
CITY OF KELOWNA
MEMORANDUM

Date: February 2, 2004
File No.: (3360-20) **Z03-0070**

To: City Manager

From: Planning & Corporate Services Department

Subject:

APPLICATION NO. Z03-0070 OWNER: 653332 BC LTD

AT: 415 GLENMORE ROAD APPLICANT: AS ABOVE

PURPOSE: TO REZONE THE SUBJECT PROPERTY TO THE C3 –
COMMUNITY COMMERCIAL ZONE TO PERMIT THE
DEVELOPMENT OF A COMMERCIAL BUILDING ON THE SITE

EXISTING ZONE: RR3 – RURAL RESIDENTIAL 3

PROPOSED ZONE: C3 – COMMUNITY COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z03-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Sec. 32, Twp. 26, O.D.Y.D., Plan 10842, located on Glenmore Road, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the C3 – Community Commercial zone be considered by Council;

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 and a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered following registration of a plan of Subdivision for the Road Exchange in the Land Title Office;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department and the Parks Department being completed to their satisfaction;

AND 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 develop a 2 storey, 1,069 m², commercial building to create a credit union with a drive-through window on the ground floor, and office space on the second storey. Associated with this application will be a road exchange to dedicate a road widening on Kane Road in exchange for the closure of excess road right of way on Glenmore Road, and the dedication of Brandt's Creek. There has also been an application for a Development Permit to address the form and character of the proposed building, and a Development Variance Permit to reduce the required setbacks to the parking lot from Brandt's Creek, as well as the building setbacks to Glenmore Road and Kane Road.

2.1 Advisory Planning Commission

The above noted application (Z03-0070) was reviewed by the Advisory Planning Commission at the meeting of January 19, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission support application Z03-0070 to rezone from the existing RR3-Rural Residential 3 zone to the C3-Community Commercial zone in order to allow a commercial development provided that the development is based on the drawings provided.

3.0 BACKGROUND

3.1 The Proposal

The applicant wishes to develop the subject property with a 2 storey, 1,069 m², commercial building with a credit union with a drive-through bank machine on the ground floor, and office space on the second storey.

The proposed site plan indicates access to the site from Kane road. The proposed building is located adjacent to Glenmore Road. There is a row of parking located between the access drive aisle from Kane Road and Brandt's Creek. As well, there is an island of parking stalls located west of the drive aisle and to the east side of the proposed building. There is a reasonable amount of landscaping proposed for the Glenmore Road and Kane Road frontages, as well as along the south side of the proposed building. There is an enclosed garbage bin area located at the south east corner of the property, which is adjacent to the existing garbage area for Brandt's Creek pub.

The exterior of the proposed building is designed with the first storey exterior finished with brick columns at regular intervals, and flat arch elements connecting the tops of the columns. The brick is proposed to be a "dark buff" colour. Each of the spaces between the columns is either glazed with store front window glazing, except for the main entry unit located at the northeast corner of the proposed building. The portion of the first storey facing the parking lot has one area between the columns filled solid with brick in order to provide a location for the automated bank machine. The wall area above the main building entrance has additional architectural details to help identify the main pedestrian entrance.

The second storey level is finished with a “dark tan” coloured stucco band at the floor level, and a continuous band of store front glazed units around the entire building perimeter. This stucco band provides a surface for the mounting of business signage.

The sloped roof area is designed to be finished with a heavy architectural asphalt roof shingle. The sloped area of the roof facing Glenmore Road has a depressed area to provide space for roof top mechanical air handling equipment.

The landscape plan provided with this application indicates a substantial amount of shrub plantings around the perimeter of the property. As well, the landscape plan also indicates the planting of shrubs and trees, along with a gravel bed, along the edge of the parking stalls that will be located adjacent to Brandt's Creek.

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

CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Site Area (m ²)	2,233 m	1,300 m ² (if no lane)
Site Width (m) (Kane Rd.)	45.9 m	40 m (if no lane)
Site Depth (m)	33.1 m	30.0 m
Site Coverage (%)	23%	50% max.
Total Floor Area (m ²) Gross Net	1,069.3m ² 952.8 m ²	2,233 m ² max @ FAR = 1.0
F.A.R.	0.477	FAR = 1.0 max.
Storeys (#)	9.75 m 2 storeys	15 m or 4 storeys
Setbacks (m)		
- Front (Glenmore Rd.)	1.88 m *	3.0 m
- Rear	13.47 m	6.0 m (abutting residential)
- North Side (Kane Rd)	0.94 m **	2.0 m (Flanking side)
- South Side	1.5 m	0.0 m
Creek setback	7.5 m ***	15 m
Parking Stalls (#)	27 stall provided	2.5 stalls per 100 m ² 27 stalls required
Loading Stalls (#)	1 stall provided	1 stall per 1,900 m ²

Variances Required:

- * **Section 14.3.5.(d) Development Regulations**
The minimum required Front Yard is 3.0m be varied to the 1.88 m proposed (to second storey)
- ** **Section 14.3.5.(e) Development Regulations**
The minimum required Flanking Street Side Yard is 2.0m be varied to the 0.94 m proposed (to second storey)
- *** **Section 6.14.2 Stream Protection Leave Strips**
In industrial, multiple dwelling, institutional and commercial areas where there has been no previous land disturbance and leave strips are required along streams as specified by the Official Community Plan, they shall be no less than 15.0 m where fish are not present. In areas of previous land disturbance, the leave strips shall be no less than 15.0 m, except these may be reduced to 10.0 m adjacent to streams with no fish present.

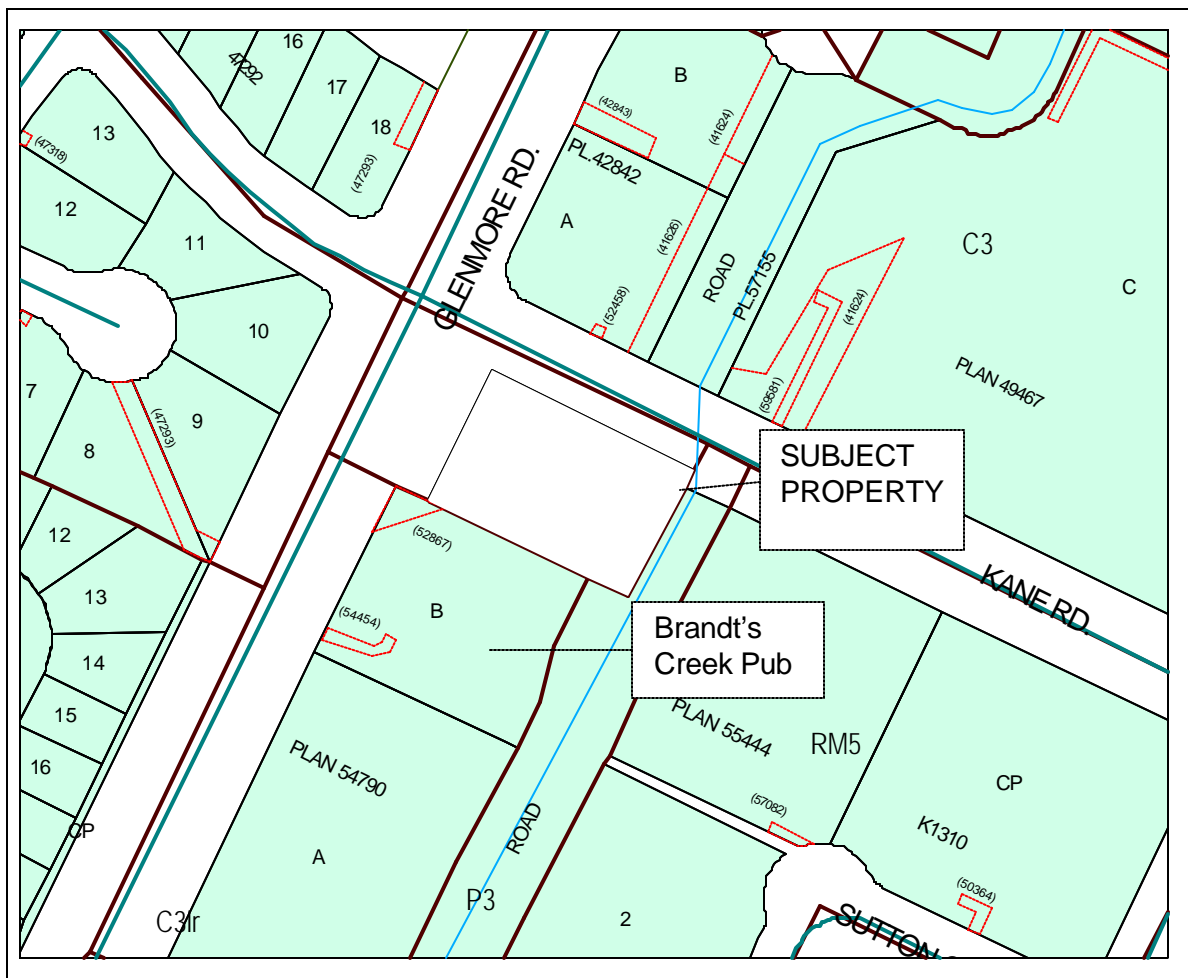
3.2 Site Context

The subject property is occupied by a small rental house, located near the Glenmore Road frontage. The remainder of the property is vacant. Brandt's Creek is located along the east property line of the subject property. Brandt's Creek has been heavily reinforced south of the subject property, and there is a pedestrian path located east of Brandt's Creek. Brandt's Creek as it runs through the subject property has not been improved.

Adjacent zones and uses are, to the:

- North - C3 – Community Commercial / Kane Rd, Gas Bar
- East - RM5 – Medium Density Multiple Housing / Apartment Building
- South - C3lr – Community Commercial / Brandt's Creek Pub
- West - RU1 – Large Lot Housing / Glenmore Rd., Single Unit Housing

Subject Property Map



3.3 Proposed Development Potential

The proposed zone of C3 – Community Commercial permits a wide variety of commercial and retail uses, as well as amusement arcades – minor, apartment housing, care centres – minor, and home based businesses – minor are permitted as secondary uses.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The subject property is located within the Glenmore Valley Village Centre Development Permit Area. The proposed zone is consistent with the “Commercial” Future Land Use designation of the City of Kelowna Official Community Plan.

The City of Kelowna Official Community Plan also has the following statements relating to development along creeks;

Guidelines for Development

In issuing conditions relating to a development permit waiver or in issuing development permit conditions, the City will specify how development permit objectives can be satisfied. This includes, but is not limited to, consideration of the following guidelines.

Riparian Management Areas Stream Management

- Prohibit obstructions and impediments to the flow of a stream, creek, watercourse, ditch, drain, or sewer whether or not it is located on private property.
- Require that the natural stream channel geometry be retained insofar as is feasible.
- Protect and manage natural watercourses as open streams (except as authorized by way of Ministry of Water, Land and Air Protection approval).

Protection Mechanisms

- Protect the *Riparian Management Area* permanently with a restrictive covenant, and where a linear park corridor is to be acquired, it may also be necessary to pursue:
 - Dedication as road—for public route of access
 - Re-zone as a protected area, park, or reserve status, or
 - Registration as statutory right-of-way.

Prohibited Uses/Activities within Riparian Management Area

Prohibit the development of buildings, structures, and hard-surfacing, such as driveways and parking areas and limit soil deposition and some agricultural practices within the *Riparian Reserve Zone*.

3.4.2 City of Kelowna Strategic Plan (1992)

The application is consistent with the Strategic Plan, as follows:

“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

redevelopment 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 Glenmore/Clifton/Dilworth Sector Plan

The subject property is located within the Glenmore Valley Residential Urban Village area.

The proposed zone is consistent with the “Commercial” Future Land Use designation of the City of Kelowna Glenmore/Clifton/Dilworth Sector Plan.

The Glenmore/Clifton/Dilworth Sector Plan also contains the following Development Permit Guidelines:

1. Any wall of an end building which is visible from the street should be finished to the same standard as the front of the building to provide an attractive appearance,
2. The design of fascia signs containing individual business signage should be integrated into the design of the building,
3. All building signage should be subtle, externally illuminated, and of high quality materials,
4. Signage should be scaled to the pedestrian in terms of size, location, lettering, and lighting,
5. All waste disposal bins should be completely screened within an enclosure,
6. Parking areas should be adequately screened and landscaped, and located at the rear or side of the development,
7. Sloped roofs are preferred, with upper floors stepped back to reduce visual impact,
8. Parking areas should clearly identify pedestrian circulation areas, preferably with different paving and landscaping treatment,
9. Buildings at key intersections should be designed to mark the corner.
10. Development along stream corridors must comply with the provisions of the Natural Environment/Hazardous Condition Development Permit guidelines.
11. Design must encourage easy pedestrian and bicycle access to the Village.

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 Networks Canada will provide underground electrical service to this development.

4.2 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. A new hydrant will be required to be installed at the corner of Kane and Glenmore. Contact FPO for preferred location of same.

4.3 Inspection Services Department

Opening in south wall are may exceed spatial separation requirements. Consultant should review Limiting Distance.

NOTE;

The applicant has move the proposed building closer to Kane Road to deal with the above.

4.4 Irrigation District (G.E.I.D.)

The Glenmore-Ellison Improvement District's Engineer, Kerr Wood Leidal, has reviewed the proposed rezoning and development applications from 653332 BC Ltd.

Excerpt of Kerr Wood Leidal letter;

1. Fire flow Availability and Hydrants

The applicant must determine any additional fire flow requirements for this site. The closes fire hydrant is located 30m south of the South West property line on Glenmore Road. The applicant's engineer will need to investigate the requirements for providing additional hydrants to the development.

2. Property water service and metering

The property will be serviced via a single metered service, with the meter located in the building's mechanical room with access available to GEID. The developer is responsible for installing the meter chamber and equipment after GEID approval of engineering plans. Upon approval of the constructed works GEID will own the metering works. The existing residential service to the property will be required to be removed at the main, an the developer's expense.

3. Off-Site waterworks

The property will be serviced from the 300mm diameter watermain on Kane Road. GEID forces will connect to the main at the developer's cost.

4. On-Site Waterworks

The on-site waterworks are the responsibility of the property owner. We note that the property owner will be responsible for servicing any on-site hydrants.

5. Connection , Administration, and Inspection Fees

The applicant is responsible for GEID connection , administration and inspection fees for the off-site works. The fees are based on the size of connection required to service the property. The drawings do not contain enough information to provide an estimate of connection, administration, and inspection fees.

6. Capital Expenditure Charges

GEID Bylaw #73 stipulates CEC's payable as follows, assuming the building will have an approved sprinkler system:

\$2,300.00 for the first 250 m2 of building from area

\$8.00 per m2 of additional building floor area (1070 – 250 = 820 m2) = \$6560.00.

7. Summary of Engineering Submissions and Payables

Submit 2 copies of engineering plans revised in accordance with sections 2 and 3 above for GEID review and approval. Provide the City of Kelowna approved drawings and Interior Health Authority Waterworks Construction Permit.
Connection costs to existing main in Kane Road to be determined
Administration fees to be determined
Engineering inspection fees to be determined
Capital Expenditure Charge - **\$8,860.00**

4.5 Ministry Water, Land and Air Protection

In regard to your letter of Dec. 9, 2003, The Ministry of Water, Land and Air Protection Southern Interior Region, provides the following comments.

Ecosystem Comments

The standards for sediment and erosion control outlined in the jointly published BC Environment/Fisheries and Oceans Canada "Land Development Guidelines for the Protection of Aquatic Habitat" must be adhered to.

Floodplain Comments

The above mentioned property contain areas which we consider maybe subject to flooding or erosion from Brandt Creek. Therefore, we recommend that the following Floodplain Management Provisions regarding minimum setback and elevation requirements be used to protect future development from damages due to flooding and erosion. The minimum floodplain requirements for development in this area based on consideration of Brandt Creek are a minimum horizontal building setback of 15.0 metres from the natural boundary of Brandt Creek and the underside of the floor systems is not less than 1.5 metres above the natural boundary of Brandt Creek. These recommendations are in keeping with the City of Kelowna Draft Floodplain Management Bylaw.

4.6 Parks Manager

All commercial properties require that the owner sods the grass BLVD (Kane Road and Glenmore Road). Seeding is not an option.

Pieris japonica 'Forest Flame' and Ilex crenata Convexa have border line survival rates in Glenmore.

The rest of the planting plan and plant list is acceptable to Parks.

Parks agrees to vary the creek dedication to 7.5 meters from top of bank.

- The irrigation system should be designed to prevent any overspray onto hardscaped areas.
- BLVD maintenance (irrigation and grass areas) is the responsibility of owner/occupant.
- Shrub beds require plastic edge beside all areas abutting a city sidewalk or city land to prevent migration of mulch.

4.7 Shaw Cable

Owner/Developer to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

4.8 Telus

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

4.9 Works and Utilities Department

The following Works & Services are required for this subdivision at the time of Building Permit:

.1 Dedications

- a) On the Kane Road frontage, provide an additional 5m (approximate) dedication for a roadway allowance of 20m matching the adjacent parcels to the east.
- b) Provide approximately 11.49m of dedication along Brandt's Creek consistent with the adjacent parcels to the south.

.2 Water

- a) The property is located within the Glenmore Ellison Improvement District (GEID) service area.

.3 Sanitary Sewer

- a) An existing 100mm sanitary sewer service is available on Glenmore Drive. City records indicate that the service is 19.2m North of Southwest corner iron pin.

.4 Drainage

- a) Provide an adequately sized drainage system complete with a connection to the Municipal storm drainage system. There are to be no connections to Brandt's creek directly.
Provide a detailed Lot Grading Plan and Site Plan.
- b) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- c) Brandt's Creek drainage channel is located at the rear of the property and is subject to the Environmental Section comments.

.5 Roads

- a) The Glenmore Road frontage must be upgraded to a full urban standard including curb and gutter, separate sidewalk, piped storm drainage system, road works, landscaped boulevard complete with underground irrigation system, and street lights. The City is planning on upgrading Glenmore road this year and these frontage works should be coordinated with the City and a cash contribution provided. **Therefore, the City requires cash-in-lieu of construction in the amount of \$37,853.00.** (The estimated cost for the Glenmore frontage works is \$30,282 plus a 25% Bylaw mark-up for contingency, Engineering and contract administration).
- b) Kane Road is designated an urban collector road. Dedicate and construct the road to match the existing road section to the east including curb and gutter, separate sidewalk, piped storm drainage system, road works, landscaped boulevard complete with underground irrigation system, and street lights. **Existing overhead wires are to be located underground.** Performance Security (bonding) in the amount of \$42,000 is required based on 140% of the construction estimate rounded to the nearest \$1,000. (The estimated cost for the Kane Road frontage is

\$29,816). The cost of relocating the overhead wires is not included in this bonding amount as this is a separate utility.

- c) On Kane Road a future asphalt overlay is required for the full road frontage up to the centre line of the road however, the City wishes to complete this work at a later date as part of a larger project; **therefore cash in-lieu of construction is required in the amount of \$2,900 for the overlay.**
- d) Re-locate existing poles and utilities, where necessary.
- e) Driveway access is not permitted onto Glenmore Road.
- f) The proposed access to Kane Road shown, on the site plan drawing prepared by George Barnes Architect dated Dec 01, 2003 (revised), is acceptable.
- g) A Cross Access Driveway agreement must be registered on this property to allow access to Kane Road for the adjacent property to the south. The agreement must include a clause to the effect that it is not to be cancelled without the consent of the Approving Officer for the City of Kelowna, and an arbitration clause. This agreement must be registered as a priority charge. Contact the Approving Officer (Bob Shaughnessy) for any questions on the agreement required. *

* (Please note that this item (g) is currently being reviewed. A decision will be available prior to Public Hearing)

- h) A Geotechnical report is required for any road construction.

.6 Power and Telecommunication Services and Street Lights

- a) This property is within a Village centre. All existing and proposed distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground (Subdivision, Development, and Servicing Bylaw schedule 4, section 5-Electrical, item 5.5). However, on Glenmore Road, relocation of the overhead wiring, to underground, is beyond the current 20 year Servicing Plan and therefore, is not a requirement of this application.
- b) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

.7 Design and Construction

- a) 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. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.8 Servicing Agreements for Works and Services

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

.9 Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) None of the Works & Services required are items included in the DCC calculations and therefore not eligible for DCC credits.
- c) Fees per the "Development Application Fees Bylaw" include:
 - i) Engineering and Inspection Fee: 3% of construction value (applicable for works completed by the developer) plus GST . For this application the amount is based on the Kane Road works. The **Total fee is \$956.58** (894.00 + \$62.58 GST)

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The subject property has been the subject of several inquiries, and has remained in an undeveloped state. The property to the south was developed with the small shopping centre and pub in the early 1990's.

This current application forms a reasonable development proposal, and should complement the existing commercial development to the south, as well as the apartment development to the east. The development of this site will complete the development and frontage improvements for this portion of Glenmore Road, and will complete the Glenmore and Kane Roads intersection.

The development of this property will complete the road widening of Kane Road in exchange for the closing of a portion of excess road right of way along the Glenmore Road frontage. As well, this application will provide an opportunity to secure the last remaining portion of Brant's creek corridor adjacent to Kane Road.

The applicant has requested a variance to reduce the setback of the parking area from Brandt's Creek. The "Riparian Management Area Setback" table 7-1 of the Environmental section of the Official Community Plan requires a minimum setback of 10m. This request to reduce the RMA setback to average 7.5 m is not viewed as unreasonable, as the existing Pub and Commercial development to the south were developed with an average setback of 7.5m to Brandt's Creek.

Council will have an opportunity to review a pending Development Permit application and associated Development Variance Permit application prior to the final adoption of the zone amending bylaw, and deal with the form and character of the building, and the proposed landscaping of the development and creek side area.

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

- | | |
|---|--|
| 1. APPLICATION NO.: | Z03-0070 |
| 2. APPLICATION TYPE: | Rezoning |
| 3. OWNER: | 653332 BC Ltd |
| . ADDRESS | 966 Fairway Cres. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 4S7 |
| 4. APPLICANT/CONTACT PERSON: | 653332 BC Ltd / Mr. George Barnes |
| . ADDRESS | 966 Fairway Cres. |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 4S7 |
| . TELEPHONE/FAX NO.: | 762-4929/860-4929 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | December 8, 2003 |
| Date Application Complete: | December 8, 2003 |
| Servicing Agreement Forwarded to Applicant: | Pending |
| Servicing Agreement Concluded: | |
| Staff Report to Council: | February 2, 2004 |
| 6. LEGAL DESCRIPTION: | Lot 1, Sec. 32, Twp. 26, O.D.Y.D.,
Plan 10842 |
| 7. SITE LOCATION: | Southeast Corner of Glenmore road &
Kane Road |
| 8. CIVIC ADDRESS: | 415 Glenmore Road |
| 9. AREA OF SUBJECT PROPERTY: | 2,233 m ² |
| 10. AREA OF PROPOSED REZONING: | 2,233 m ² |
| 11. EXISTING ZONE CATEGORY: | RR3 – Rural Residential 3 |
| 12. PROPOSED ZONE: | C3 – Community Commercial |
| 13. PURPOSE OF THE APPLICATION: | To Rezone The Subject Property To
The C3 – Community Commercial
Zone To Permit The Development Of
A Commercial Building On The Site |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.: | N/A |
| NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | |
| 15. DEVELOPMENT PERMIT MAP 6.2
IMPLICATIONS | General Commercial; notify GIS of
addition |

Attachments

Subject Property Map
5 pages building plans and elevations
3 pages of pending subdivision diagrams