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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** June 23, 2006  
**File No.:** **DP06-0037**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION OWNER: M123 ENTERPRISES LTD  
NO. DP06-0037

AT: 1905 BARON ROAD

APPLICANT: HANS P. NEUMANN  
ARCHITECT INC.

PURPOSE: TO SEEK PERMISSION TO CONSTRUCT 2 – 2 STOREY  
COMMERCIAL BUILDINGS ON THE SUBJECT PROPERTY

EXISTING ZONE: C4 – URBAN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

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1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP06-0037 for Lot 3, DL 532, O.D.Y.D., Plan KAP58763, located on Baron 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 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 permission to construct two 2 storey commercial buildings on the subject property. The property is zoned C4 – Urban Centre Commercial, and the proposed buildings are consistent with the zoning bylaw requirements.

### 2.1 Advisory Planning Commission

The above noted application (DP06-0037) was reviewed by the Advisory Planning Commission at the meeting of March 14, 2006 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP06-0037, for 1905 Baron Road, Lot 3, Plan 58763, Sec. 21, Twp. 26, ODYD, by Hans Neumann, to obtain a Development Permit to build two, 2 storey commercial buildings.

## 3.0 BACKGROUND

The subject property is located on Baron Road directly across from the Canadian Tire Store site. The property was created in 1996 at the time of the major redevelopment of the Canadian Tire Store and the associated Baron Road Extension. At that time, the property was zoned the C-3 (Community Commercial). In 1998, when Zoning Bylaw 8000 was adopted, the property became zoned C4 – Town Centre Commercial zone.

### 3.1 The Proposal

This current Development Permit application seeks authorization to construct 2 – 2 storey commercial buildings, one building of 1,325.7m<sup>2</sup> located near the Baron Road frontage, and the other 845.4 m<sup>2</sup> building located near the rear of the property. Both buildings are located adjacent to the north property line to provide a separation from the proposed commercial buildings and the existing mobile home park residential uses.

The site plan for the proposed development indicates access from Baron Road at the southwest corner of the property, an access that is shared with the recently constructed Wyatt Auto Parts building. This driveway location is also the physical access to the adjacent mobile home park (Peacock Mobile Home Park) that is located to the south of the subject property.

The site plan indicates that the proposed building located closest to the Baron Road frontage is sited near the existing BC Gas right of way. The second building is adjacent to the north property line 19.5 m east of the front building, with a parking area for 17 vehicles located between the two buildings.

The landscape plan submitted with the application shows a 3.0m landscape area adjacent to the Baron Road frontage along the entire frontage. There is an existing opaque fencing along the north and south property lines.

The floor plans for the proposed buildings indicates that the proposed west building is designed to provide 714.4 m<sup>2</sup> of floor area divided into 4 lease areas. The upper floor creates an additional 611.3 m<sup>2</sup> of floor area, to provide a total of 1,325.7 m<sup>2</sup>. The proposed building for the east of the property is designed with 609.3 m on the ground

floor divided into 7 lease areas and an additional 241.5 m<sup>2</sup> on the second level to provide a total of 845.4 m<sup>2</sup> of floor area.

The proposed buildings are designed to be constructed with a blend of wood frame construction and concrete block materials. The proposed front elevation of the west building indicates store front glazing located at regular intervals along the entire front of the proposed building facing Baron Road. The front elevation also includes horizontal design elements that are located above the ground floor windows that run the entire length of the front elevation. There is also a horizontal cornice feature above the upper windows. The east building incorporates similar glazing elements as the west building, except that there are also overhead doors provided at the grade level. The base wall colour is proposed to be a “medium brown”, with a “charcoal” trim colour.

The proposed building fascia signage is designed to be located above the entry doors to the retail areas.

The proposal as compared to the C4 zone requirements is as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	4,760 m <sup>2</sup>	1,300 m <sup>2</sup> if no lane
Site Width (m)	40 m	40 m in no lane
Site Depth (m)	148 m	30 m
Site Coverage (%)	46%	75%
Total Floor Area (m <sup>2</sup> )	2,171 m <sup>2</sup>	4,760 m <sup>2</sup>
F.A.R.	0.46	Max FAR = 1.0
Storeys (#)	2 storeys, 8.3 m	4 storeys or 15m
Setbacks (m)		
- Front	22.4 m	0.0 m
- Rear	44.5 m	6.0 m abutting residential
- North Side (commercial)	0.0 m	0.0 m
- South Side (residential)	6.0 m	2.0 m abutting residential
Parking Stalls (#)	46 stall provided	1.75 stalls per 100 m <sup>2</sup> 38 stalls required
Loading Stalls (#)	4 provided	1 stall per 1,900 m <sup>2</sup> GFA

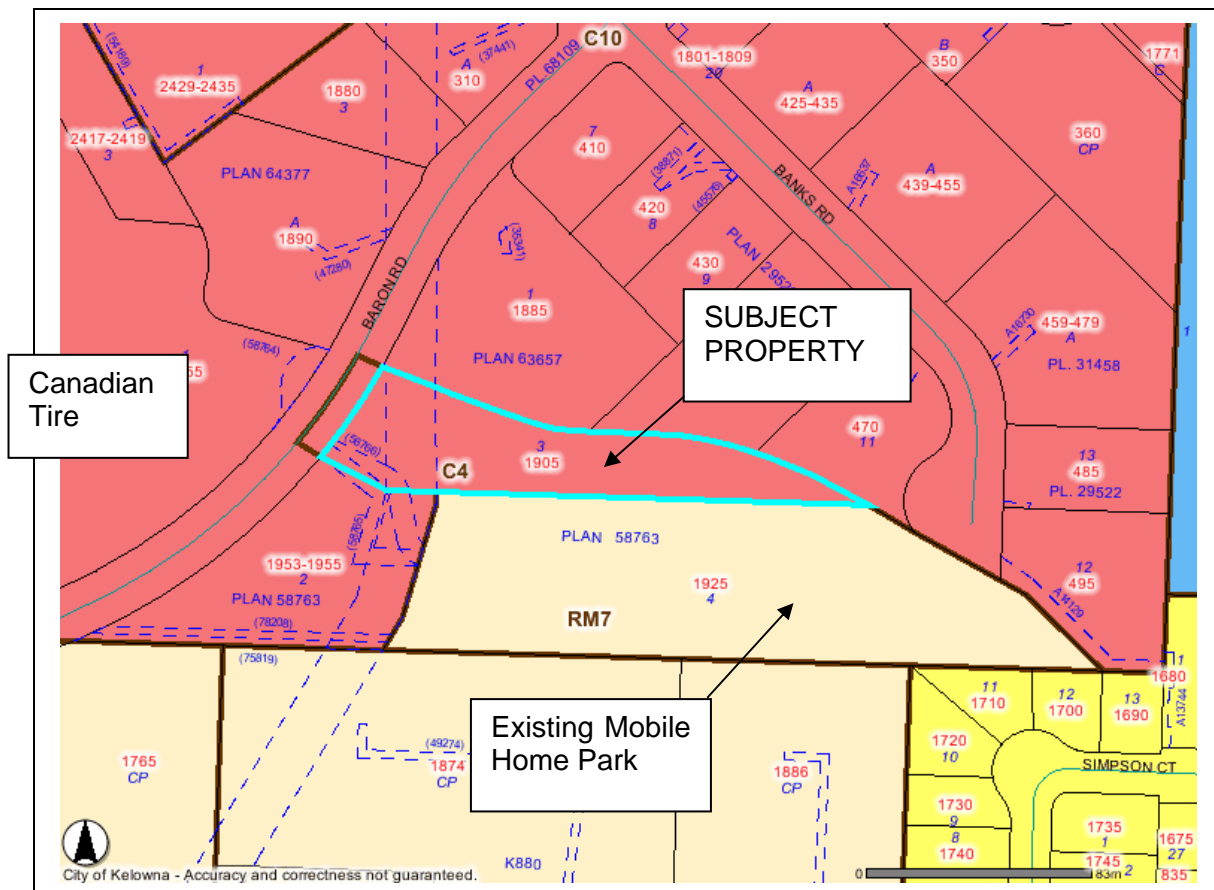
### 3.2 Site Context

The subject property has existed as a vacant lot since the time of the Canadian Tire Development which occurred in 1996. In 1998, the extension of Baron Road was completed. The subject property is generally flat, and has a major natural gas transmission pipeline running across the near the Baron Road frontage. The property is also encumbered with a reciprocal access to share an access driveway from Baron Road with the commercial development to the south, as well as an access driveway to the existing Peacock Mobile Home Park which is located to the south of the subject property.

Adjacent zones and uses are, to the:

- North - C10 – Service Commercial / Commercial uses
- East - C10 – Service Commercial / Commercial uses
- South - RM7 – Mobile Home Park / Peacock Mobile Home park
- C10 – Service Commercial / Commercial uses
- West - C10 – Service Commercial / Canadian Tire – Baron Road

SUBJECT PROPERTY MAP



### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The proposed zone is consistent with the “Commercial” Future Land Use designation of the City of Kelowna Official Community Plan.

The proposed building form and character are consistent with the Official Community Plan which also includes general Commercial Development Permit Guidelines. The proposal is generally consistent with the following guidelines;

- All buildings, structures, and additions thereto shall be designed in a manner which gives consideration to the relationship with adjacent building and open areas, the efficiency of the circulation system, and the design and siting compatibility with surrounding development,
- All facades of commercial buildings shall be designed in a manner which appropriately addresses adjacent uses and structures,
- External lighting shall enhance the safety of persons on the site after dark but shall not be of an intensity or cast in such a way which would interfere with nearby residential properties.

#### 3.3.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs

The City of Kelowna Strategic Plan 2004 also states as an Objective;

- Aid in the growth and progress of Kelowna as a desirable place to do business.

#### 3.3.3 Crime Prevention Through Environmental Design

##### **CPTED Guidelines**

##### ***Natural Surveillance***

- recessed doorways, alcoves or other dark niches should be not be created or should be removed to eliminate hiding places for potential assailants, vandals or other criminal activity;
- 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;

- signs placed within windows should cover no more than 15% of the window area, to ensure that natural surveillance of the street is maintained;
- interior shelving and displays should be no higher than five feet (1.5 metres) for increased visibility;
- parking areas should be clearly visible from the building or street;
- exterior of buildings should be well-lit;
- clear visibility should be maintained from the store to the street, sidewalk, parking areas and passing vehicles;

***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;
- lanes should be well-maintained with pavement treatment and landscaping, wherever possible;
- blank walls should be avoided, but can be improved by the installation of windows, vertical landscaping (e.g. ivy), non-paint-able surfaces, or the use of mural art; which all discourage graffiti;
- all public and semi-private areas should be well-maintained to convey pride and ownership, which discourage negative activity;

***Natural Access Control***

- signs should direct patrons to parking and entrances;
- there should be no easy access to the roof;
- wall treatments, such as climbing plants or trellises, should not provide a means to climb the wall;

#### 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 department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows will be needed to determine hydrant requirements.

##### 4.2 Inspection Services Department

The east elevation walls of proposed buildings require 2hr. firewalls/separations with no openings as per BCBC 1998, patio on lower roof on proposed building #1 to be removed or be constructed of non combustible construction.

##### 4.3 Parks Manager

1. The Owner will be responsible to weed, water and mow the boulevard adjacent to the property. The Owner will also be responsible for maintaining the

boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

2. All proposed plant material (trees, shrubs, ground covers and sod) within the roadway boulevard will need to be reviewed and approved by Parks Staff.

4.4 Shaw Cable

Owner/developer to install conduit.

4.5 Telus

Will provide underground facilities; developer to supply and install conduit.

4.6 Terasen Utility Services

Terasen notes that there is an existing 18.3 m wide SROW crossing the western portion of the property. Within this SROW there is a 323mm high pressure gas transmission pipeline.

There has been an application made for a Pipeline/Right of Way Crossing, which will deal with the required pipeline inspection and potential upgrading to ensure that the works meet the appropriate standard to allow vehicles to cross and park.

The applicant is dealing directly with Terasen to coordinate works and bonding required.

4.7 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this development application.

1. General

Provide easements as required.

2. Geotechnical

Prior to any building construction it is recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays,

3. Domestic Water and Fire protection.

- a) The property is serviced by the City of Kelowna water distribution system and as such, all fees associated with the connection to the system will have to be determined and paid in full prior to the issuance of a plumbing permit.
- b) A water meter is mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation Bylaws. The developer or the building contractor must purchase the meter from the City at the time of application for a building permit from the inspection Services Department, and prepare the meter setter at his cost.

4. Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. The storm water must be detained on site by providing catch basins, drywells all interconnected by perforated pipes.

5. Sanitary Sewer.

- a) The property is currently vacant and is serviced by the municipal wastewater collection system. A sanitary sewer service has been installed at the property line and it is a requirement of this application to connect and pay all the connection application fees.
- b) The connection cost to Sewer Service Area # 23 is \$7,300.00 (2006) per equivalent Dwelling Unit (EDU). For a commercial property the formula is one EDU per 2600 sq. ft., therefore 8.99 EDU (23,370 sq. ft. / 2600) are attributable to this development. The total cost based on the current charge is  $8.99 \text{ EDU} \times \$7,300.00 = \$65,627.00$ .

6. Engineering.

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.

7. Access.

- a) The current common access registered on title is not in the most desirable location due to the potential turning vehicle conflicts with movements to and from the Canadian Tire driveway. In order to reduce the traffic generated from the common driveway in the future, access to redeveloped mobile home park may be restricted to Banks Road only.



- b) The second access to the site is to be removed permanently and replaced with barrier curb. The estimated cost for the driveway is **\$6,400.00** inclusive of a bonding escalation

8. Engineering.

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.

9. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

10. Levies and performance bonding.

Performance security

Driveway relocation	<b>\$6,400.00</b>
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Levies

Engineering and Inspection fee	<b>\$ 318.00</b>
Specified Area #23 charges	<b><u>\$65,620.00</u></b>

Total levies	<b>\$65,938.00</b>
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NOTE; The above noted issues will be addressed as part of the associated building permit application review process

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The proposed development under application is seen as a reasonable form of building development for the subject property. The proposed development is consistent with the C4 – Urban Centre zone, and does not require any variances to make the proposal work.

The subject property has been a challenge to develop owing to the unique configuration where the north boundary of the property is related to an old creek bed that originally identified the property line in the original survey from 1944. As well, having the old Peacock Mobile Home Park located south to the property introduces additional challenges to the development of this site.

During the circulation of this application, Terasen Gas expressed major concerns with the use of their Statutory Right of Way for a parking lot. The applicant has been in contact with Terasen, and has made application to Terasen for a Pipeline/Right of Way crossing in order to deal with the proposed use of the SROW for parking.

The Planning and Development Services Department supports this application and recommends for positive consideration by Council.

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Shelley Gambacort  
Acting Manager of Development Services

Approved for inclusion ☐

Signe Bagh, MA, MCIP  
Acting Director of Planning and Development Services

PMc/pmc  
Attach.

Attachments

Subject Property Map  
Schedules A, B & C ( 4 pages)  
2 pages of floor plans