
CITY OF KELOWNA

MEMORANDUM

Date: March 12, 2003
File No.: (3060-20) **DP03-0005**

To: City Manager

From: Planning & Development Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION OWNER: VICTOR PROJECTS LTD.
NO. DP03-0005

AT: 2280 BARON ROAD

APPLICANT: LOBLAW PROPERTIES
WEST INC. / GLEN
CARLBERG

PURPOSE: TO SEEK PERMISSION TO CONSTRUCT A TEMPORARY 30.48
M BY 24.4 M (743.8 M²) FENCED COMPOUND FOR THE
SEASONAL SALES OF PLANTS AND GARDEN SUPPLIES

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Development Permit No. DP03-0005, as outlined in the report dated March 12, 2003 from Planning and Development Services Department on lands described as Lot 6, DL 126, O.D.Y.D., Plan KAP59534, located on Baron Road, Kelowna, B.C., not be approved by the Municipal Council;

2.0 SUMMARY

The applicant wishes to construct a fenced, temporary seasonal outdoor sales area in the parking lot for plants and garden supplies. The subject property is surrounded by commercial uses and the Ministry of Transportation is not required to sign the Development Permit, therefore, this application qualifies as a Direct Development Permit for review by the Director of Planning and Development Services. However, as the applicant does not wish to incorporate additional building detail elements to the proposed structures as recommended by Planning Staff, the Director is not willing to approve this Development Permit application. This application has now been forwarded to Council for their consideration.

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.

In 2000, there was a Development Permit (DP00-10,095) which authorized the construction of a 2,390.6m² addition to the main commercial building, an addition of an additional fuel pump island to the existing gas bar development on site.

This current development application proposes the construction of a temporary fenced compound for a seasonal garden centre that is approximately 30.48 m (100 ft.) wide by 24.4 m (80 ft.) deep. This compound is proposed to be located west of the south west corner of the existing “Real Canadian Super Store” building. Within this compound area, it is proposed to place a 3.04 m (10 ft.) x 3.65 m (12 ft.) cashiers tent adjacent to the main double gate located at the north side of the compound, and 3 – 4.8 m (16 ft.) x 13.1 m (43 ft.) long shade structures, and 1 – 6.09 m (20 ft.) x 12.18 m (40 ft.) long merchandise structure. Each of these structures are designed as a metal tubular frame structure with a fabric roof. These shade structures are designed to provide shade to the plants and supplies that are on display for sale. The cashiers is a tent with 4 walls and a roof of fabric. It is anticipated that these structures will be erected from April until July to serve the spring garden season.

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

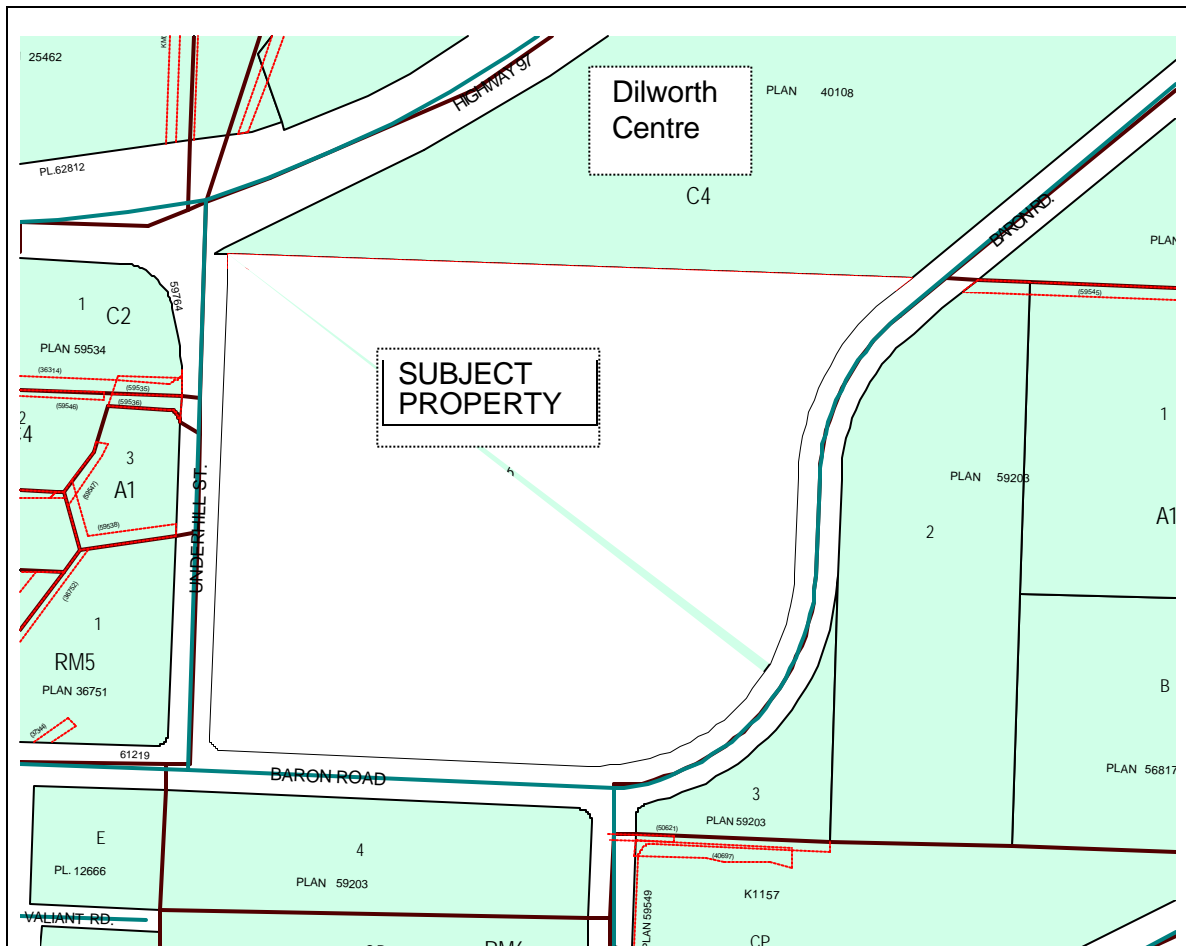
Notes:

- * 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 (DVP01-10,003) was made to further reduce the 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

No objections.

4.2 Inspection Services Department

A building permit is required complete with engineering for the tiedowns and wind loading.

4.3 Works and Utilities Department

The Works & Utilities Department have the following requirements associated with this Development Permit application.

1. Storm Water Management Plan.

- a) The proposed facility is located in the midst of a direct flow path to a storm water catch basin. Should the purpose of the facility include the storage or handling of hazardous materials, the catch basin must be plugged to avoid any potential contamination of receiving waters.
- b) The parking lot was designed and constructed to act as a storm water detention facility. The necessity of capping the catch basin might create a pond with a depth in excess of 60 cm. during a major storm event. Any hazardous material stored within the proposed facility must be kept above the

maximum potential flood elevation. The removal and disposal of storm water after any storm event will be the responsibility of the applicant.

Works and Utilities has no further requirement with regard to this application.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department has concerns with this application. The use of these outdoor seasonal sales areas has been source of concern on other locations within the City, as there it has been observed that these outdoor structures seem to be getting larger and more prominent over time, and remain in place for longer periods of time.

Planning Staff wish to have these temporary structures appear more permanent through the use of additional detail features, in order to appear as a more substantial component of the site development. As the applicant was not willing to revise the proposed buildings with this feature, the Director of the Planning and Development Services Department is not willing to issue this Development Permit, and is recommending that this application be considered by Council.

ALTERNATE RECOMMENDATION

Should City Council support this application, the following recommendation is offered for consideration:

THAT Council authorize the issuance of Development Permit No. DP03-0003 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";

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.: | DP03-0005 |
| 2. APPLICATION TYPE: | Development Permit |
| 3. OWNER: | Victor Projects Ltd. (Inc. No. 593426) |
| . ADDRESS | #100 – 266 Lawrence Ave. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 6C3 |
| 4. APPLICANT/CONTACT PERSON: | Loblaw Properties West Inc./ |
| . ADDRESS | Glen Carlberg |
| . CITY | 3189 Grandview Hwy |
| . POSTAL CODE | Vancouver, BC |
| . TELEPHONE/FAX NO.: | V5M 2E9 |
| 5. APPLICATION PROGRESS: | (604)439-5453/(604)439-5456 |
| Date of Application: | January 27, 2003 |
| Date Application Complete: | January 27, 2003 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | March 12, 2003 |
| 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 Temporary 30.48 M By 24.4 M (743.8 M ²) Fenced Compound For The Seasonal Sales Of Plants And Garden Supplies |
| 13. DEVELOPMENT VARIANCE PERMIT VARIANCES: | N/A |
| 14. VARIANCE UNDER DEVELOPMENT PERMIT: | N/A |
| 15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

Attachments not included with electronic version;

Subject Property Map
Schedule A & B (1 page)