

REPORT TO COUNCIL DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT



Date: August 15, 2023
To: Council
From: City Manager
Address: 2479 Highway 97 N
File No.: DP23-0011 DVP23-0123
Zone: C2 – Vehicle Oriented Commercial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP23-0011 and Development Variance Permit No. DVP23-0123 for Lot 2 of District Lot 125 and Section 22 Township 26 ODYD Plan KAP45081 Except Plans KAP47345 and KAP78607, located at 2479 Hwy 97 N, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

AND THAT variances to the following sections of Sign Bylaw No. 11530 be granted:

Section 10.3(b)a.: Major Commercial Zones, Signage Regulations

To vary the maximum number of non-illuminated Fascia or Window signs per business from 2 non-illuminated Fascia or Window Signs permitted to 1 non-illuminated Fascia sign and 3 Window Signs proposed.

Section 10.3(b)g.: Major Commercial Zones, Signage Regulations

To vary the maximum number of illuminated Fascia Signs per business from 2 illuminated Fascia Signs permitted to 10 illuminated Fascia Signs proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To issue a Development Permit for the form and character of Canadian Tire and a Development Variance Permit to vary the maximum number of signs.

3.0 Development Planning

Staff support the proposed Development Permit for the Form & Character of Canadian Tire and the proposed Development Variance Permit to vary the maximum number of signs. The proposal generally conforms to the Official Community Plan (OCP) Form & Character Development Permit Design Guidelines for Commercial Development. Key guidelines that are met include:

- Providing direct, safe, continuous, and clearly defined pedestrian access from the surrounding road network, public sidewalks, parking areas, and transit stops to the building entrance;
- Using trees to define the public realm, and distributing trees and landscaping throughout the site to soften property edges, and break up large rows of parking;
- Designing the primary entrance to exhibit design emphasis, provide weather protection with canopies, and using natural building materials including masonry and wood.

Due to the large size of the proposed building, the nature of service commercial development, and its location adjacent to two provincial highways and a City road, there are some challenges to meeting all of the Development Permit Design Guidelines.

The proposal attempts to better connect the development to the surrounding neighbourhood by providing enhanced pedestrian access to the site. A new sidewalk is proposed along the driveway access from Highway 97N to provide a safe connection to the nearby transit stops. A new sidewalk access will also be provided from Highway 33 to provide a more direct route from the Highway 97/33 intersection to the front door of the building. Enhanced building materials have been used to emphasize the front entrance, including metal panels, stone cladding, and entrance canopies.

The large surface parking lot is broken up with significant landscape plantings. 179 total trees are proposed on the completed site, including 88 existing trees which will be protected through the development. 6 electric vehicle charging spaces are proposed in the parking lot. Portions of the garden centre compound will use permeable pavement.

Variiances

The applicant proposes variances to the City's Sign Bylaw with respect to the maximum number of illuminated Fascia Signs and the maximum number of non-illuminated Fascia or Window signs.

For Major Commercial zones (including the C2 zone) signage is regulated on a *per business* basis. As such, the regulations are restrictive to ensure that there is not excessive signage on buildings that have numerous different tenants. As this development is a very large building on a large property with a single tenant, the proposed signage is not considered to be excessive or dominate the site.

4.0 Subject Property & Background

4.1 Subject Property Map



The subject property is located at the intersection of Hwy 33 and Hwy 97 N. Transit stops are located adjacent to the property on Ziprick Road, and 116 m to the west on Baron Road, and 215 m to the west on Hwy 97 N. An access easement is registered on the title of the subject property and the neighbouring gas station for the shared driveway from Hwy 97 N.

5.0 Zoning Bylaw Regulations Summary

AREA & UNIT STATISTICS	
Gross Lot Area	45,561 m ²
Total Number of Units	1
Commercial Floor Area	19,414 m ²

DEVELOPMENT REGULATIONS		
CRITERIA	C2 ZONE	PROPOSAL
Total Maximum Floor Area Ratio	0.9	0.37
Max. Site Coverage (buildings)	65%	37%
Max. Site Coverage (buildings, parking, driveways)	85%	85%
Max. Height	12.0 m	8.03 m
Setbacks		
Min. Front Yard (west)	2.0 m	~83 m
Min. Flanking Side Yard (north)	2.0 m	10.3 m

Min. Flanking Side Yard (south)	2.0 m	~23.0 m
Min. Rear Yard (east)	0.0 m	~1.3` m
Landscaping		
Min. Number of Trees	42 trees	179 trees

SIGN REGULATIONS		
CRITERIA	C2 ZONE REQUIREMENTS	PROPOSAL
Maximum number of Awning, Canopy, non-illuminated Fascia, Projecting, Suspended, Directory, Wall, or Window Signs <u>per business</u>	2	4 (1 non-illuminated Fascia & 3 Window Signs)
Maximum number of illuminated Fascia Signs <u>per business</u>	2	10

PARKING REGULATIONS		
CRITERIA	C2 ZONE REQUIREMENTS	PROPOSAL
Total Required Vehicle Parking	402 stalls	402 stalls
Ratio of Regular to Small Stalls	Min. 50% Regular Max. 50% Small	99.5% Regular 0.5% Small
Min. Loading Stalls	10 stalls	10 stalls
Bicycle Stalls Short-Term	8 stalls	8 stalls
Bicycle Stalls Long-Term	39 stalls	39 stalls
Bonus Stalls Provided for Parking Reduction	n	
End of Trip Facilities	y	y
Bike Wash & Repair	y	y

6.0 Application Chronology

Application Accepted: Jan 26, 2023
 Neighbors Notification: July 20, 2023

Report prepared by: Mark Tanner, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

- Attachment A: Draft Development Permit DP23-0011 & Development Variance Permit DVP23-0123
 - Schedule A: Site Plan & Floor Plans
 - Schedule B: Elevations & Sections
 - Schedule C: Landscape Plan
- Attachment B: OCP Form and Character Development Permit Guidelines
- Attachment C: Renderings

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.