
CITY OF KELOWNA
MEMORANDUM

Date: March 3, 2004
File No.: (3060-20/3090-20) **DP03-0171/DVP03-0172**

To: City Manager

From: Planning & Corporate Services Department

Subject:

DEVELOPMENT PERMIT APPLICATION OWNER: 653332 BC LTD
NO. DP03-0171
DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP03-0172

AT: 415 GLENMORE ROAD APPLICANT: AS ABOVE

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE
CONSTRUCTION OF A 1,069 M², 2 STOREY COMMERCIAL
BUILDING

TO SEEK A DEVELOPMENT VARIANCE PERMIT;
TO VARY THE FRONT YARD SETBACK FROM 3.0 M
REQUIRED TO 1.88 M PROPOSED,
TO VARY THE FLANKING STREET SIDE YARD SETBACK
FROM 2.0 M REQUIRED TO 0.94 M PROPOSED,
TO VARY THE STREAM PROTECTION LEAVE STRIP FROM
15.0 M REQUIRED TO THE 7.5 M PROPOSED ADJACENT TO
BRANDT'S CREEK

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 Final Adoption of Zone Amending Bylaw No. 9177 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP03-0171 for Lot 1, Sec. 32, Twp. 26, O.D.Y.D., Plan 10842, located on Glenmore 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";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP03-0172; Lot 1, Sec. 32, Twp. 26, O.D.Y.D., Plan 10842, located on Glenmore Road, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

- a) Vary Section 6.14.2 **Stream Protection Leave Strips** from 15m. required to 7.5m proposed for commercial areas where there is previous land disturbance and fish present,
- b) Vary Section 14.3.5.(d) **Development Regulations** from minimum required 3.0m to the 1.88 m proposed for the Front Yard setback (to second storey),
- c) Vary Section 14.3.5.(e) **Development Regulations** from minimum required is 2.0m to 0.94 m proposed for the Flanking Street Side Yard setback (to second storey).

AND FURTHER 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 wishes to develop a 2 storey, 1,069 m², commercial building to create a "credit union" financial facility 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 applications (DP03-0171 & DVP03-0172) 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 Development Permit Application No. DP03-0171, **as submitted**, for 415 Glenmore Road, Lot 1, Plan 10842, Sec. 26, Twp. 32, ODYD, George Barnes for 653332 BC Ltd. to obtain a Development Permit to allow for the construction of a 2 storey, 1069m²

commercial office building on the subject property and that any changes to be considered to the exterior of the proposed building be brought back to the Commission for their consideration.

THAT the Advisory Planning Commission support that part of the Development Variance Permit Application No. DVP03-0172, to vary the front and side yard setback requirements for 415 Glenmore Road, Lot 1, Plan 10842, Sec. 26, Twp. 32, ODYD, by George Barnes.

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 financial facility 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 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.

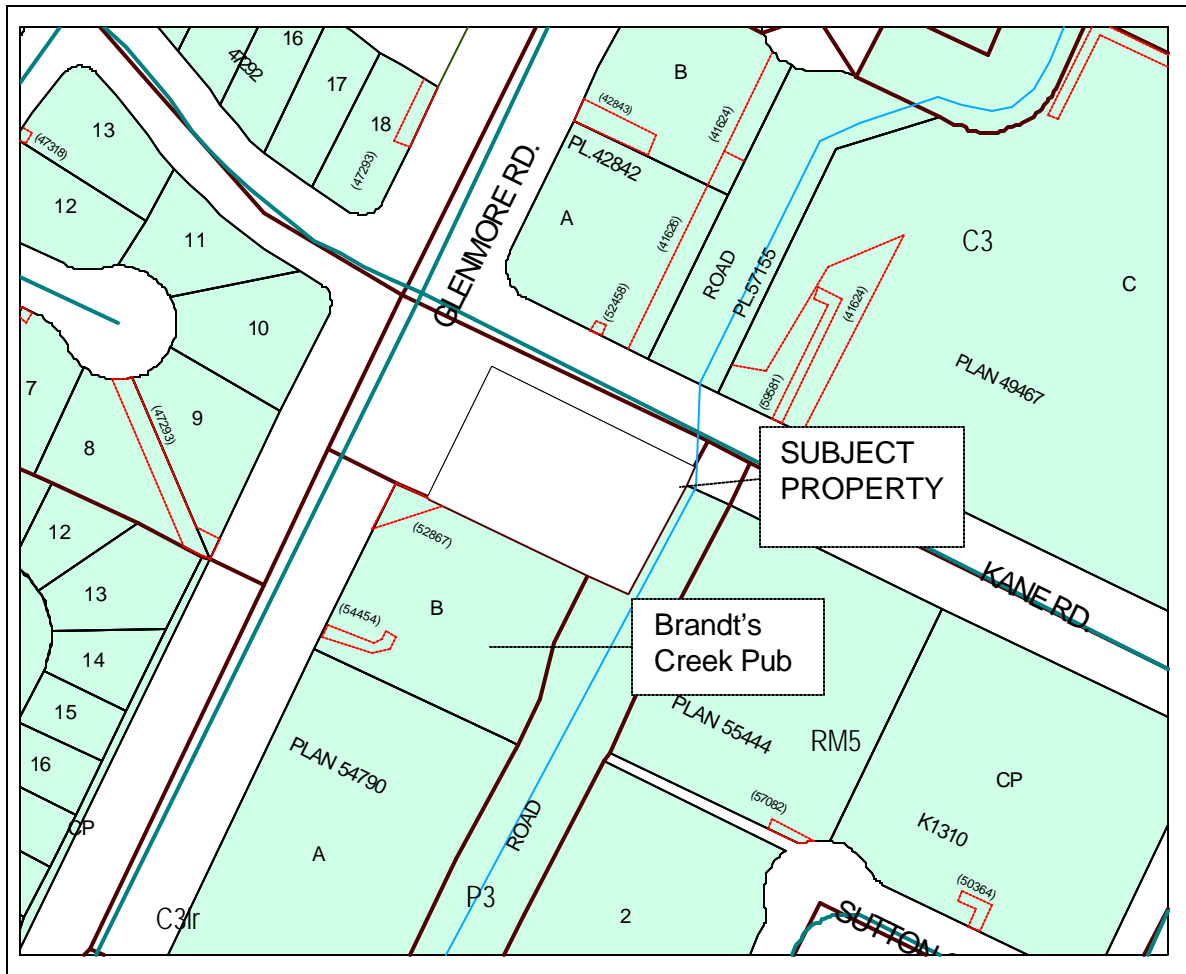
3.2 Site Context

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 Current Development Policy

3.3.1 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*.

3.3.2 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.”

3.3.3 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.

3.3.4 Crime Prevention Through Environmental Design

The City of Kelowna Crime Prevention Through Environmental Design guidelines include the following suggestions for Commercial Developments;

Natural Surveillance

- parking areas should be visible from windows, wherever possible;
- 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);

Territorial Reinforcement

- property perimeters should be defined by landscaping 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;

Drive Through Businesses;

- locate ATM's (automatic teller machines) in front of banks facing main roads (proposed ATM is visible from Kane Road)

Management

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

4.0 TECHNICAL COMMENTS

Technical comments have been dealt with through the associated Rezoning application Z03-0070.

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.

The proposed form and character, as well as the proposed finish materials and colours should complement the existing commercial construction located to the south along Glenmore Road. 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 Planning and Corporate Services

PMc/pmc
Attach.

FACT SHEET

- | | |
|--|---|
| 1. APPLICATION NO.: | DP03-0171/DVP03-0172 |
| 2. APPLICATION TYPE: | Development Permit
Development Variance Permit |
| 3. OWNER:
· ADDRESS
· CITY/POSTAL CODE | 653332 BC Ltd
966 Fairway Cres.
Kelowna, BC V1Y 4S7 |
| 4. APPLICANT/CONTACT PERSON:
· ADDRESS
· CITY/POSTAL CODE
· TELEPHONE/FAX NO.: | 653332 BC Ltd / Mr. George Barnes
966 Fairway Cres.
Kelowna, BC V1Y 4S7
762-4929/860-4929 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Servicing Agreement Forwarded to Applicant:
Servicing Agreement Concluded:
Staff Report to Council: | December 8, 2003
December 8, 2003
January 15, 2004

March 3, 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. TYPE OF DEVELOPMENT PERMIT AREA: | General Commercial DP Area |
| 11. EXISTING ZONE CATEGORY: | RR3 – Rural Residential 3 |
| 12. PROPOSED ZONE: | C3 – Community Commercial |
| 13. PURPOSE OF THE APPLICATION: | To Seek A Development Permit To
Authorize Construction Of A 1,069 M ² ,
2 Storey Commercial Building,

To Seek A Development Variance
Permit; To Vary The Front Yard
Setback From 3.0 M Required To 2.4
M Proposed, To Vary The Stream
Protection Leave Strip From 15.0 M
Required To The 7.5 M Proposed
Adjacent To Brandt's Creek, And To
Vary The Off-Street Parking From 27
Stalls Required To The 26 Stalls
Proposed |

**14. DEVELOPMENT VARIANCE PERMIT
VARIANCES:**

- a) Vary Section 6.14.2 **Stream Protection Leave Strips** from 15m. required to 7.5m proposed for commercial areas where there is previous land disturbance and fish present,
- b) Vary Section 14.3.5.(d) **Development Regulations** from minimum required 3.0m to the 1.88 m proposed for the Front Yard setback (to second storey),
- c) Vary Section 14.3.5.(e) **Development Regulations** from minimum required is 2.0m to 0.94 m proposed for the Flanking Street Side Yard setback (to second storey).

**15. DEVELOPMENT PERMIT MAP 6.2
IMPLICATIONS**

General Commercial; notify GIS of addition

Attachments

Subject Property Map
Schedule A, B & C (4 pages)
3 pages of floor plans and diagrams