
CITY OF KELOWNA

MEMORANDUM

Date: February 7, 2001
File No.: DP00-10,090

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. DP00-10,090 OWNER: PROSPERO CANADIAN
LAND INVESTMENT FUND

AT: 1755 CAPRI STREET APPLICANT: ICR ARCHITECTURE AND
PROJECT CONSULTANTS

PURPOSE: TO CONSTRUCT A 464m" RESTAURANT

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,090; for Lot C, D.L. 137, Sec. 19, Twp. 26, O.D.Y.D., Plan KAP64836, located on Capri Street, 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. Signage to be in accordance with Schedule "D";
5. 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 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 proposes to construct a new 464m" restaurant at the southeast corner of the intersection Capri Street and Harvey Avenue. The site is located in the Downtown Urban Town Centre and therefore requires a Development Permit application.

3.0 BACKGROUND

The subject property is located at the southeast corner of the intersection Capri Street and Harvey Avenue. It is zoned C4 - Town Centre Commercial, a zone intended for the development of community commercial centres to serve more than one neighbourhood.

The property was consolidated with the Capri development under development applications in 1990 and 1992. At that time, the property was rezoned to the P-7 (Parking District) zone of the previous City of Kelowna Zoning Bylaw No. 4500. In 1998, the property was rezoned to C-3, the Community Commercial zone of the previous bylaw, in order to allow for the future development of the site with a restaurant. At the same time, the hotel and the subject property were subdivided from the remainder of the original site. With the adoption of the current City of Kelowna Zoning Bylaw No. 8000, the zoning of the subject property changed to C4 – Town Centre Commercial.

The subject site is currently used as a parking lot for the Capri Mall and the Capri Hotel. The parking stalls provided on this lot were in addition to those required for the mall and the hotel. When the Development Permit for the renovations of the mall and the hotel was issued, the stalls on the subject site were not included in the overall parking calculations, and the site was not subject to reciprocal access and parking arrangements. Therefore, the development of this site does not impact the parking capacity for the mall and the hotel.

At the time of rezoning and subdivision in 1998, a restrictive covenant was registered against the title of this property, prohibiting the development of a beer parlour, pub or cabaret, but allowing the construction of a fully licensed restaurant.

3.1. Advisory Planning Commission

The application was reviewed by the Advisory Planning Commission at the meeting on January 23, 2001, and the following recommendation was passed:

THAT the Advisory Planning Commission supports the Development Permit Application 00-10,090 by ICR Architecture (Leo Mariotto) to construct a 5000 sq.ft. restaurant at 1755 Capri Street.

3.2. The Proposal

The proposed restaurant is a “Kelsey’s” restaurant and is designed in consistency with the chain’s corporate design. The 464m” (5,000ft”) restaurant is nearly square and includes a patio on the Capri Street frontage. It should be noted that the location of the patio is not ideal, since it exposes patrons to the noise and fumes from both the highway and Capri Street. In response to this concern, the applicant informed the Planning and Development Services Department that the future tenant of the building would like to keep the location of the patio as proposed.

All elevations are dominated by arched walls, finished with light-brown (“Tamale”) exterior stucco at the top and with beige (“Chocolate Mousse”) stucco at the bottom. The building has ten vertically proportioned windows, four of which are located on the north elevation, and three on the east and west elevations respectively. Each window has a striped canvas awning in the colours dark red, beige and teal.

The entire building has a teal-coloured cornice line. The corners, the main entrance and parts of the side and rear elevations are emphasized with red brick and a decorative teal-coloured molding. The main entrance is located on the north elevation. It is centred between two of the arched walls described above. The entrance is enhanced by an overhanging roof, decorated

with metal casting, and by being set within a brick form that rises above the cornice line of the main building. The brick form and elevated cornice line of the main entrance are also used on the west and south elevations, which breaks up the massing of the building.

In addition to the main entrance doors, the building includes two doors to be used by employees and in emergencies. These metal doors, painted to match the "chocolate mousse" coloured stucco, are located at the rear and west elevations. The door at the rear includes a 60x90 cm large window, which allows informal supervision of the parking lot from the staff area. Another door, which provides access to the patio, is located at the west elevation.

Further elements of the building are the decorative light fixtures located above the windows and the illuminated "Kelsey's" sign above the main entrance, consisting of red letters on a teal coloured background. Identical signs are proposed for the rear and west elevations. Red neon strip lighting is proposed to run underneath the cornice line along all sides of the building.

The proposed restaurant is located on the northwest corner of the site. The northeast corner of the site will remain vacant to accommodate a future retail development, for which a separate Development Permit will be required. An enclosed refuse bin is proposed at the eastern portion of the site. The proposed location of the refuse bin provides an approximately ten metre wide landscaped buffer between the garbage enclosure and the existing opaque fence, which separates this site from an adjacent residential area.

The remainder of the site will be used for parking, required landscape buffers and landscaped open space. The number of parking spaces is higher than the maximum number of spaces allowed for restaurants, as specified in the City of Kelowna Zoning Bylaw No. 8000. However, given that the site is currently used as a parking lot and that the parking spaces already exist, the applicant is not required to remove parking stalls to meet the zoning requirements. A bicycle rack will be provided at the southeast corner of the building.

The existing concrete fence running along the eastern property line will be retained. Currently, the fence is being maintained by the City. With the approval of this Development Permit, the owners of the site will resume the maintenance of the fence. Pedestrian access to the site from the adjacent neighbourhood will be maintained through the two existing openings in the fence. The access will be improved by two walkways leading from the fence to the parking lot and the new sidewalk along Capri Street respectively.

Landscaping on the site includes six to seven metre wide buffers along Harvey Avenue, and two metre wide buffers along the west and east sides of the property. The southern portion of the property will be landscaped with trees, shrubs and stone mulch, thereby enhancing the walkway between the residential community and Capri Street. Landscaping along the walkways has been designed with "Crime Prevention Through Environmental Design Guidelines" in mind. Shrubs and trees will be arranged to provide clear sightlines between the walkway, the adjacent parking lot and, in the case of the southern walkway, Capri Street. Both walkways will be lit by lamp standards already existing on the site.

The applicant will provide a sidewalk along Capri Street, as required at the building permit stage. This sidewalk will connect to the existing sidewalk along Harvey Ave.

The application meets the requirements of the C4 – Town Centre Commercial zone as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²)	5590 m ²	1300 m ² min.
Lot Width	65 m	40 m min.
Lot Depth	144 m	30 m min.
Site Coverage (%)	14.8% (incl. future retail building)	75% max.
Total Floor Area (m ²)		
- Restaurant	464.5 m ²	N/A
- Future Retail	325.2 m ²	N/A
F.A.R.	0.14	1.0 max.
Storeys (#)	1 storey / 7.5 m	Max. 4 storeys / 15 m
Setbacks (m)		
- Front	6.8 m	4.5 m from Provincial Highway
- Rear	119.0 m	0.0 m min.
- West Side	7.7 m (building)	2.0 m min.
- East Side	39.0 m	2.0 m min.
Landscape Buffers		
- Front	6.8 m	4.5 m, Level 2
- Rear	12 m	3.0 m, Level 3
- West Side	2-5 m (building) 2 m (parking)	2.0, Level 3 (for parking and building)
- East Side	2.0 m 10.0 m between garbage enclosure and residential lot	2.0 m, Level 3 (for parking)
Bicycle Parking	6	Class I: 0.1 per 100 m ² = 0.79 Class II: 0.6 per 100 m ² = 4.74 Total: 6
Parking Stalls (#)	76 ❶	1.75 per 100m ² = 14 spaces min. Max. allowed: 18
Loading Stalls	2	Restaurant: 1 per 2800 m ² = 1 Future Retail: 1 per 1900 m ² = 1 Total: 2

Notes

❶ Since the main use of the site is currently a parking lot, the existing number of spots is higher than the maximum number allowed. The applicant is not required to remove existing spots.

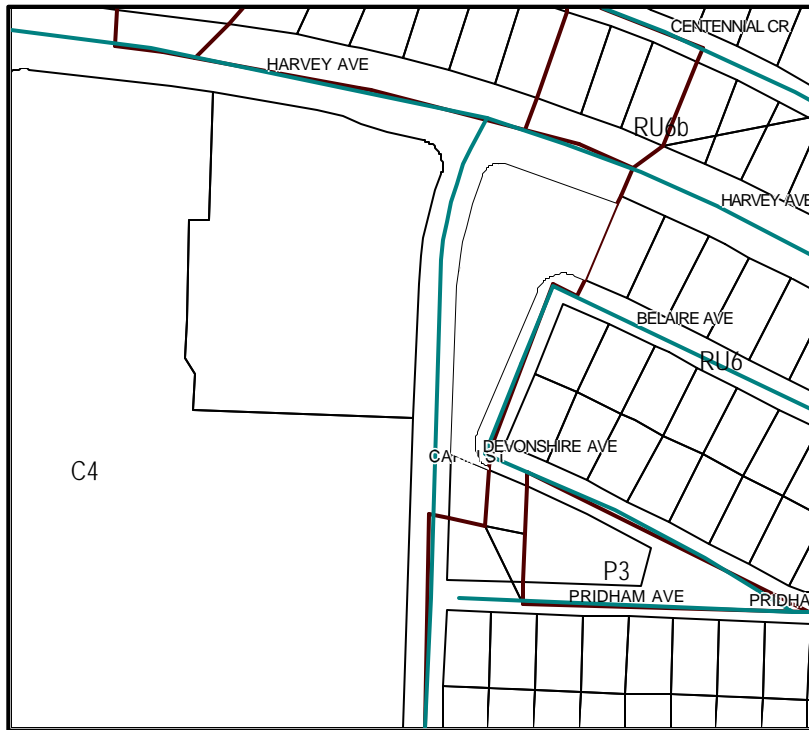
3.3 Site Context

The property is located on the southeast corner of the intersection of Capri Street and Harvey Avenue.

Adjacent zones and uses are, to the:

- North - RU6 and RU6b (Two Dwelling Housing and Two Dwelling Housing with Boarding or Lodging House) - Predominantly Single Family dwellings
- East - RU6 – (Two Dwelling Housing) – Single Family dwellings
- South - C4 – (Town Centre Commercial) – Vacant;
RU6 (Two Dwelling Housing) – Single Family dwelling

West - C4 – Town Centre Commercial – Capri Hotel and Mall
Site Map



3.4 Existing Development Potential

The property is zoned for C4 – Town Centre Commercial use. The purpose of this zone is to provide for the development of community commercial centres to serve more than one neighbourhood. The zone encompasses many principal and secondary uses. Major and minor eating and drinking establishments, such as the proposed restaurant, are permitted as a principal use.

3.5 Current Development Policy

3.5.1 Kelowna Official Community Plan

The Official Community Plan designates the future land use for this site as Commercial, and the application is consistent with this designation.

The property is located in the Downtown Urban Town Centre and is therefore subject to General Commercial Development Permit Area Guidelines. The property meets the objectives of improving the visual quality of roadways by situating new commercial buildings adjacent to the street. Furthermore, it meets the objective of enhancing the visual quality of Highway 97. More specifically, the proposed development adheres to the following guidelines:

- The building design gives consideration to the existing hotel and mall west of Capri Street by using a similar colour scheme. Although the mall and the hotel do not include any brick façades, the use of brick on the proposed restaurant does not conflict with the existing buildings.

- The visual quality of Highway 97 is enhanced by locating the building close to the street and parking and loading areas in the back. Due to the size and the shape of the site, parking is visible from Capri Street. However, the parking lot is screened with sufficient landscaping, and more trees will be planted on the site to compliment the existing row of trees along Capri Street. An existing fence along the east property line minimizes the visual impact of the parking lot on the Pridham Avenue neighbourhood.

The proposed development meets the OCP objectives for pedestrian traffic by maintaining and enhancing the walkways between the residential neighbourhood east of the site and Capri Mall. Additional sidewalks will also be provided through the current development proposal.

3.5.2 City of Kelowna Strategic Plan (1992)

The Strategic Plan encourages an integration of residential, commercial and employment oriented uses within the existing urban areas. The re-development of the subject site with a restaurant use is therefore consistent with the plan.

4. TECHNICAL COMMENTS

The proposal was circulated to various agencies, and the following relevant comments have been received:

4.1. Fire Department

Fire Department access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Hydrant required within 90 m of principal entrance.

4.2. Works and Utilities

The Works and Utilities Department has the following requirements associated with this development application. The road and utility upgrading will be required prior to the issuance of a Building Permit.

4.2.1. Domestic Water and Fire Protection

- (a) There is an existing 150-mm water main within the utility right-of-way in this lot. The developer must engage a consulting engineer to determine if the existing water system is sufficient to provide fire flow capability to satisfy the requirements of the proposed development. If an improved water delivery main is required, it must be installed at the developer's cost.
- (b) The subject lot was not serviced with domestic water, sanitary sewer or storm drainage services when it was created, since it was the desire of the owners to defer construction on the land, and since it was not known what size of services would be required. It is now necessary for the developer to install adequately sized services at his cost. A single water service should be installed that is adequately sized to supply the domestic and fire protection requirements of the proposed building, as well as of any future buildings on this parcel.
- (c) 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 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.

- (d) The developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

4.2.2. Sanitary Sewer

- (a) The existing sanitary sewer main within the utility right-of-way is sufficient to service the proposed development.
- (b) The developer must install an adequately sized sanitary sewer service at his cost.

4.2.3. Storm Drainage

- (a) The existing storm drainage main systems in the street are sufficient for this area. It is necessary for the developer to install a storm drainage service at his cost to provide overflow relief for the proposed development.
- (b) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements for the City Storm Water Management Policy and Design manual. The plan must accommodate the requirements to contain a 1 in 10-year storm event within pipes and identify overland drainage routes for a 100-year storm event. The storm water management plan must also include provision of a lot grading plan, minimum basement elevations (MBE), storm water service and/or on-site drainage containment and disposal systems. The on-site drainage system may be connected to the street drainage system with an overflow service at the developer's cost, with approval from the City drainage engineer.

4.2.4. Road Improvements

- (a) Capri Street requires the installation of a sidewalk along the frontage of the subject lot to upgrade the street to a commercial standard. It is recommended that a 1.5m wide separate sidewalk be installed. The cost of this construction for bonding purposes is \$16,000.00.
- (b) Complete the Harvey Avenue frontage upgrading (construction of a right-turn lane in front of the Capri Centre parcel) that was required as a condition of the subdivision of the Capri Centre parcel.

4.2.5. Subdivision Requirements

By registered plan to provide the following:

- (a) Grant statutory rights-of-way if required for utility services associated with this development.

4.2.6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building, as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected with underground services. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

4.2.7. Street Lighting

Existing streetlights are adequate.

4.2.8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site services including on-site ground recharge drainage collection and disposal systems must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

4.2.9. Development Cost Charge Reduction Consideration

Development Cost Charge credits are not applicable.

4.2.10. Latecomer Protection

Latecomer Protection is not applicable.

4.2.11. Geotechnical Report

As a requirement of this application and/or prior to issuance of a building permit, the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics.
- (b) Site suitability for development; i.e. unstable soils, etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill, if any. Identify unacceptable fill material, analyze soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities, as well as building foundation designs.

4.2.12. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

4.2.13. Bonding and Levy Summary

- (a) Bonding:
Sidewalk construction on Capri Street. \$16,000.00

Note: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided as a condition of subdivision approval or building permit issuance, and may be in the form of cash or a irrevocable letter of credit, in an approved format.

The owner must also enter into a servicing agreement in a form provided by the City prior to issuance of a building permit.

- (b) Levies: None.

4.2.14. Development Permit and Site Related Issues

- (a) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.
- (b) The existing neighbourhood screening fence along the east property line was constructed by the owner of the Capri Centre and is located on the subject property. As such, the owners must take responsibility for the upkeep of this fence.

4.2.15. Administration Charges

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as 3% of the total off-site construction costs, not including design. 7% GST will be added.

4.2.16 Transportation Demand Management

A 2.0 m wide sidewalk needs to be built on the east side of Capri Street along the entire property up to the south property line. The sidewalk should tie in the sidewalk on Highway 97. The pedestrian access points through the fence at the east property line must be maintained. One bicycle rack with capacity of six bikes to be located either beside the front entrance or at the east side of the building.

The applicant addressed these issues. A sidewalk along Capri Street will be provided, as well as a bicycle rack next to the building. The pedestrian access points at the east property line will be maintained and enhanced.

4.3. Parks Manager

- 4.3.1 All stone mulch areas on private property that abut city lands to have acceptable plastic edge to prevent rock migrating into grass areas.
- 4.3.2. All plant material (trees, shrubs, ground covers and seed/sod) used in boulevard to be reviewed by City Parks Division. All materials located in boulevard to meet city standard for size and method of installation.
- 4.3.3. Plant material specifications are as follows for:
 - (a) Deciduous trees - caliper @ 300mm above rootball (min. 60mm);
 - (b) Deciduous shrub - spread (min. 450mm);
 - (c) Coniferous tree- height (min. 2.5m);
 - (d) Coniferous shrub - spread (min. 450mm);
 - (e) Seed/sod mix according to location and proposed activity use;
 - (f) Boulevard maintenance is responsibility of owner/occupant;
 - (g) All boulevard tree maintenance is responsibility of the Parks Division;
 - (h) Site planting plan (site and boulevard) to include a plant materials list:
 - i) latin name
 - ii) common name
 - iii) size at planting
 - iv) plant symbol key
 - v) indicate existing trees
 - (i) Planting plan to include all u/g utility locations in boulevard;
 - (j) Boulevard landscape to be approved by the Parks Division.

4.4. Ministry of Transportation and Highways

This Ministry has no objection to the proposed development permit in principle. However, the Ministry requests that the City of Kelowna ensures that all highway works required for subdivision and rezoning (S97-152 and Z97-1043) are completed to the Ministry's satisfaction in conjunction with this application. The requirements were outlined in a letter from the Ministry dated March 13, 1998, and remain outstanding. Ministry approval of both the rezoning and subdivision applications was based on the understanding that appropriate bonding had been placed with the City and that all works would be completed within a one-year time frame.

The bonding for the highway works was based on Reid Crowther drawing nos. 38198-S01 & R01 received by the Ministry of Transportation and Highways on April 23, 1999. As stated in the above mentioned March 13, 1998 letter, prior to commencement of any works, full construction drawings must be submitted to the Ministry for review and approval. The highway cross-section must include 100mm of asphalt as per Ministry Type "A" pavement design.

An electrical design must also be prepared and submitted to this Ministry for review and approval prior to commencement of any works. In order to expedite approval of electrical design drawings, we recommend that the developer choose an electrical design engineer familiar with Ministry standards and materials. All costs associated with any electrical relocation works will be borne by the developer. The relocation may trigger upgrading of the existing physical plant. There may be electrical works that can only be performed by Ministry personnel, the cost of which will also be borne by the applicant, including inspections.

All works on Highway 97 are to be supervised and certified as having been constructed to Ministry standard in accordance with good engineering practices by a Professional Engineer experienced with Ministry standards and requirements. Copies of all test results are to accompany the Engineer's certification letter. As-built drawings are to be submitted to the Ministry upon completion of the road, drainage and electrical works. All works, including pavement marking, must be completed to the Ministry's satisfaction.

It will be the responsibility of the developer to obtain appropriate approvals from any utility companies as may be necessary prior to commencement of any works. Once the contractor has been chosen, a schedule of works and a traffic management plan must be submitted to the Ministry for review. Approval for any lane closures must be obtained from the Ministry prior to commencement of any works.

4.5. RCMP

The property is currently used for both overflow parking and parking for tour buses in the summer. It is recommended that consideration be given to alternate parking areas for these buses. Proper parking signs should be posted to clarify new parking regulations.

4.6. BC Gas

A gas main exists within the easement area.

4.7. Telus

An easement in perpetuity exists on the subject property. Telus requires this easement to remain to protect existing facilities within the subject property. Telus will provide

underground facilities to this development, and the developer will be required to supply and install as per Telus policy.

4.8. Shaw Cable

The owner or contractor will have to supply and install conduit system as per Shaw cable drawings and specifications.

5.0 PLANNING COMMENTS

The Planning and Development Department has no concerns with the proposed development of a restaurant on the subject property. The re-development of this site with a restaurant will substantially improve the functional use of the property. The site is well suited for a restaurant, since it is within easy walking distance of the adjacent residential area, the mall and the hotel. The siting of the building, along with associated landscaping, will significantly enhance the visual appearance of the southeast corner of the intersection Capri Street and Harvey Avenue. The proposal addresses Crime Prevention Through Environmental Design Guidelines in its landscaping and, albeit to a limited extent, in its building design.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

KGB
Attach.

FACT SHEET

1. APPLICATION NO.: DP00-10,090
2. APPLICATION TYPE: Development Permit
3. OWNER: Prospero Canadian Land Investment Fund Ltd.
 - ADDRESS #2088-1177 West Hastings Street
 - CITY Vancouver, BC
 - POSTAL CODE V6E 2K3
4. APPLICANT/CONTACT PERSON: Leo Mariotto / ICR Architecture and Project Consultants Inc.
 - ADDRESS #217 – 1899 Willingdon Avenue
 - CITY Burnaby, BC
 - POSTAL CODE V5C 5G1
 - TELEPHONE/FAX NO.: (604) 298-6444 / (604) 298-5199
5. APPLICATION PROGRESS:
 - Date of Application: November 29, 2000
 - Date Application Complete: December 19, 2000
 - Servicing Agreement Forwarded to Applicant: N/A
 - Servicing Agreement Concluded: N/A
 - Staff Report to APC: January 16, 2001
 - Staff Report to Council: February 7, 2001
6. LEGAL DESCRIPTION: Lot C, D.L. 137, Plan KAP 64836, ODYD
7. SITE LOCATION: South east corner of Capri Street and Harvey Avenue
8. CIVIC ADDRESS: 1755 Capri Street
9. AREA OF SUBJECT PROPERTY: 0.559 ha
10. EXISTING ZONE CATEGORY: C4 – Town Centre Commercial
11. TYPE OF DEVELOPMENT PERMIT AREA: Mandatory Commercial DP
13. PURPOSE OF THE APPLICATION: To construct a 464m" restaurant
14. MIN. OF TRANS./HIGHWAYS FILES NO.: 02-081-18997
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS
 - (f) Urban Town Centre (Commercial) Mandatory DP

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Schedule A: Site Plan
- Schedule B: Elevations
- Schedule C: Landscape Plan
- Schedule D: Signage