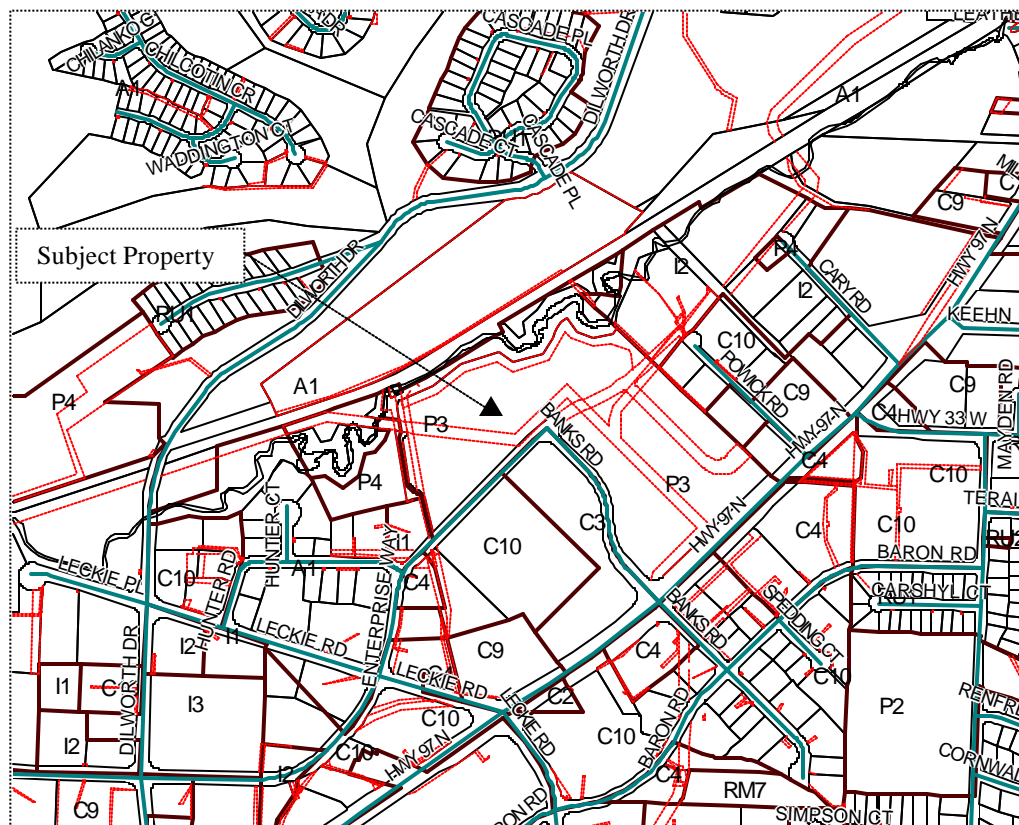
F.A.R.	Minimum: 0.119 Maximum: 0.9	1.5
Height (m)	Minimum: 6.6 m Maximum: 7.2 m	14.0 m
Parking Stalls (#)	Minimum: 15 parking stalls Maximum: 34 parking stalls	2.0 per 100 m ² GFA
Loading Stalls (#)	1 loading stall for each proposed development	1 per 1,900 m ² GFA
Bicycle Parking Stalls (#)	Minimum: 3 bicycle parking stalls Maximum: 5 bicycle parking stalls	0.3 per 100 m ² GFA

Note: the proposed building footprints will be refined when the subsequent Development Permits for each of the individual lots is received. However, the total size of the buildings shall not be increased without approval from the Ministry of Transportation & Highways and the Works and Utilities Department

4.2 Site Context

The proposed site is located north of Highway 97, south of Mill Creek and east of Leckie Road. The site was previously occupied by the Central Golf Course. The proposed development lots are located north of the Home Depot currently under construction. The site will be accessed from the extension of Enterprise Way.

The site is indicated on the map below.



Adjacent zones and uses are, to the:

- North - P3 – Parks and Open Space; Mill Creek
- East - P3 – Parks and Open Space; Show Creek
- South - P3 – Parks and Open Space; Retention Pond
- West - P3 – Parks and Open Space; vacant parcel, Home Depot and future commercial uses

4.3 Existing Development Potential

The existing zone allows for the preservation and enhancement of open space and for limited public facilities.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The current Official Community Plan designates the site as Industrial. The chapter referencing the Environmental issues for the City of Kelowna identifies Mill Creek as a Public Route of Access and a Stream Corridor Leave Strip. The plan indicates that a 10 m wide Public Route of Access is required on both sides of the creek. The Stream Corridor Leave Strip is to be a minimum of 15 metres located on both sides of the creek measured from the high water mark.

4.4.2 City of Kelowna Strategic Plan (1992)

An objective of the Strategic Plan is to preserve the important natural features and environmentally sensitive areas within the City. The Plan also identifies the need to reserve land for various forms of industrial use, including lands along Highway 97.

4.4.3 Highway 97 Sector Plan

The Highway 97 Sector Plan identifies the site as Commercial. The Plan identifies several objectives that are relevant to this site, such as;

- To recognize the important natural features and visual qualities of parts of the planning area, and to retain these to the maximum extent possible,
- To provide for adequate expansion of commercial facilities in the corridor area, but with greater attention to visual appearance, controlled access and land use mixes, and
- To ensure continued provision for industrial activities in the corridor, and to recognize the ability of the city to attract a greater diversity of industry with improved utility services and access.

4.4.4 Central Golf Course Area Structure Plan

The Area Structure Plan identifies the site as Business Industrial and will support the zone of I2 – General Industrial on the subject site. The plan indicates that the lots backing onto Mill Creek will be encumbered with a 15 metre No Disturb Covenant.

5.0 TECHNICAL COMMENTS

5.1 Works & Utilities Department

The Works & Utilities Department comments and requirements pertaining to this application are as follow:

1. Subdivision.

- a) Dedicate the necessary road right-of-way along Enterprise Way east of Banks Road to provide road frontage to all the proposed lots to be created. The right-of-way must meet the future extension through the property to the north-east with a smooth geometry, without any abrupt transition.
- b) Provide easements as may be required.

2. Geotechnical Study.

A comprehensive Geotechnical Study is required for this development. The study is to be prepared by a Professional Engineer competent in the field of geotechnical engineering. The study is to address the following:

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Potential site erosion.
- Provide specific requirements for foundations
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards.

Some of these items have been addressed in the report submitted in support of the original application filed under Z99-1028 and might just require some refining to address more specific areas of the proposed development site.

3. Domestic Water and Fire protection.

- a) The property is serviced by the City of Kelowna Municipal water distribution system. An adequately sized service will be required for each of the proposed lots. The water distribution system is required to be extended east of Banks Road to service the proposed subdivision.
- b) An additional hydrant is required to be installed along the south side of Enterprise Way behind the Home Depot site to meet the current Bylaw hydrant spacing requirement.

4. Sanitary Sewer.

The property is serviced by the City of Kelowna Municipal sewer collection system. An adequately sized service will be required for each of the proposed lots. The sewer main is required to be extended east of Banks Road to service the proposed subdivision.

5. Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. The drainage study should indicate the size and location of the detention system and provide for a positive outflow to the existing municipal storm drainage system. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas. The storm drain is required to be extended east of Banks Road to service the proposed subdivision

6. Roads.

Enterprise way is to be constructed east of Banks Road to the same standard as the section between Banks Road and Hunter Road.

7. Street lights.

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

8. Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer.

9. DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgradings are not identified in the current DCC schedules.

10. Bonding and Levies

a) Performance Bonding Deferred to subdivision application

b) Levies Deferred to building permits applications

5.2 Parks Manager

1. Parks Division supports the application subject to the approval of a landscape plan for the proposed Boulevard landscaping by the Parks Division.

2. The following standards apply for all landscape improvements in the right-of-way boulevards.
 - A. All plant material (trees, shrubs, ground covers, seed/sod etc.) proposed for the boulevard to be reviewed by the City of Kelowna Parks Division. All materials specified to meet City standard for size and method of installation.
 - B. Plant material specifications are as follows for:
 - i) Deciduous Tree by caliper @ 300 mm measured 60 mm above the root ball.
 - ii) Deciduous shrub by spread @ 450 mm min.
 - iii) Coniferous tree by height @ 2.5 min.
 - iv) Coniferous shrub by spread @ 450 mm min.
 - v) Seed/sod mix according to proposed activity use and location.
 - C. Boulevard maintenance is responsibility of the owner/occupant.
 - D. All boulevard tree maintenance is responsibility of Parks Division.
3. All construction drawings to include all underground utility locations that affect landscape materials used in the boulevard.
4. Boulevard is to be irrigated or xeriscape landscape.

5.3 Ministry of Transportation & Highways

The Ministry has no objection to the proposed rezoning and development permit applications for the auto mall subject to the following:

1. Provision of a restrictive covenant in favour of both the City of Kelowna and the Ministry of Transportation and Highways over Lots 1 & 3, Plan KAP67601. The covenant must prohibit any development on the lots until the appropriate traffic impact assessment for Phase 2 has been accepted by both the City and the Ministry, and the required road network is in place. Bonding in lieu of constructing the required road network for Phase 2 will not be considered. The document is to be registered in priority over any financial charges.
2. Enterprise Way to be dedicated and constructed to municipal standards to serve proposed Lots 6 & 7.
3. Provision of a restrictive covenant in favour of both the City of Kelowna and the Ministry of Transportation and Highways, which restricts the development within this rezoning and subdivision to a maximum 73,000 sq. ft. (6782m²) total building area, as per the IBI Group report dated March 15, 2001. The document is to be registered in priority over any financial charges.

It is our understanding that the applicant will be required to enter into a development servicing agreement with the City of Kelowna as a condition of rezoning. The servicing agreement would address the requirement for dedication

and construction of Enterprise Way as well as the requirement for the covenant documents.

Prior to formal approval of the rezoning bylaw, the Ministry will require copies of the two restrictive covenant documents mentioned above for our review and approval. We will also require a written undertaking from the applicant's solicitor to register these documents in the Land Title Office immediately upon successful completion of this rezoning.

5.4 BC Gas

Regarding the distribution lines, BC Gas has pre-installed a 60 mm PE main on the northwest side of Enterprise Way. This line is not yet connected to our system, pending further construction at the Hunter Road intersection.

The City of Kelowna Works & Utilities Department and BC Gas are currently resolving all outstanding issues.

5.5 Fire Department, Shaw Cable, Telus, and West Kootenay Power

Comments are addressed within the Works & Utilities Department section of this report.

5.6 Planning & Development Services Department

The proposed zoning is consistent with the Central Park Area Structure Plan.

A design charrette was held for the Highway 97 / Springfield Town Centre to discuss future development potential on the subject property. The charrette is not a statutory document and is therefore not binding upon any application that occurs in relation to the property. The charrette discussed three options for the potential development on the site and one of the options included a mix of light industrial and commercial uses.

Subsequent Development Permit Applications will be required for each of the proposed lots. The form and character of the developments will be evaluated as per the guideline in Section 13 of the Official Community Plan. Specifically the minimization of surface parking areas and the creation of a pedestrian-oriented town centre. The following recommendations are suggested for the design of the individual developments

- The buildings be located closer to Enterprise Way with a minimum of surface parking located in front of the building;
- The buildings be designed in a manner that clearly allows easy identification from the street of the pedestrian point of entry to the building; and
- The building and landscaping convey visual interest and human scale as seen from the street.
- The proposed land use and design will require additional security measures to protect vehicles and buildings on the proposed lots, consult the City's CPTED guidelines.

The application proposes to replace the existing No Disturb Covenant with a No Build Covenant including all portions of the proposed lots within 30 m of the high water mark of Mill Creek. The applicant will be able to disturb this area with the

creation of parking lots, perimeter landscaping and perimeter fencing. In exchange the applicant has increased the dedicated area adjacent to the creek to accommodate the creation of a comprehensive environmental management plan and a proposed linear park trail.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

AB/JD/jd
Attachment

FACT SHEET

- | | |
|---|---|
| 1. APPLICATION NO.: | Z01-1010 & DP01-10.007 |
| 2. APPLICATION TYPE: | Rezoning & Development Permit |
| 3. OWNER:
· ADDRESS
· CITY/POSTAL CODE | Cambridge Shopping Centres Ltd.
Suite 300, 95 Wellington Street West
Toronto, Ontario M5J 2R2 |
| 4. APPLICANT/CONTACT PERSON:
· ADDRESS
· CITY/POSTAL CODE
· TELEPHONE/FAX NO.: | IBI Group / Marshal Hundert
Suite 1050, 10405 Jasper Avenue
Edmonton, Alberta T5J 2W4
(780) 428-4000 / (780) 426-3256 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Staff Report to APC:
Staff Report to Council: | February 8, 2001
February 9, 2001
March 6, 2001
March 28, 2001 |
| 6. LEGAL DESCRIPTION: | Part of Lot B, DL 125, Sec. 28, Twp. 26, ODYD, Plan 19786 except plans M15094, 37794, KAP67598, KAP67599 and KAP67601 |
| 7. SITE LOCATION: | North of Enterprise Way |
| 8. CIVIC ADDRESS: | 2430 Highway 97 |
| 9. AREA OF SUBJECT PROPERTY: | 13.79 ha (137,900 m ²) |
| 10. AREA OF PROPOSED REZONING: | 5.86 ha (58,600 m ²) |
| 11. EXISTING ZONE CATEGORY: | P3 – Parks and Open Space |
| 12. PROPOSED ZONE: | I2 – General Industrial |
| 13. PURPOSE OF THE APPLICATION: | To rezone the site from P3 – Parks and Open Space to I2 – General Industrial to facilitate the development of five (5) Automotive and Minor Recreation Vehicle Sales / Rentals and two (2) general industrial uses. |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | 02-081-19086, 02-081-19087, & 02-081-19088 |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | Not Applicable |

Attachments that are missing from the Electronic Version

Subject Property Map
Proposed Area of Zone Amendment
Proposed Development (Site) Plan
Proposed Building Elevations