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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** January 28, 2005  
**File No.:** (3060-20/3090-20) **DP04-0116/DVP05-0006**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION OWNER: GLENPARK VILLAGE INC.  
NO. DP04-0116 (INC. NO. 378493)  
DEVELOPMENT VARIANCE PERMIT  
APPLICATION NO. DVP05-0006

AT: 385 Glenmore Road.

APPLICANT: GLENPARK VILLAGE INC.  
/ MR. TED BERG

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE  
CONSTRUCTION OF A 858 M<sup>2</sup> - 2 STOREY COMMERCIAL  
BUILDING

TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY  
THE FRONT YARD FROM 3.0 M. SETBACK REQUIRED TO  
THE 2.0 M. SETBACK PROPOSED,

EXISTING ZONE: C3 – COMMUNITY COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

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**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Permit No. DP04-0116 for Lot B, Section 32, Township 26, ODYD, Plan 42842 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. DVP05-0006; Lot B, Section 32, Township 26, ODYD, Plan 42842, located on Glenmore Road, Kelowna, B.C.;

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

Vary Section 14.3.5.(d) **Development Regulations** from minimum required front yard setback of 3.0m to the 2.0 m proposed,

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 construct a 858.4 m<sup>2</sup> (9,240.3 SF), 2 storey commercial building on the subject property. The original Development Permit (DP94-01,107) authorized construction of the nearby shopping centre, of which the subject property was part of the parent property. That issued Development Permit anticipated the development of this site with a single storey building is this location. This new development Permit application has been triggered as the new building is proposed to be a 2 storey building height. As well, the applicant has requested a variance to the front yard setback requirements of the C3 zone from 3.0 m required to 2.0 m setback proposed.

### 2.1 Advisory Planning Commission

The above noted application (DP04-0116) was reviewed by the Advisory Planning Commission at the meeting of October 26, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP04-0116, for 385 Glenmore Road/Lot B, Plan 42842, Sec. 32, Twp. 26, ODYD, by Glenpark Village Inc. (Ted Berg), to obtain a Development Permit to authorize construction of a 2 storey, 858 sq.m. commercial building.

## 3.0 BACKGROUND

### 3.1 The Proposal

The original Development Permit (DP94-10,107) was issued in May 1996, which authorized development of the associated shopping centre which exists on adjacent property to the east of the subject site. However, that issued Development Permit anticipated development of this location with a single storey building.

As this current application proposes the development of a 2 storey building, a new Development Permit application has been made to address the changes to the previously authorized building form.

This current application proposes the development of a new 2 storey, 858.4 m<sup>2</sup> (9,240.3 SF) commercial building of the subject property. It is anticipated that the lower level will be used as a financial institution (Interior Savings Credit Union), and that the upper level will be used for office uses. The new proposed building is designed to generally incorporate the general form and character of the other adjacent Glenpark Village Shopping Centre buildings.

The site plans indicates access to the proposed development from the access road that connects Glenmore Road with the adjacent shopping centre across Brandt's Creek, as well as a new one-way entrance driveway from Kane Road, which is located between the Brandt's Creek and the existing Petro-Canada gas station and carwash development. The proposed building is located adjacent to the Glenmore Road frontage, and has the main pedestrian entrance located at the south east corner of the proposed building. This entrance location is positioned near both the proposed handicapped parking stall and the bicycle rack. The proposed parking area for the new building is located at the rear of the building, as well as along the new entrance driveway proposed to be located between the existing Petro-Canada gas station and Brandt's Creek. There is a drive-through bank machine located on the east side of the proposed building that has the access aisle separated from the main body of the parking lot by a bank of 4 parking stalls located in an island.

When the original Development Permit (DP94-10,107) was issued, there was a restrictive covenant registered on title to control the both the fascia signage and free-standing signs permitted on the development site for the shopping centre, as well as the subject property. Any signage proposed for this new development will have to conform with the requirements of this covenant.

When the adjacent shopping centre was developed in the late 1990's, the developer was required to dedicate lands adjacent to Brandt's Creek, in accordance with City policy of the day. However, it has been determined that there had been an excess amount of land given up by the developer at the time of that dedication. There has also been correspondence discovered that instructed City staff to commence the return of this land to the developer. Unfortunately, that process had not occurred. As part of this new application for Development Permit, the City of Kelowna Community Development and Real Estate division has commenced the process to return this excess dedication as road for the Brandt's Creek corridor back to the developer.

The applicant is proposing to use this area for the access driveway to the site from Kane Road. There is an existing reciprocal access easement registered on the Petro-Canada site which grants permission for the use of the identified area for not only access but also parking.

The landscape plan provided with this application indicates a high level of plantings consisting of both trees and shrubs along the north property line to provide buffering of the proposed development from the neighbouring single unit dwellings. The applicant is also proposing to install a black vinyl finished chain link fence within the landscaping to preclude unauthorized pedestrian movement through the landscaping. The Glenmore Road frontage and the area adjacent to the entrance driveway also includes turf areas in addition to the shrub and tree plantings. The area adjacent to the main entrance is highlighted by the use of brick pavers.

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

CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> ) (After lot line adjustment)	1,887 m <sup>2</sup>	The minimum lot area is 460 m <sup>2</sup> , except it is 1300 m <sup>2</sup> if there is no abutting lane.
Site Width (m)	42.5 m	The minimum lot width is 13.0 m, except it is 40.0 m if there is no abutting lane.
Site Coverage (%)	22.36%	50%
Total Floor Area (m <sup>2</sup> )	858.4 m <sup>2</sup>	Max. 1,887 m <sup>2</sup>
F.A.R.	0.45	Max. FAR = 1.0
Storeys (#)	2 storeys	15m or 4 storeys
Setbacks (m)		
- Front (Glenmore)	2.00 m ❶	3.0 m
- Rear	25.0 m	0.0 m
- North Side	4.57 m	The minimum side yard is 0.0 m, except it is 2.0 m from a flanking street or where the site abuts a residential zone other than an RU1, RU2, RU3, and RU4 zone. In these latter zones, the minimum side yard is the greater of 4.5 m or half the height of the building.
- South Side	12.9 m	0.0 m
Parking Stalls (#) ❷	22 stalls provided (15 stall on site, 6 along the driveway, and 1 stall on adjacent shopping centre lot)	2.5 stalls per 100 m <sup>2</sup> 8.58 x 2.5 = 22 stalls required (Financial services & Offices)
Loading Stalls (#)	on adjacent shopping centre lot	1 stall per 1,900 m <sup>2</sup>

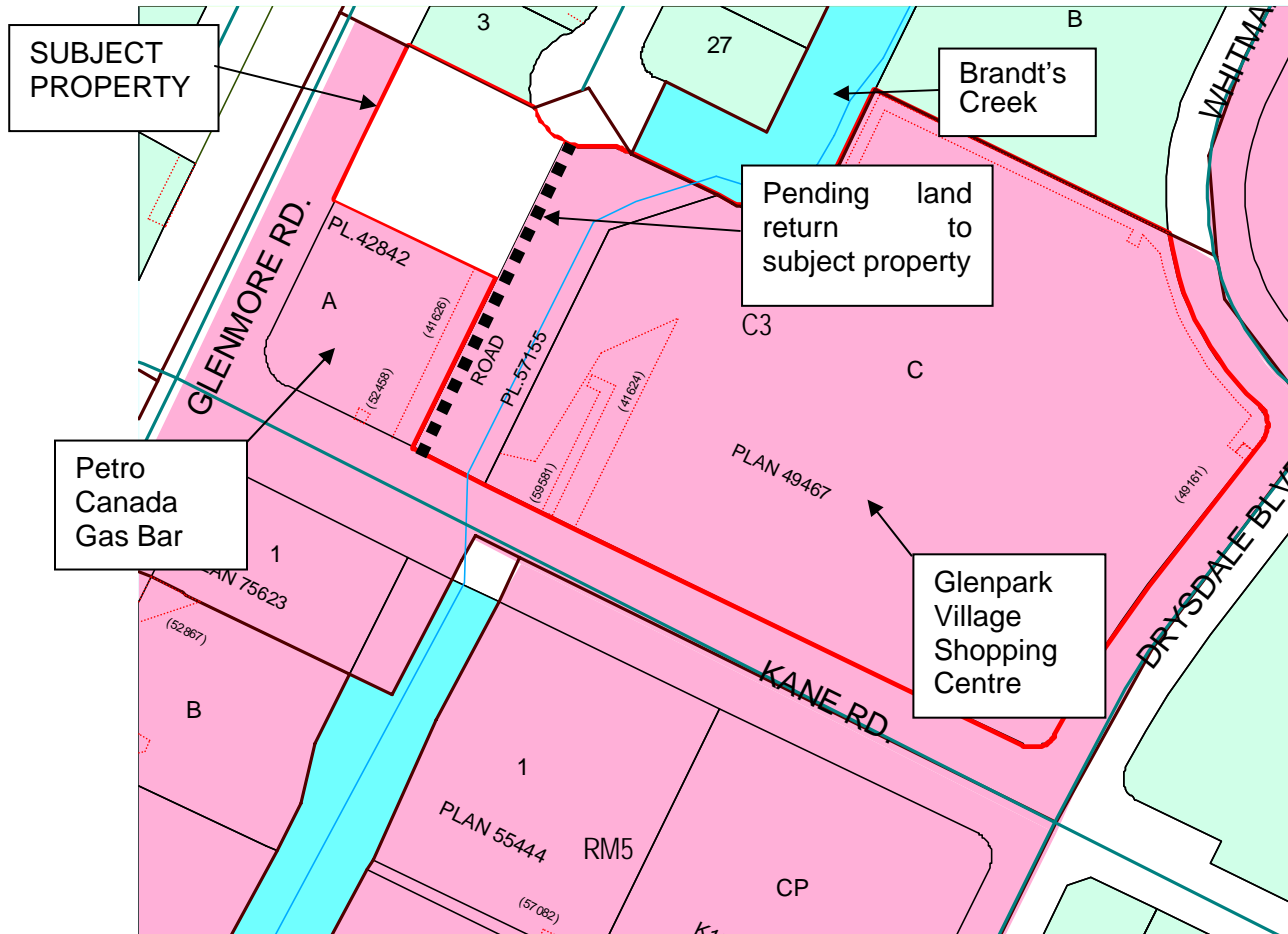
Notes. Lot line adjustment is pending on the dedicated area for the creek that was part of the original Development Permit DP94-01,107

❶ DVP05-0006 has been made to vary the front yard setback from Glenmore Road from the 3.0 m required to the 2.0m setback proposed.

❷ The applicant has provided 15 parking stalls on site plus an additional 6 parking stalls along the access drive aisle from Kane Road, which are located in the area that is being returned to the owner. There is also an existing agreement between the subject property and the site of the shopping centre to share parking as well.

### 3.2 Site Context

#### SUBJECT PROPERTY MAP



Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing, Single Unit housing
- East - C3 – Community Commercial, Existing Glenpark Village
- South - C3 – Community Commercial, Existing Gas Bar and store
- West - RU2 – Medium Lot Housing – Glenmore Rd, Single unit housing

### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The application is consistent with the Commercial Land Use designation of the Official Community Plan.

The Kelowna Official Community Plan also contains the following Development Permit Guidelines:

##### **Guidelines for Commercial Development**

In issuing conditions relating to a development permit the City will specify how development permit objectives can be satisfied. This should include consideration of the following guidelines, as examples of how to meet the objectives:

##### **Access**

- Design should facilitate pedestrian and bicycle access.
- Vehicle access should not interfere with pedestrian movement.
- Vehicle access (including parking and loading) should be, wherever possible, from a lane.
- Pedestrian access should be clearly marked.

##### **Buildings, Structures and Additions**

- Buildings, structures and additions should be designed and sited in a manner compatible with adjacent buildings and open areas.

##### **Amenities**

- Amenities such as benches, garbage receptacles etc. should be encouraged to provide a pedestrian-friendly environment.

##### **Ancillary Services/Utilities**

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

##### **Crime Prevention**

- Guidelines for Crime Prevention Through Environmental Design Guidelines (CPTED) should be followed.

##### **Landscaping**

Landscaping should:

- enhance public views
- provide noise buffering
- complement building's architectural features
- enhance the edges of buildings
- screen parking areas from view (with vegetation, berms, low walls, fences etc.)
- provide visual buffers of new buildings
- provide colour
- create shade
- create design interest
- retain required sight distances (from roadways)
- contribute towards a sense of personal safety and security
- facilitate the access, enjoyment and social activities for all authorized users
- provide equal access for mobility-challenged individuals
- incorporate existing vegetation with special character, historical or cultural significance

- incorporate native plants where practical
- incorporate xeri-scape vegetation and principles
- preclude species that are hosts to the codling moth - genus MALUS (apples or crabapples, including all ornamental or flowering crabapples), PYRUS (pears, including asian and ornamental pears), CYDONIA (quince), CHAENOMELES (flowering quince or japonica), ULMNUS PUMILA (Siberian Elm) or ULMNUS PARVIFOLIA (Chinese Elm).

**Lighting**

- external lighting should be used to enhance safety

**3.3.2 City of Kelowna Strategic Plan (1992)**

The proposal is consistent with the intent of the Strategic Plan, which states:

"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 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**

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

**4.1 Fire Department**

Fire hydrants as per B.C. Building Code

**4.2 FortisBC**

Will provide u/g electrical service

**4.3 Inspection Services Department**

- Ensure separate sign permit provided.
- Confirm land use at west side of parking lot. Is it easement or separate lot?
- Ensure exterior walking surfaces meet 3.8.3.2. BCBC

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

The subject property is located within Glenmore Ellison Improvement District (GEID) boundaries. The applicant's submitted plans have been reviewed, and GEID has the following comments;

**1. Background**

The present water allocation it Lot B, Plan 42842 is 0.47 ac. of "C-2" Grade

GEID understands that the applicant plans to construct an 858.42 m<sup>2</sup>, 2 storey commercial building on the lot.

References;

- G.B. Embleton & Assoc. Ltd. / Interior Savings Credit Union – Glenpark plans dated August 18, 2004
- City of Kelowna File DP04-0116

The following section describes the water servicing requirements to meet GEID servicing bylaw and policies

**2. Fireflow Availability and Hydrants**

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 applicants 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.

**3. Property Water Servicing and Metering**

The current plan submission is not adequate to access servicing requirements at this time. The applicant must submit 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.

#### 4. 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. Maintenance Bond

The applicant must provide a one year maintenance bond for 25% of the GEID estimated values of works that will become the property of GEID. The current plan submission is not adequate to determine these costs at this time.

#### 6. Capital Expenditure Charges

GEID Bylaw #73 stipulates CEC's payable as \$2,300.00 for the first 250m<sup>2</sup>, plus \$8.00 per m<sup>2</sup> for sprinklered commercial building and \$10.00 per m<sup>2</sup> for non-sprinklered commercial buildings. These rates are subject to change without notice. CEC's will be charged as per the Bylaw that governs at the time. This current plan submission is not adequate to determine these costs at this time. The applicant must provide mechanical drawing if building is to have a sprinkler system.

#### 7. Summary of Engineering Submission and Payables

- Submit 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.
- FUS calculation sheet
- Administration costs (to be determined), payable prior to commencement of works
- Inspection fees (to be determined), payable prior to commencement of works
- Connection fees (to be determined), payable prior to commencement of works
- Provided a 1 year maintenance bond (to be determined), payable prior to final approval
- Capital Expenditure Charges (to be determined)

#### 4.5 Parks Manager

1. Parks encourages private property owners to incorporate native plants and xeriscape vegetation where practical.
2. In an effort to conserve water, all automated irrigation systems will be design to minimize overspraying on non-landscaped areas including City sidewalks, courtyards, parking areas, roadways, etc.
3. BLVD maintenance including watering (manual or automated irrigation), shrubs, ground cover, sod, and seeded areas will be the responsibility of owner/occupant.
4. BLVD 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.

#### 4.6 Shaw Cable

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

#### 4.7 Telus

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

#### 4.8 Works and Utilities Department

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 following Works & Services are required for this development:

##### **.1) Water**

- a) The property is located within the Glenmore Ellison Improvement District service area. The developer is required to make satisfactory arrangements, for any improvements, connections and charges, with the improvement District.
- b) A water meter and sewer credit meter is mandatory. The City Plumbing Regulation Bylaw describes the requirements for installation of these meters.

##### **.2) Sanitary Sewer**

- a) The property is located in sewer Specified Area No. 1. There are no service record cards for this lot indicating that there is no connection. Therefore make application to provide an adequately sized sanitary sewer connection at the time of Building Permit.

**.3) Drainage**

- a) Provide an adequately sized drainage connection.
- b) Provide a detailed Site Grading Plan and Stormwater Management Plan including erosion and sedimentation controls.
- c) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.
- d) 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.
- e) Ground water is not to be drained or pumped into the City's drainage system.
- f) Storm drainage detention is provided by offsite community detention facilities. Therefore no further onsite detention is required
- g) The Bylaw requires that water quality treatment for flows up to 50% of the 2 year event be provided (schedule 4, section 3 Drainage, page 6). This may require the use of a "Storm Interceptor" if catch basins are not suitable for the flows. For further information please contact John McKay at 469-8696.

**.4) Roads**

- a) The existing driveway access to Glenmore Drive is to be shared with the property to the south (Petro Canada Station). Glenmore Drive is being upgraded at this time by the City and a raised centre median will be constructed. As a result the driveway will only permit right turn in and right turn out. Appropriate signage and/or road markings should be installed to reflect this.
- b) Parking is shown on City Lands next to Brandt's Creek. Apparently there is an agreement that this land will be sold back to the applicant. This needs to be resolved.

**.5) Power and Telecommunication Services and Street Lights**

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

**.6) Design and Construction**

- a) 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.

- 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.

**.7) Servicing Agreements for Works and Services**

- a) 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.
- 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.

**.8) Charges and Fees**

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - ii) Engineering and Inspection Fee: 3% of construction value of any works within City lands (offsite works) (plus GST).

**5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS**

The original Development Permit DP94-10,107 authorized the development of the Glenpark Village shopping centre and development of the subject property with a single storey building.

This current application proposes the development of the subject property with a 2 storey building that is designed to be finished with materials and details that were used on the remainder of the Glenpark Village shopping centre buildings.

There still remains the issue of the parking area that is located on land that is currently dedicated as "road" and used for creek dedication and walkway purposes. The applicant has produced a letter from the City Manager dated August 29<sup>th</sup>, 1999, agreeing that there had been an excess of land dedicated for the Brandt's Creek corridor. The City of

Kelowna Lands Department is currently working on the process of returning some of the previously dedicated land to the owner. It should be noted that the return of this land to the landowner is not a requirements of this application as there are shared parking and access agreements in place with the adjacent shopping centre.

The proposed development will complement to existing form and character of the adjacent Glenpark Village shopping Centre. There exists a restrictive covenant on title that controls the maximum height and location of the free-standing signage proposed for the Glenmore Road frontage.

The proposed variance to reduce the front yard setback from the required 3.0 m to the proposed 2.0 m is supportable, as this will move the building closer to the Glenmore Road frontage, strengthening the pedestrian connection of the proposed commercial development to the street.

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

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

PMc/pmc  
Attach.

Attachments

(Not attached to the electronic copy of the report)

Subject Property Map  
Schedule A, B & C (3 pages)  
4 pages of building details