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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** January 10, 2005  
**File No.:** **DP04-0132**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

**DEVELOPMENT PERMIT  
APPLICATION NO. DP04-0132**

**OWNER:** Springdale Properties Ltd.

**AT:** 532 and 538 Yates Road

**APPLICANT:** HMA Architects Inc.

**PURPOSE:** TO OBTAIN A DEVELOPMENT PERMIT TO AUTHORIZE  
CONSTRUCTION OF A NEIGHBOURHOOD COMMERCIAL  
MALL MEASURING 1233M<sup>2</sup> IN SIZE

**EXISTING ZONE:** C2 – NEIGHBOURHOOD COMMERCIAL

**REPORT PREPARED BY:** RYAN SMITH

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Permit No. DP04-0132 for Lot C, Section 32, Township 26, ODYD Plan KAP54403 and Lot D, Section 32, Township 26, ODYD Plan 54403, located on Yates 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;
5. The applicant be required to consolidate the subject properties;

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 is seeking a development permit for the construction of a single storey neighbourhood commercial development to measure 1233m<sup>2</sup> in size.

## 3.0 ADVISORY PLANNING COMMISSION

At regular meeting of the Advisory Planning Commission the November 9, 2004 it was resolved:

*THAT the Advisory Planning Commission supports Development Permit Application No. DP04-0132, to obtain a Development Permit to allow for the development of a 1233.4 m<sup>2</sup> neighbourhood commercial development, subject to enhancements being made to the north elevation.*

\*Note: The applicant has made several minor modifications to the northern building elevation in order to address the concerns of the Advisory Planning Commission.

## 4.0 The Proposal

The subject property is located on the northeast corner of Glenmore Road at Yates Road. The applicant is seeking to construct a one-storey neighbourhood commercial style mall that will take the form of two buildings. The building at the corner of Glenmore and Yates to be oriented north/south will house amongst its tenants a bank with a drive through. The second (and larger) building will house seven commercial retail units.

The site is designed in a manner so as to allow for pedestrian access between Yates Road and the two buildings as well as between buildings on-site. The development will have access from both Yates Road and via a joint access from the Sandalwood Adult Community driveway.

The proposed buildings will be finished with a cultured stone base, hardy panel siding, and asphalt shingled roofs. Staff encouraged the applicant to provide lighting along the north side of building "B" in accordance with CEPTED Guidelines and the architect has indicated that this will be done.

The proposed landscape plan provides for buffering from both Yates Road and Glenmore Drive and an existing fence will help to mitigate the effect of the proposed development on the Sandalwood development to the north/east.

The proposal as compared to the C2 – Neighbourhood Commercial zone requirements is as follows:

CRITERIA	PROPOSAL	C2 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	4683m <sup>2</sup>	1500m <sup>2</sup>
Site Width (m)	48m	40.0m
Site Depth (m)	98.4m	30.0m
Site Coverage Existing (%)	0%	40% (Max)
Site Coverage Proposed (%)	26.3%	40% (Max)
Total Floor Area (m <sup>2</sup> )	1223m <sup>2</sup>	N/A
F.A.R.	0.26	0.3
Storeys (#)	1	2 (max)
Setbacks (Existing Building)		
- Front	6.5m	4.5m
- Rear	6.75m	6.0m
- North Side	5.0m	2.0m
- South Side	9m	4.5m
Parking Stalls (#)	57	46
Loading Stalls (#)	0	0

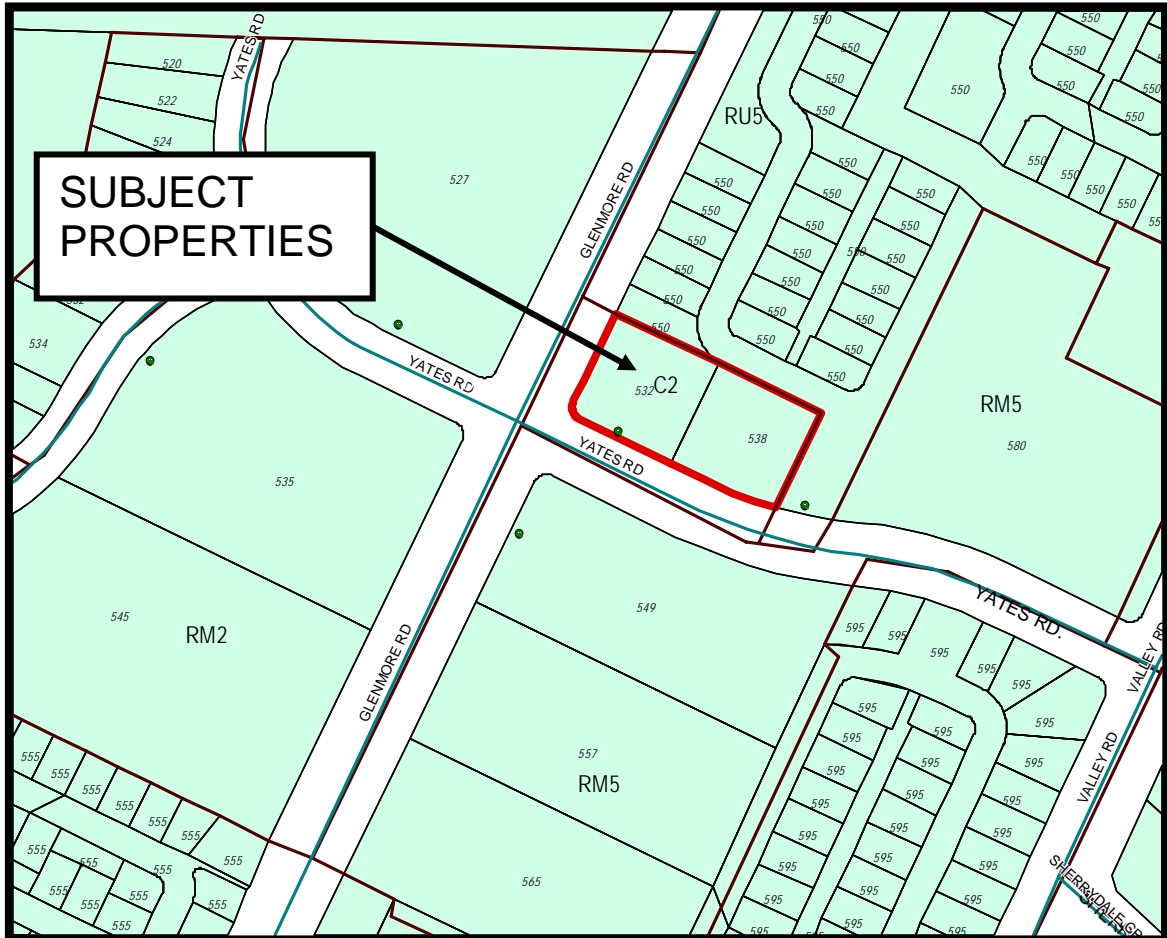
#### 4.1 Site Context

Adjacent zones and uses are:

- North - RU5 – Bareland Strata Housing – Sandalwood Adult Community
- East - RM5 – Medium Density Multiple Housing - Sandalwood
- South - RM5 – Medium Density Multiple Housing – The Verve (Under Construction)
- West - RM2 – Low Density Row Housing – Townhouse development

## SUBJECT PROPERTY MAP

Subject Properties: 532 and 538 Yates Road



### 4.2 Current Development Policy

#### 4.2.1 Kelowna Official Community Plan

##### **Objectives for Commercial Development**

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should provide visual interest and human scale.

- All development should contribute to a sense of community identity and sense of place (integration of development within larger community, belonging, and community cohesiveness).
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

### **Guidelines for Commercial Development**

The application meets the following guidelines for commercial development:

#### Access

- Design facilitates pedestrian and bicycle access.
- Interference between vehicle movement and pedestrian access is minimized.
- Vehicle access is available via a private driveway (through a joint access agreement).
- Pedestrian access is clearly marked on-site.

#### Buildings, Structures and Additions

- Buildings are designed and sited in a manner compatible with adjacent buildings and open areas.

#### Ancillary Services/Utilities

- Loading, garbage and other ancillary services are located at the rear of buildings.
- Utility service connections are to be screened from view or be located so as to minimize visual intrusion.

#### Lighting

- staff recommend that external lighting be used to enhance safety

#### Landscaping

Landscaping accomplishes the following:

- provides noise buffering
- complements building's architectural features
- enhance the edges of buildings
- screens parking areas from view
- provides visual buffers of new buildings
- provides colour

- creates shade
- creates design interest
- retains required sight distances (from roadways)
- contributes towards a sense of personal safety and security
- facilitates the access, enjoyment and social activities for all authorized users
- provides equal access for mobility-challenged individuals

#### Crime Prevention Through Environmental Design

##### **Natural Surveillance**

- dumpsters should not create blind spots or hiding areas;
- lighting should be even to avoid casting shadows where people can hide; using numerous low wattage lights accomplishes this better than a few high wattage lights;
- loading areas should not create hiding places;
- all four facades of a building should have windows;
- the lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- exterior of buildings should be well-lit;
- wherever it is appropriate, a mix of uses should be encouraged to increase natural surveillance at different times of the day; placement of residential uses above commercial is a good example of this;
- elevators and stairwells should be clearly visible from windows and doors;
- shrubbery should be no more than three feet (one metre) high for clear visibility;

##### **Territorial Reinforcement**

- property boundaries, where possible, should be marked with hedges, low fences or gates;
- private and semi-private areas should be easily distinguishable from public areas;
- all public and semi-private areas should be well-maintained to convey pride and ownership, which discourage negative activity;

##### **Natural Access Control**

- Public paths should be clearly marked;
- signs should direct patrons to parking and entrances;
- there should be no easy access to the roof;
- entrances to dwellings within a commercial building should be separate from the commercial entrance to enable distinction of residential visitors from those frequenting businesses;
- rear access to shops should be provided from rear parking lots.

## 5.0 TECHINICAL COMMENTS

This application was circulated to various internal department and external technical agencies and the following comments were received:

### 5.1 Fire Department

Fire Department access and hydrants as per BC Building Code and City of Kelowna Subdivision By-Law.

### 5.2 Fortis BC

Will supply electrical service.

### 5.3 Inspection Services Department

Inspection Services will require the following for building permit stage:

- a) Geotechnical report.
- b) Confirmation of Fire Hydrant locations.
- c) Building Code analysis, including spatial calculations.
- d) Separate sign applications required if not reviewed as time to DP.

### 5.4 GEID

#### 5.4.1 Background

The present water allocation is as follows:

- Lot C Plan KAP 54403 is .58ac. of C-2 Grade.
- Lot D Plan KAP 54403 is .58ac. of C-2 Grade.

The applicant plans to construct two commercial buildings, one on Lot C and one on Lot D.

References:

- Sandalwood Plaza 8.5x11 Plans dated October 7, 2004
- Faxed Plan (see attached) showing proposed servicing location, dated November 24, 2004.
- City of Kelowna File # DP04-0132

The following sections describe the water servicing requirements to meet GEID servicing bylaws and policies.

#### 5.4.2 Engineering Plans

The current plan submission is not adequate to assess the required off-site waterworks at this time. The applicant must submit two (2) copies of engineered plans in accordance with City of Kelowna and GEID servicing bylaws and

policies, for review. One set of review comments will be provided. If additional sets of review comments are required, charges for GEID staff or consultant time (including overhead) will be assessed to the applicant.

#### 5.4.3 Fireflow Availability and Hydrants

Onsite hydrant spacing and flowrates must conform to City of Kelowna Bylaw # 7900. An FUS fire calculation sheet must be provided by the Applicant's Engineer for building development proposal for the subdivision. The attached calculation sheet is to be filled out and sealed by the Applicant's Engineer of Record. The number will be used when reviewing the District's computer model to verify that adequate fire flow exists for the development.

#### 5.4.4 Property Water Servicing and Metering

The properties will be required to be serviced via separate services, with meters located in the building where the service line enters. External remote registers must be mounted on the exterior of the building near the electrical meter.

The following issues must be addressed prior to approval of the servicing plans:

- Submit two (2) copies of engineered plans in accordance with City of Kelowna and GEID servicing bylaws and policies, for review.
- The proposed services will require City of Kelowna approval to cut the asphalt on the newly paved Glenmore Road if necessary
- The water service to Lot D will require an easement over Lot C in favour of Lot D
- The required layout of the buildings will require plan subdivision to accommodate each building on a separate lot or consolidation of the lots
- Submit irrigation system mechanical plans c/w system demand requirements

#### 5.4.5 Waterworks

The current plan submission is not adequate to assess the required off-site waterworks at this time. The applicant must submit two (2) copies of engineered plans in accordance with City of Kelowna and GEID servicing bylaws and policies, for review.

#### 5.4.6 Connection, Administration and Inspection Fees

The applicant is responsible for any GEID connection, administration and inspection fees for the on-site and off-site works. The current plan submission is not adequate to determine these costs at this time.



#### 5.4.8 Capital Expenditure Charges

Current GEID Bylaw #73 stipulates CEC's payable for Commercial Development based on area in sq. m. These rates are subject to change without notice. CEC's will be charged as per the Bylaw that governs at the time. The current plan submission is not adequate to determine these costs at this time.

#### 5.4.9 Summary of Engineering Submissions and Payables

Submit two (2) copies of engineering plans in accordance with City of Kelowna and GEID servicing bylaws and policies, completed by a Professional Engineer registered and insured in the Province of British Columbia. Provide City of Kelowna approved drawings and Interior Health Authority Approval to construct Waterworks well in advance of the works.

#### 5.5 Parks Manager

The following comments are recommendations by the Parks Division in reviewing the development application:

a) All entry feature signs for the proposed development will be located on private property and not on the City's boulevard.

b) Shrub and flower beds will require plastic edging beside all areas abutting a City sidewalk or boulevard to prevent migration of mulch.

c) Root shield barriers must be installed for all trees in and adjacent to the City's boulevard including City sidewalks, roads, curbs and gutters as per manufacturer instructions (min. 18" depth).

d) Boulevard maintenance including watering (manual or automated irrigation), shrubs, ground cover, sod, and seeded areas will be the responsibility of owner/occupant.

e) Boulevard tree maintenance will be the responsibility of Parks Division. However, the adjacent owner will be responsible for watering and replacement of trees during the establishment period, for at least two growing seasons after planting.

#### 5.6 Public Health Inspector

No comment.

#### 5.7 RCMP

No comment.

#### 5.8 Shaw Cable

Owner/developer to supply and install an u/g conduit system

5.9 Telus

Will provide underground facilities.

5.10 Terasen

No concerns.

5.11 Works and Utilities

The City's Works & Utilities Department will handle the Works & Services requirements identified below. Arrangements for construction must be made before making application for Approval of a Building Permit. The Development Engineering Technician for this project is Kelly Hanson.

The following Works & Services are required for this development:

**5.11.1 General**

Glenmore Road has recently been paved and the City wishes to avoid any road cuts. All services must be provided off Yates Road.

**5.11.2 Water**

The property is located within the Glenmore Ellison Improvement District service area. Provide an adequately sized water connection for each lot.

**5.11.3 Sanitary Sewer**

Provide an adequately sized sanitary sewer connection for each lot.

**5.11.4 Drainage**

Provide an adequately sized drainage connection.

Provide a detailed Site Grading Plan including erosion and sedimentation controls.

There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

Storm drainage detention is provided by offsite community detention facilities.

Groundwater is not to be intercepted and conveyed to the City system (the City system was not designed to handle groundwater flows).

### **5.11.5 Roads**

Yates Road requires a final lift asphalt overlay. This development is responsible for the portion along the Yates Road frontage up to the centreline of the road (1/2 road). Cash in-lieu of construction is already in place from past development.

Driveway access is not permitted onto Glenmore Road.

Works and Utilities are prepared to accept an access which has its east curb approximately 25m from the west curb of the Sandalwood strata development access. There may need to be a slight shift in this, probably towards the east, to accommodate the parking layout. The potential for an alternative access via the Sandalwood strata access, as per the existing access agreement, should be retained and the City should reserve the right to implement that at any time

Works and Utilities is proposing that a curbed median island 1.2m wide be constructed for a distance of 20m back from the stop line, with a further 20m of westbound left turn stacking reserved by way of a solid line; from 40m back from the stop line, a two-way left turn lane would be painted. This is likely to provide sufficient storage for both the heavy morning peak westbound left turn and the p.m. peak eastbound left turn into the commercial site, when westbound lefts are likely to be lower in number. Works and Utilities will review operations after full build out along both sides of Yates, and if there are conflicts, we may need to extend the curbed island to separate eastbound lefts into the site from westbound lefts at Glenmore Road, but we would maintain the access on the front of the commercial development. There may be occasions when the westbound queue overflows the available storage and blocks eastbound lefts into the site; on such occasions, having an alternative access further east would be useful. We may need to ask the strata to remove vegetation on the island obstructing visibility of entering vehicles, or more likely, to install a stop sign just north of the east access to the commercial development, to improve safety.

The existing sidewalk is to be carried through the driveway. Provide a drawing showing details of the crossing. If existing City trees are impacted, the Parks department will require compensation.

### **5.1.6 Power and Telecommunication Services and Street Lights**

All proposed distribution and service connections are to be installed underground.

Street lights must be installed on all roads. Confirm that lighting is sufficient on Yates Road.

### **5.1.7 Design and Construction**

Design, construction supervision and inspection of all off-site civil works 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.

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.

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).

A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

#### **5.11.8 Servicing Agreements for Works and Services**

If construction is to be done by the developer 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.

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.

#### **5.11.9 Charges and Fees**

Development Cost Charges (DCC's) are payable

Fees per the "Development Application Fees Bylaw" include:

Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.

Engineering and Inspection Fee for offsite works undertaken by the applicant: 3% of construction value (\$300.00 minimum plus GST).

Cash-in-lieu of centre median on Yates road: \$15,900.00.

## 6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The proposed project displays numerous positive features including a reasonable degree of human scale and visual interest and a distinctive tower element on the south end of Building A that marks the intersection of Glenmore and Yates Roads and lends identity to the project.

Despite these positive aspects, the site layout generally presents a significant degree of conflict for pedestrians, contrary to the Guidelines for Commercial Development in Section 9 of the OCP. Concerns include the lack of a pedestrian access point from Glenmore Road, the setback of building B from Yates Road (with parking in front of the building); the fact that Building A, (although sited closer to the street than Building B) is separated from both Glenmore and Yates Roads by a vehicle access route that encircles the building and a lack of doors facing Glenmore Road, (made somewhat moot because of the vehicle access that runs between the building and the sidewalk). These aspects of the design communicate that vehicles will enjoy more status than pedestrians.

Although the Planning and Corporate Services Department has concerns with the proposed site layout, in form and character, the proposed buildings appear to complement the existing neighbourhood and meet the standards of relevant OCP design guidelines for commercial development. Staff have worked with the applicant to improve pedestrian access from Yates Road to the easternmost building and to provide bike racks for the development. Staff have also confirmed that the drive-through use proposed is financial in nature rather than food-service oriented which is not a permitted use in the C2 – Neighbourhood Commercial zone.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion ☐

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

RM/AB/rs  
Attach.

**Attachments**

- Subject Property Map
- Schedule A, B & C (pages)