
CITY OF KELOWNA

MEMORANDUM

Date: February 18, 2003
File No.: (3360-20) **OCP02-0013, Z02-1045**

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. OCP02-0013 / OWNER: IVANHOE CAMBRIDGE I
Z02-1045 INC. (INC. NO. A55168)

AT: 2430 HIGHWAY 97 N APPLICANT: IBI GROUP / MICHAEL
PANKIW, SIMON SCHENN

PURPOSE: i) TO AMEND THE OCP TO CHANGE FUTURE LAND USE
DESIGNATION IDENTIFIED IN THE CENTRAL PARK
GOLF COURSE AREA STRUCTURE PLAN,
ii) TO REZONE THE SUBJECT PROPERTY TO PERMIT
THE DEVELOPMENT OF THE SITE FOR COMMUNITY
COMMERCIAL USES,

EXISTING ZONE: P3 – PARKS AND OPEN SPACE; I2 – GENERAL INDUSTRIAL

PROPOSED ZONE: C3 – COMMUNITY COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT OCP Bylaw Amendment No. OCP02-0013 to amend Map 19.1 of the Kelowna Official Community Plan (1994 - 2013) Bylaw No. 7600 by changing the Future Land Use designation of Lot 8, DL 125, O.D.Y.D., Plan KAP69740, located on Highway 97 N., Kelowna, B.C., from the Commercial and Industrial designation to the Commercial designation, as shown on Map "A" attached to the report of Planning & Development Services Department, dated February 13, 2003, be considered by Council;

THAT Rezoning Application No. Z02-1045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, DL 125, O.D.Y.D., Plan KAP69740, located on Highway 97 N., Kelowna, B.C. from the P3 – Parks and Open Space and I2 – General Industrial zones to the C3 – Community Commercial zone be considered by Council;

AND THAT the OCP Bylaw Amendment No. OCP02-0013 and 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 requirements of the Works & Utilities Department and Ministry of Transportation being completed to their satisfaction;

AND FURTHER THAT final adoption of the zone amending bylaw be withheld until the owner has executed a Servicing Agreement acceptable to the City of Kelowna.

2.0 SUMMARY

The applicant wishes to rezone the subject property from the existing "P3 – Parks and Open Space" zone to the "C3 – Community Commercial" zone to permit the development of the site with a commercial development designed to consist of 4 separate buildings, perimeter landscaping, and associated parking areas.

As this use of the subject property for community commercial land uses differs from the land use pattern identified in the "Central Park Golf Course Area Structure Plan", the applicant has also made application for an amendment to the Kelowna Official Community Plan future land use designation from the current designation of "Commercial" and "Industrial" to the proposed designation of "Commercial" concurrently with the application to rezone the subject property.

There has been an application for a Development Permit submitted concurrently with the applications for rezoning and OCP amendment for the subject property to address the building form and character for the proposed building pads, as well as proposed landscaping. Council will have an opportunity for further review of the proposed form and character in the future when the Development Permit application is considered by Council prior to fourth reading of the zone amending bylaw.

It is anticipated that there will be development permit applications for each of the proposed buildings prior to building permit applications being made. The individual development permits will address specific design elements for the buildings once the tenants are selected. It is also anticipated that the individual Development Permits will be consistent with the general development characteristics shown in this Development Permit applications.

2.1 Advisory Planning Commission

The above noted application (Z02-1045) was reviewed by the Advisory Planning Commission at the meeting of October 29, 2002 and the following recommendation was passed:

That the Advisory Planning Commission supports Official Community Plan Amendment No. OCP02-0013 and Rezoning Application No. Z02-1045, 2430 Hwy 97 N, Lot 8, Plan 69740, Sec. 21, Twp. 26, ODYD, by IBI Group (Simon Schenn), to amend the Future Land Use of the Official Community Plan from Industrial to Commercial and to rezone the subject property from the P3-Parks and Open Space zone to the C3-Community Commercial zone in order to permit the development of a commercial complex;

3.0 BACKGROUND

3.1 The Proposal

The former Central Park Golf Course property was the subject of an application for an area structure plan in 1996. The purpose of that application was to identify appropriate land use development patterns for the property and to address the associated servicing requirements for that anticipated development. The site of the former Central Park Golf Course is encumbered by several rights of way for a major natural gas transmission pipeline and drainage works to connect Mill Creek with Mission Creek.

Since that time, a portion of the site has been developed with the new Home Depot development located south of Enterprise way and west of Banks Road, and several new automotive dealership developments north of the new Enterprise Way extension.

This current application seeks to rezone the subject property from the existing P3 – Parks and Open Space zone to the C3 – Community Commercial zone in order to permit the development of the subject property with approximately 20,094 m² (216,300 SF) of commercial building space located within 4 separate buildings.

The site plan is designed in such a manner that the proposed buildings are located adjacent to Banks Road and adjacent to the property line that separates the subject property from the existing commercial uses to the north east. The site plan indicates two access points from Enterprise Way, and two access points from Banks Road. These four access points are located directly across from the access driveway locations to the properties located across the road from the subject property.

The proposed building located adjacent to the northeast property line is designed to be approximately 12,699 m² (136,700 SF) in size, and is oriented on the site such that the front of the building faces the proposed parking lot. The building generally extends from the Enterprise Way frontage down to the Highway 97 frontage, except for parking areas that are located adjacent to each of the road frontages.

The site plan indicates that the 3 buildings adjacent to Banks Road vary in size from 1579 m² (12,000 SF) for the building located near Enterprise way, 1858 m² (20,000 SF) for the building located near Highway 97, and 3957m² (42,600 SF) for the building located in the middle of the Banks Road frontage. The fronts of the proposed buildings are oriented to face the parking lot. The area between the two banks of buildings is proposed to be used for a parking lot for a total of 927 cars. This parking area is also located over the BC Gas transmission line, and provides for a landscaped feature around the existing BC Gas “blow-down” facility. The original development layout provided for a connecting link from Enterprise Way towards Highway 97, designed to connect to a future road link from Powick Road. This proposed site plan proposes to connect to this future link through the parking lot by means of a cross-access easement agreement.

The character sketches provided for the form and character of the proposed buildings indicate a base stucco finished wall panel with a “light beige” colour and “red” brick column elements located at regular intervals along the proposed building façade. It is anticipated that the column spacing will provide a logical demarcation between tenant spaces. The top of the wall areas are finished off with a “dark orange” coloured cornice detail feature. The proposed building elevations indicate that all four sides of the building are designed to have the same level of finishes and details. Council will have

an opportunity for further review of the proposed form and character in the future when the Development Permit application is considered by Council prior to fourth reading of the zone amending bylaw.

The proposal as compared to the C3 zone requirements is as follows:

CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Site Area (m ²)	69,100 m ²	1,300m ²
Site Width (m)	274 m	13.0m
Site Coverage (%)	29%	50%
Total Floor Area (m ²)	20,094m ²	69,100 m ² @ FAR = 1.0
F.A.R.	0.29	FAR = 1.0 (max)
Storeys (#)	4 Storeys (max)	4 Storeys (15 m) max
Setbacks (m)		
- Front (Highway 97 N)	3.0m	3.0m min.
- Front (Enterprise Way)	18.0 m	3.0m min.
- North East Side (interior)	12.0 m	0.0m min.
- South West Side (flanking)	3.0 m	2.0m min.
Parking Stalls (#)	943 stalls provided	4.4 per 100 m ² = 885 stalls req'd
Loading Stalls (#)	10 stalls provided	1 per 1,900 m ²

3.2 Site Context

Subject property is the remaining undeveloped section of the former Central Park Golf Course. The subject property is fronted by three streets; Enterprise Way, Banks Road, and Highway 97 N. By definition, the subject property is considered a through lot, so that both Enterprise Way and Highway 97 are considered front yards, and Banks Road is considered a flanking side street.

Adjacent zones and uses are, to the:

- Northwest - I2 – General Industrial/Enterprise Way, Auto Dealerships
- Northeast - C9 – Tourist Commercial
C10 – Service Commercial
- Southwest - C3 – Community Commercial
- Southeast - C4 – Town Centre Commercial/Highway 97,
C10 – Service Commercial

3.3 Existing Development Potential

The existing zone of P3 – Parks and Open Space allows for cemeteries, participation recreation services – outdoor, and public parks as permitted principal uses, and care centre – major, community recreation services, eating establishments – minor, participant recreation services – indoor, residential security/operator units, retail stores – general, and utility services – minor impact as permitted secondary uses.

Subject Property Map

3.4.2 City of Kelowna Strategic Plan (1992)

"The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill and will provide for an increased density of development within established urban areas through re-development of areas which are in transition. Urban areas which are targeted include the Central City area with emphasis on the waterfront and north end, Rutland, and South Pandosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor."

3.4.3 Central Park Golf Course Area Structure Plan

The Central Park Golf Course Area Structure Plan has identified the land use designation of the subject property as "Service Commercial" for the portion of the site that fronts onto Banks Road, and "Business Industrial" for the remainder of the site.

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 Aquila Networks Canada

Aquila will provide underground electrical service.

4.2 B.C. Gas

The proposed development has a significant impact of BC Gas works located on this property.

While we do not oppose the project, BC Gas has concerns with the proposed layout of the parking area, buildings and location of proposed utilities. While most of the pipeline upgrade has been completed, some further upgrades are required and further meetings between the developer, the City of Kelowna and BC Gas should take place prior to finalizing the configuration of the pavement and location of the buildings to ensure a compatible design is achieved.

Any work on site within the right of way requires prior approval from BC Gas and possible issuance of a permit.

4.3 Fire Department

Engineered fire flows will be required.
Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law.

4.4 Ministry of Transportation

In accordance with our discussion on December 18, 2002, this letter will confirm that the Ministry of Transportation will hold the above noted applications in abeyance until such

time as the details of the agreements between the City of Kelowna and the developers regarding trip generation and monitoring can be provided.

It is the Ministry's understanding that the developments within the "Pilot Project" area are tied to certain trip generation rates and covenants will be registered regulating trips at certain levels unless additional network improvements can be made to support higher trip generation rates.

Once we have received this information from the City of Kelowna, the Ministry will be in a much better position to provide informed feedback and specify appropriate conditions under which these properties can be further developed.

NOTE; It is anticipated that the final trip generation numbers will be determined within the near future. The applicant will be required to confirm these rates by way of a Restrictive Covenant prior to final adoption of the zone amending bylaw.

4.5 Parks Manager

Beside the normal standards with respect to landscaping on boulevards, Parks Division comments are as follows;

Many of the existing boulevard trees are dead or those removed haven't been replaced for this property and the property to the south which is also owned by this applicant has the same problems. The developer needs to correct these deficiencies. May I suggest that they discuss boulevard trees with Parks first before they prepare a plan with the properly specified trees as many of the planted trees were undersized and our forester advises trees don't correspond to the plan. This needs to be corrected for this high profile site.

For the boulevard, we would like to approve the plan prior to implementation with no substitutions.

Trees minimum 7.5 cm calliper.

We would recommend no Nanking Cherry and Silver Maple. Please substitute.

We not familiar with the Manchurian Ash as proposed. Please have applicant provide details.

It appears that the site is to be fully developed but we were of the understanding that there was a riparian or environmentally sensitive area in the north east area of the site.

By copy to Mark Watt please confirm no riparian area.

(Mark Watt, Environment Manager confirms – no riparian area)

4.6 Telus

TELUS will provide underground facilities to this development. Developer will be required to supply and install as per TELUS policy.

4.7 Works and Utilities Department

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

1. Subdivision.

a) Cancel the road reserve on lot 8 plan 69740

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.

The property is serviced by the City of Kelowna Municipal water distribution system.

4. Sanitary Sewer.

The property is serviced by the City of Kelowna Municipal wastewater collection system.

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.

6. Roads.

- a) Enterprise Way is to be completed from the existing end of construction to the limit of the property at the same standard as the previous phases. The construction is to include the removal of the curb return at the cancelled road reserve.
- b) Enterprise Way beyond the site of the proposed development is the subject of a joint project between the Ministry of Transportation, the City of Kelowna, BC Gas, the Central Park Development and the Mill Creek Commerce Park. All

the issues regarding the form of compensation and construction scheduling must be agreed upon as a requirement of this application.

- c) A traffic signal at the intersection of Banks Road and Enterprise Way had been identified in previous traffic reports. The installation of this traffic signal is required for this final phase of the development of the subject property. The estimated cost for the traffic signal is estimated at \$133,000.00, including a bonding escalation.

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

Traffic Signal at Banks and Enterprise	\$133,000.00
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b) Levies

Deferred to building permit application

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The development plan submitted represents a reasonable form of development for the subject property. The access driveway locations respect the existing driveway locations located across the streets from the subject property. The building layout does not impact the location of the BC Gas major transmission pipeline that runs through the site. The proposed landscaping places a sufficient amount of landscape islands within the parking area to meet the zoning bylaw requirements. The perimeter site landscaping provides a sufficient level of landscaping to buffer the proposed site development, while providing a visual connection to the surrounding developed areas.

The character sketches for the form and character of the proposed building development propose the development of all four building elevations in order to reduce the appearance of a “back wall” to the community, as the front of the proposed buildings face inward towards the proposed parking lot. The pending individual Development Permit applications will provide a future opportunity to ensure that each of the buildings will have finishes on the four sides of the proposed buildings, and that proposed loading bays will be shielded from the surrounding roadways.

The character sketches also include information for the pylon signs proposed to identify development on the subject property. The design of the proposed signs replicate the pylon signs that have been installed as part of the first phase of development of the Central Park Golf Course site. It is anticipated that the proposed pylon signs will be installed at the corner of Highway 97 and Banks Road, and the corner of Banks Road and Enterprise Way.

However, the original Area Structure Plan only anticipated commercial development along the Banks Road frontage, with the remainder of the property being developed with industrial uses, identified as “Business Industrial” development in the area structure plan. This current application seeks to alter the land use layout to provide a “Community Commercial” form of land use for this portion of the site, while maintaining similar traffic circulation layout as originally proposed in the area structure plan. The original Central Park Golf Course site had a restrictive covenant in favour of the Land Reserve Commission that was registered on title to restrict future development of the site to a substantial amount of industrial uses. With the adoption of the original Area Structure Plan document in May 2000 and the rezoning of the lands northwest of Enterprise Way to the I2 – General Industrial Zone, the Land Reserve Commission has released the restrictive covenant on the subject property, which gives the applicant the opportunity to make application to rezone the subject property to a commercial zone, in this case the C3 – Community Commercial zone.

Council will have an opportunity to review the associated Development Permit application prior to final adoption of the zone amending bylaw. The level of detail provided in this general Development Permit application is sufficient to address the general layout of buildings and parking as well as perimeter landscaping. The applicant is encouraged to provide additional details for the buildings fronting Banks road to ensure that the development does not “turn its back” on Banks Road.

In light of the above, the Planning and Development Services Department supports this application, and recommends for positive consideration by Council.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

PMc/pmc
Attach.

FACT SHEET

1. **APPLICATION NO.:** OCP02-0013/Z02-1045
2. **APPLICATION TYPE:** OCP Amendment, Rezoning
3. **OWNER:** Ivanhoe Cambridge I Inc.
(Inc. no. A55168)
Ste 300 – 95 Wellington St. W.
Toronto, On.
M5J 2R2
 - . **ADDRESS**
 - . **CITY**
 - . **POSTAL CODE**
4. **APPLICANT/CONTACT PERSON:** IBI Group / Simon Schenn
#1050 – 10405 Jasper Ave.
Edmonton Ab.
T5J 3N4
 - . **ADDRESS**
 - . **CITY**
 - . **POSTAL CODE**
 - . **TELEPHONE/FAX NO.:** (780)428-4000 or (780)488-1796
(780)426-3256 or (780)482-4604
5. **APPLICATION PROGRESS:**
 - Date of Application: October 9, 2002
 - Date Application Complete: October 10, 2002
 - Servicing Agreement Forwarded to Applicant: @
 - Servicing Agreement Concluded: @
 - Staff Report to Council: February 13, 2003
6. **LEGAL DESCRIPTION:** Lot 8, DL 125, O.D.Y.D., Plan KAP69740
7. **SITE LOCATION:** North of Banks Road, between Enterprise Way and Highway 97
8. **CIVIC ADDRESS:** 2430 Highway 97 N
9. **AREA OF SUBJECT PROPERTY:** 69,100 m²
10. **AREA OF PROPOSED REZONING:** 69,100 m²
11. **EXISTING ZONE CATEGORY:** P3 – Parks and Open Space
12. **PROPOSED ZONE:** C3 – Community Commercial
13. **PURPOSE OF THE APPLICATION:**
 - i) To Amend The OCP To Change Future Land Use Designation Identified In The Central Park Golf Course Area Structure Plan,
 - ii) To Rezone The Subject Property To Permit The Development Of The Site For Community Commercial Uses,

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| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | 20073/
20074/
20032 |
| 15. DEVELOPMENT PERMIT MAP 6.2
IMPLICATIONS | Urban Town Centre, General
Commercial; notify GIS of addition |

Attachments not included in electronic copy

Subject Property Map

7 pages of site plan, building elevations, and landscaping plan