

---

**CITY OF KELOWNA**  
**MEMORANDUM**

---

**Date:** November 19, 2003  
**File No.:** (3060-20) **DP02-0093**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION OWNER: IVANHOE CAMBRIDGE I  
NO. DP02-0093 INC. (INC. NO. A55168)

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

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE  
CONSTRUCTION OF A 12,283 M<sup>2</sup> RETAIL BUILDING FOR  
WALMART, TO IDENTIFY DEVELOPMENT PADS FOR 4  
BUILDINGS TOTALLING 20,117 M<sup>2</sup>, AND TO APPROVE  
PERIMETER SITE LANDSCAPING.

EXISTING ZONE: P3 – PARKS AND OPEN SPACE

PROPOSED ZONE: C3 – COMMUNITY COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

---

**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

---

**1.0 RECOMMENDATION**

THAT Final Adoption of Zone Amending Bylaw No. 8988 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP02-0093 for Lot 8, DL 125, O.D.Y.D., Plan KAP69740, located on Highway 97 N., 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 Signage to be constructed on the land be in general conformance with Schedule "D";
5. 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;
6. The development of the site is restricted to conditions of an existing Restrictive Covenant that will not permit full build-out of the site until alternate off-site transportation solutions have been agreed to by the City of Kelowna, Ministry of Transportation, and the applicant.

AND 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 had made application to rezone the subject property from the existing "P3 – Parks and Open Space" zone to the "C3 – Community Commercial" zone in 2002. At the time of the original applications for Rezoning and OCP Amendment, the Development Permit which accompanied the rezoning application proposed the development of the site with a commercial development designed to consist of 4 separate buildings totalling 20,094 m<sup>2</sup>, perimeter landscaping, and associated parking areas.

This current Development Permit application proposes the development of a new building for "Walmart" consisting of a 12,283 m<sup>2</sup> building with a future 3,716 m<sup>2</sup> addition for the main body of the site, and a total of 4 buildings consisting of a total of 4,118 m<sup>2</sup> of building area for the portion of the site that is adjacent to the Harvey Avenue frontage.

As this proposed building development differs from the original submission this revised application for a Development Permit has been submitted to the Advisory Planning Commission for review.

### 2.1 Advisory Planning Commission

The above noted application (DP02-0093) was reviewed by the Advisory Planning Commission at the meeting of October 21, 2002 and the following recommendation was passed:

That the Advisory Planning Commission supports Development Permit No. DP02-0093, 2430 Hwy 97 N, Lot 8, Plan 69740, Sec. 21, Twp. 26, ODYD, by IBI Group (Simon Schenn), to obtain a Development Permit to allow the construction of a 12,283 m<sup>2</sup> (and a 3,716 m<sup>2</sup> future addition) retail building with landscaping, subject to redesigning the façade along Highway 97 for greater street appeal.

#### **NOTE:**

Staff have not pursued re-design of the building as the landscaping plans have been amended to indicate significant screening and buffering in lieu of building redesign.

### 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.

In March of 2003, Council considered DP03-0010, which authorized construction of 2 commercial buildings and a restaurant building located north west of Banks Road, adjacent to the “Home Depot” development. This construction is nearing completion at this time.

Application Z02-1045 was made in October 2002 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 subject property with approximately 20,094 m<sup>2</sup> (216,300 SF) of commercial building space located within 4 separate buildings. That application had a successful public hearing on April 1, 2003, and the zone amending bylaw is currently at 3<sup>rd</sup> reading.

The site plan that was submitted with the original application to rezone was designed in such a manner that the proposed buildings were 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. That site plan indicated two access points from Enterprise Way, and two access points from Banks Road. These four access points were located directly across from the access driveway locations to the properties located across the road from the subject property.

The revised site plan keeps the access points in the same locations as originally proposed. The most notable change from the original site plan is that the revised application combines several of the former freestanding pad buildings located adjacent to Banks Road into a larger building which is proposed to be located adjacent to the north east property line. The proposed retail building for “Walmart” is designed as a 12,283 m<sup>2</sup> building with a proposed 3,716 m<sup>2</sup> future addition located at the south east end of the building.

The revised site plan still indicates the access points positioned at the same locations as the previous application. However, where there were several buildings located along the Banks Road frontage, there is now a large parking lot visible from Banks Road. The area of the subject property that is located south and east of the southern driveway from Banks Road is anticipated to be developed with 4 smaller freestanding buildings ranging in size from 279 m<sup>2</sup> to 3,094 m<sup>2</sup>. The buildings located adjacent to the Highway 97 frontage are anticipated to have design elements that are similar to the original proposal. The total proposed building area of the revised plan is 19,894.5 m<sup>2</sup> where the original proposal contemplated a total building area of 20,085 m<sup>2</sup>.

The largest building is proposed for a new “Walmart” store, and is located adjacent to the northeast property line adjacent to the Enterprise Way frontage. The building is designed to be approximately 12,283 m<sup>2</sup> (132,220 SF) in size for the first phase of construction, and is oriented on the site such that the front of the building faces Banks Road and the proposed parking lot. The building generally extends from the Enterprise Way frontage down towards the Highway 97 frontage for a distance of 116 m (380'). This new “Walmart” location is anticipated to replace the current location at the Orchard Park Mall.

The proposed building is approximately 102 m deep (334') x 116 m (380') wide. The exterior of the proposed building is designed with column elements which are repeated at regular intervals around the entire building perimeter. The front of the building which faces the parking lot is designed with numerous windows, as well as several wall areas that have a greater wall height and different cornice moulding elements to break up the length of the building. The pedestrian entrance is identified with a peaked wall parapet that is coloured “Dark Blue”, and has a signature “Walmart” fascia sign located on it. The remaining wall areas have a “Red” coloured band running around the entire building perimeter. The wall areas above the band are coloured “Light Taupe”, while the area below is coloured “Dark Taupe”. The top of the wall is capped with a “Red” coloured flashing.

The front of the building has an outdoor sales area located adjacent to the Enterprise Way end of the building. This area repeats the block column features, but uses a “Brown” painted fabricated metal fence to provide secure storage for seasonal outdoor goods.

The revised site plan indicates that there are only 2 small buildings (279 m<sup>2</sup> & 281 m<sup>2</sup>) adjacent to Banks Road, south of the southern access driveway from Banks Road. There is then a 465 m<sup>2</sup> building proposed to be located north of these two buildings. The 4<sup>th</sup> building is proposed to be located southeast of the “Walmart” building, between the “Walmart” site, and Highway 97.

The buildings located south of the southern entry driveway from Banks Road, on the area of the site that is not part of the “Walmart” store site development, are anticipated to follow the character sketches were provided as part of the original rezoning application. The form and character of the proposed buildings for the remaining property proposed “dark grey” plinth along the base of the wall area. The remaining wall area is divided into three equal areas. The lower band is a base stucco finished wall panel with a “medium beige” colour and “red” brick column elements located at regular intervals along the proposed building façade. The upper two bands are designed to be a stucco finished wall panel with a “light beige” colour. The bands are separated with “dark grey” coloured bands, the same colour as the wall base. The top of the wall areas are finished off with a “dark grey” coloured cornice detail feature. The tenant space entry locations are identified by a higher parapet detail that also provides space for tenant signage.

The proposed building elevations indicate that all four sides of the building are designed to have the same level of finishes and details. It is anticipated that there may be individual Development Permit applications for each of the buildings as they are proposed to be built in the future, should they differ significantly from the drawing submissions which accompany this application.

The parking area is located over the Terasen (BC Gas) transmission line. The revised site plan indicates that the high pressure natural gas transmission pipeline is anticipated to be relocated closer to Banks Road, and also shows that the existing Terasen (BC

Gas) “blow-down” facility is proposed to be relocated to the corner of Enterprise Way and Banks Road, and incorporated into a landscape feature at that location.

The original development layout included with the Area Structure Plan application provided for a connecting link from Enterprise Way towards Highway 97, designed to connect to a future road link from Powick Road. As Powick Road is now connected to the new Enterprise Way extension, and the Ministry of Transportation is no longer proposing to remove access to Highway 97, there is no longer a need for this alternative route of access.

The revised landscape plan includes a comparable amount of plantings around the perimeter of the site. The revised plan has been amended to show a comparable amount of plantings internally to the parking lot as the remainder of the proposed development.

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

CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	69,100 m <sup>2</sup>	1,300m <sup>2</sup>
Site Width (m)	274 m	13.0m
Site Coverage (%)	29%	50%
Total Floor Area (m <sup>2</sup> )	20,117.5m <sup>2</sup>	69,100 m <sup>2</sup> @ 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)	5.0m	4.5m min. from a Prov. Highway
- Front (Enterprise Way)	12.0 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 (#)	913 stalls provided	4.4 per 100 m <sup>2</sup> = 885 stalls req'd
Loading Stalls (#)	11 stalls required	1 per 1,900 m <sup>2</sup>

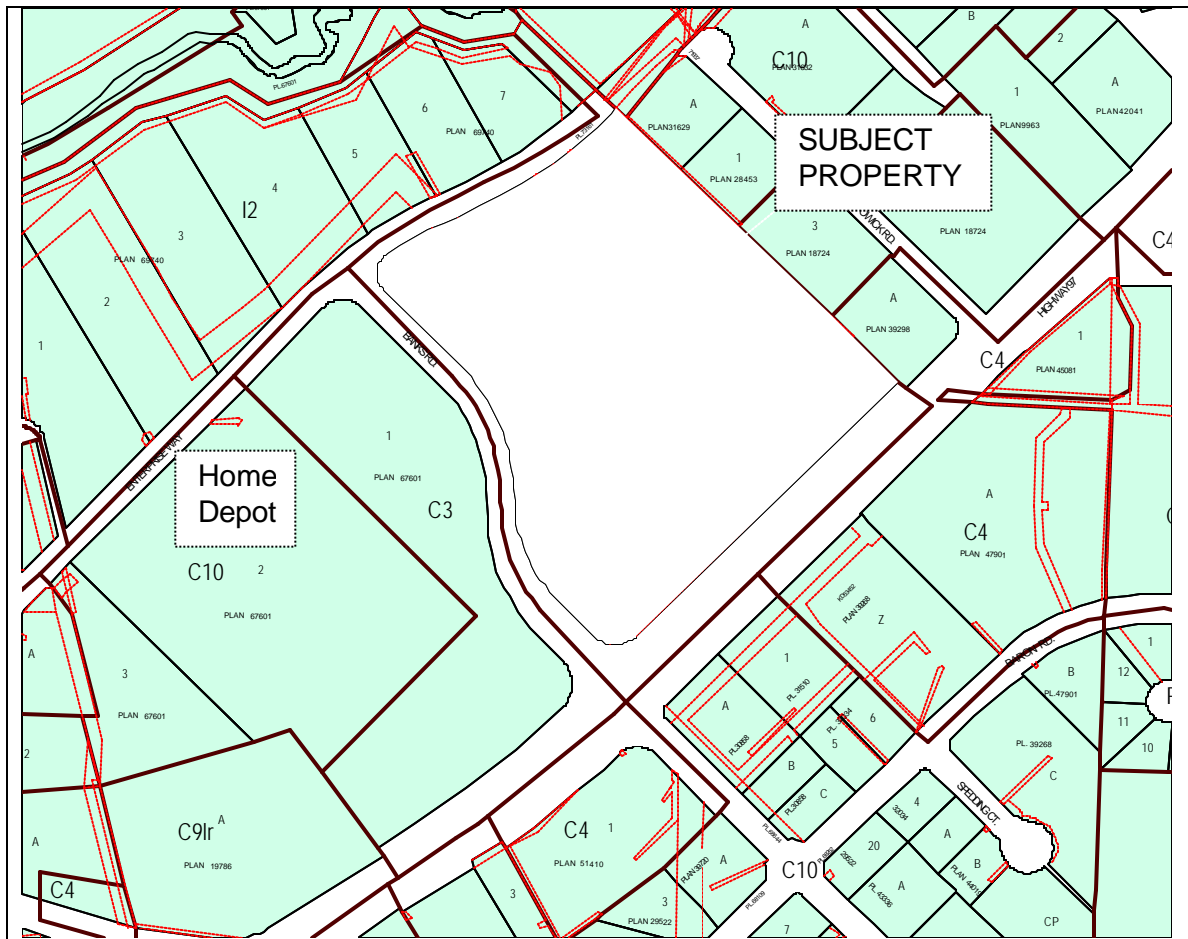
### 3.2 Site Context

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

## Subject Property Map



### 3.3 Current Development Policy

### 3.3.1 Kelowna Official Community Plan

The Kelowna Official Community Plan designates the future land use of the subject property as “Industrial”, except for that area fronting Banks Road, which is designated “Commercial”.

The associated OCP amendment has been made to change the future land use designation of the subject property from "Industrial" to "Commercial" to apply the commercial future land use designation to the entire property.

### 3.3.2 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."

### 3.3.3 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.

This land use designation is proposed to be changed through the exiting OCP Amendment Application OCP02-0013.

### 3.3.4 Crime Prevention Through Environmental Design

#### **Natural Surveillance**

- parking areas should be visible from windows, wherever possible;
- washroom doors should be visible from main pedestrian areas and away from outside exits;
- the lower branches of existing trees should be kept at least 3 metres off the ground;
- parking areas should be well-lit with lighting that does not create dark shadows (numerous low wattage lights are preferable to few high wattage lights);
- loading areas should not create dead end alleys or blind spots.

#### **Territorial Reinforcement**

- property perimeters should be defined by landscaping, gates, or fencing which does not create a visual barrier;
- signs should clearly identify all businesses within the building.

#### **Natural Access Control**

- signs should clearly mark public entrances;
- sidewalks and public areas should be clearly marked by way of special paving and/or landscaping ;
- wall treatments, such as climbing plants or trellises, should not provide a means to climb the wall;
- loading zones, with designated delivery hours, should be separate from public parking.

#### **Management**

- parking close to building entrances should be available to night-time employees;

- business associations should work together to promote shopper and business safety.

#### 4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments as part of the associated Rezoning application, and the following relevant comments have been submitted relating to the Development Permit:

##### 4.1 B.C. Gas (Terasen Utility Services)

Pending – Terasen has copies of the latest revised location plan for the relocated gas line, and have advised that they do not see any problems with the gas line relocation as proposed.

##### 4.2 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.

##### 4.3 Inspection Services Department

1. This building is to be sprinklered and non-combustible complete with an alarm system.
2. A complete exit analysis is required.
3. A 2 hr. fire rated separation is required between the car repair and the remainder of the store.
4. A fire hydrant shall be located within 45 m of the fire department connection.
5. A complete code analysis is required.

##### 4.4 Ministry of Transportation

In response to the revised drawings received October 7, 2003 for the rezoning and development permit it is our understanding that our Regional traffic staff are dealing directly with the applicant's traffic consultant in this regard. We will provide comments to you once we have received further information. (Response Pending)

##### 4.5 Telus

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

##### 4.6 Works and Utilities Department

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

1. A site grading plan, a site servicing plan and a detailed storm water management plan are a requirement of this application. The plans must conform to the overall development for the Central Park development property.
2. The site plan must demonstrate the on-site truck turning movements.

3. The boulevard irrigation system must be integrated with the on-site irrigation system. All the temporary connections must be removed.
4. Provide a 3 m. x 8m. road dedication behind the sidewalk on the south side of Enterprise located approximately 40 m. from Bank Road for a future transit shelter complete with a PVC conduit for power service

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

1. A site grading plan, a site servicing plan and a detailed storm water management plan are a requirement of this application. The plans must conform to the overall development for the Central Park development property. (Site Plan has been provided for review)
2. The access westerly onto Banks Road does not have adequate storage. The parking layout must be revised to provide adequate storage. (Revised site plan indicates that this access has been redesigned to address the storage)
3. The existing curb return on Enterprise Way must be removed and rebuilt complete with curb, gutter, sidewalk, landscaped boulevard and relocation or removal of exiting utilities. The new access must be constructed complete with a drop curb as per City standard. The cost for these items is estimated at **\$28,000.00** inclusive of a bonding escalation.
4. The boulevard irrigation system must be integrated with the on-site irrigation system. All the temporary connections must be removed.
5. The old wetland also known as Show Creek along the northerly property line is subject to ephemeral surface and subsurface flows. It is recommended that the drainage course be incorporated into the overall storm management plan for the subject property.
6. Requirements of the rezoning application no. Z02-1045 must be satisfied before approval of this Development Permit application.

#### 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The revised development plan submitted represents a reasonable form of development for the subject property to incorporate a national retailer's corporate architecture to the subject property. The access driveway locations respect the existing driveway locations located across the streets from the subject property.

However, the revised building layout does impact the location of the Terasen (BC Gas) major transmission pipeline that runs through the site. Terasen (BC Gas) has provided information that indicates that the applicant has resolved issues relating to the relocation of the existing transmission pipeline and "blow-down" facility prior to construction.

The revised landscape drawings have been revisited to place a sufficient amount of landscape islands within the parking area to mitigate the large visible parking lot form adjacent streets. The previous Development Permit application proposed buildings and architectural elements to provide visual interest at the street frontage, particularly along Banks Road. Staff recognize that the previously planned buildings cannot be

accommodated with the current proposal to use the site for a new “Walmart” store. However, it is anticipated that the previous level of visual interest has been replicated through landscaping or other architectural features.

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 proposed form and character of the new “Walmart” building includes details and finishes to all four elevations, including the wall facing Harvey Avenue, where there is a future building expansion is contemplated in the future. This reduces the appearance of a “back-wall” to the neighbouring development.

The character sketches for the form and character of the other proposed building development also propose the development of all four building elevations in order to reduce the appearance of a “back wall” to the community.

The character sketches for the “Walmart” signage are based on their own corporate signage plan. As there are greater than the 2 fascia signs per business frontage proposed for the “Walmart” frontage facing Banks Road, it is anticipated that the consultant for “Walmart” will be making an application for a Development Variance Permit to address the outstanding sign issue.

At this time there still exists the outstanding transportation concern for the generation of peak hour trips that may be generated by the proposed building development on the subject property. As part of the development process and the associated real estate negotiations that have occurred regarding the subject property and the former “Home Depot” remainder lands, there has been a maximum number of peak hour trips credited to the subject property. The maximum number of trips credited to this site has been limited to 660, based on traffic impact studies and off-site traffic improvements works performed in the neighbourhood. As an interim measure, the applicant has agreed to register a restrictive covenant on the title of the property to limit the maximum number of peak hour trips generated to 660 trips, which limits the amount of development on the site to approximately 15,793 m<sup>2</sup> (170,000 SF), which is more than adequate for the proposed building for the first phase of “Walmart” at this time.

It is anticipated that a solution to the trip limitation can be negotiated between the City of Kelowna, Ministry of Transportation, and the applicant in a similar partnership approach that resulted in the Enterprise Way extension. However, the applicant wishes to conclude certain arrangements now under the current scenario. If a solution can be reached, the existing restrictive covenant would be amended and the site could be building-out to completion.

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

---

Andrew Bruce  
Manager of Development Services

Approved for inclusion

☐

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Community and Corporate Services

PMc/pmc  
Attach.

**FACT SHEET**

- |  |  |
|--|--|
| <b>1. APPLICATION NO.:</b>                         | DP02-0093  |
| <b>2. APPLICATION TYPE:</b>                        | Development Permit   |
| <b>3. OWNER:</b>                                   | Ivanhoe Cambridge I Inc.<br>(Inc. no. A55168)  |
| . <b>ADDRESS</b>                                   | Ste 300 – 95 Wellington St. W.   |
| . <b>CITY/POSTAL CODE</b>                          | Toronto, On. M5J 2R2   |
| <b>4. APPLICANT/CONTACT PERSON:</b>                | IBI Group / Simon Schenn   |
| . <b>ADDRESS</b>                                   | #1050 – 10405 Jasper Ave.  |
| . <b>CITY/POSTAL CODE</b>                          | Edmonton Ab. T5J 3N4   |
| . <b>TELEPHONE/FAX NO.:</b>                        | (780)428-4000 or (780)488-1796<br>(780)426-3256 or (780)482-4604   |
| <b>5. APPLICATION PROGRESS:</b>                    |  |
| Date of Application:                               | October 9, 2003  |
| Date Application Complete:                         | October 10, 2003   |
| Servicing Agreement Forwarded to Applicant:        |  |
| Servicing Agreement Concluded:                     |  |
| Staff Report to Council:                           | November 19, 2003  |
| <b>6. LEGAL DESCRIPTION:</b>                       | Lot 8, DL 125, O.D.Y.D., Plan KAP69740   |
| <b>7. SITE LOCATION:</b>                           | North of Banks Road, between Enterprise Way and Highway 97   |
| <b>8. CIVIC ADDRESS:</b>                           | 2430 Highway 97 N  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                | 69,100 m <sup>2</sup>  |
| <b>10. TYPE OF DEVELOPMENT PERMIT AREA:</b>        | 69,100 m <sup>2</sup>  |
| <b>11. EXISTING ZONE CATEGORY:</b>                 | P3 – Parks and Open Space  |
| <b>12. PROPOSED ZONE:</b>                          | C3 – Community Commercial  |
| <b>13. PURPOSE OF THE APPLICATION:</b>             | TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE CONSTRUCTION OF A 12,283 M <sup>2</sup> RETAIL BUILDING FOR WALMART, TO IDENTIFY DEVELOPMENT PADS FOR 4 BUILDINGS TOTALLING 20,117 M <sup>2</sup> , AND TO APPROVE PERIMETER SITE LANDSCAPING. |
| <b>14. DEVELOPMENT VARIANCE PERMIT VARIANCES:</b>  | N/A  |
| <b>15. DEVELOPMENT PERMIT MAP 6.2 IMPLICATIONS</b> |  |

Attachments

Subject Property Map  
Schedule A, B & C (10 pages)  
1 page of floor plan diagram