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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** March 21, 2001  
**File No.:** (3060-20) **DP00-10,088**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION OWNER: SKOGLUND  
NO. DP00-10,088 ENTERPRISES LTD.

AT: 1735 RICHTER STREET APPLICANT: SKOGLUND  
ENTERPRISES LTD. /  
DAVE SKOGLUND

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE  
CONSTRUCTION OF A 3 BAY DRIVE-THROUGH LUBE SHOP  
AND A CAR WASH FACILITY

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

PROPOSED ZONE: C10 – SERVICE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0 RECOMMENDATION**

THAT Final Adoption of Zone Amending Bylaw No. 8642 be considered by the Municipal Council;

THAT Municipal Council authorize the issuance of Development Permit No. DP00-10,088; for Lot A, DL 138, O.D.Y.D., Plan 42558, located on Richter 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. 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. Signs to constructed in general conformance with Schedule "D".

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 wishes to construct a new three bay drive-through lube facility and automated car wash building on the subject property. The property was previously zoned C-8 Service Station Commercial zone under City of Kelowna Zoning Bylaw 4500 which supported a car wash facility. As a result of the adoption of the new City of Kelowna Zoning Bylaw 8000 in October 1998, the property has become zoned C4 – Town Centre Commercial, a commercial zone consistent with the neighbourhood which is located within the Downtown Urban Town Centre. Bylaw 8000 also introduced a new definition for "Rapid Drive – Through Vehicle Services" which includes "... development providing rapid cleaning, lubrication, maintenance, or repair services to motor vehicles, where the customer typically remains within the vehicle or waits on the premises. ...". With the application of the C4 – Town Centre Commercial zone to the subject property, the use of the site for a car wash or a drive through lube facility as a principal use is no longer permitted on this property.

Because of this change in zoning, it has now become necessary to rezone the subject property to C10 – Service Commercial to permit the use of the property for "Rapid Drive – Through Vehicle Services", a use for which the property had been specifically zoned for prior to the adoption of the new zoning bylaw 8000.

As the applicant has addressed the concerns raised at the Public Hearing regarding landscaping adjacent to the lane located to the east of the subject property and provision of a suitable lighting plan of the proposed development, as well as addressing the concerns of the Works and Utilities Department by entering into a Servicing Agreement, it is now appropriate for Council to consider the final adoption of the zone amending bylaw and the associated Development Permit application.

### 2.1 Advisory Planning Commission

The above-noted application was reviewed by the Advisory Planning Commission at the meeting of December 19, 2000 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Application No. DP00-10,088 by Skoglund Enterprises Ltd. (Dave Skoglund), 1735 Richter Street.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The applicant proposes to construct a new three bay drive through vehicle lubrication facility and a single bay automated car wash on the subject property. The proposed development is designed to share an access driveway from Richter Street with the redeveloped Petro Canada gas bar. As well, the development also proposes an access from Saucier Avenue. It is anticipated that this access point will be used primarily to provide an escape exit for those people who are in the vehicle line ups for the car wash or lubrication service bays which no longer wish to wait for their turn for vehicle service. However, this driveway also has the potential to provide an alternative access point to the service facility. The building is orientated so that the drive – through lube bays face the Richter Street frontage, and are visible from Harvey Avenue, behind the new Petro - Canada gas bar. The automated car wash bay is located at the Saucier Avenue end of the site.

The proposed development is designed as a single storey, 244 m<sup>2</sup> concrete block building. The exterior of the building is designed to be finished with “white” paint and “red” painted metal trim, and a combination of glazed store front window and door units, and glazed overhead doors to the service bays and the car wash. The roof of the building is designed with a sloped, residential style, metal roof which incorporates a cupola feature on the north end of the proposed building. The end of the building facing Saucier Avenue is designed to incorporate a combination of plain and split face concrete block to provide an increased level of visual interest to that façade. The end of the building facing the existing Petro – Canada gas bar development utilizes glazed store front units.

The site plan indicates a substantial level of landscaping to provide screening from both Richter Street and Saucier Avenue. The landscape plan has also been amended to increase the level of landscaping along the fence adjacent to the lane along the east side of the subject property. As well, there is a solid fence proposed along the lane to provide a solid barrier between the proposed development and the residential uses adjacent to the lane. The orientation of the automatic car wash portion of the proposed development places the vehicle dryer on the side of the building facing away from the existing residential uses with a view to minimize the noise impact on the adjacent dwellings. The applicant has also provided a lighting plan to ensure that the residential property across the lane, east of the subject property, is minimized. The site plan indicates two light standards located adjacent to the fence along the lane, and oriented in such a manner that the light is directed towards the proposed building, away from the residential property located across the lane. There are no wall mounted light fixtures proposed to be installed on the east façade of the building, which would have the potential to direct light towards the adjacent residential property.

The proposal as compared to the C10 zone requirements is as follows:

CRITERIA	PROPOSAL	C10 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	1,471 m <sup>2</sup>	1000 m <sup>2</sup> (C10 zone) 930 m <sup>2</sup> min (Vehicular Oriented Uses – V.O.U.)
Site Width (m)	30.92 m	30 m min (V.O.U.)
Site Coverage (%)	16.6%	40% max (C10 zone) 30% max (V.O.U.)
Total Floor Area (m <sup>2</sup> )	244 m <sup>2</sup>	FAR = 0.65
F.A.R.	0.166	Max. FAR = 0.65
Storeys (#)	1 storey (7.6 m)	3 Storeys (12.0m) max
Setbacks (m)		
- Front (Richter St.)	9.75 m	2.0
- Rear	18.2 m	0.0
- North Side	9.22 m	0.0
- South Side (flanking)	4.5 m	2.0 m
Parking Stalls (#)	10 stalls required	1 stall per 2 employees on duty, plus 2 stalls per service bay

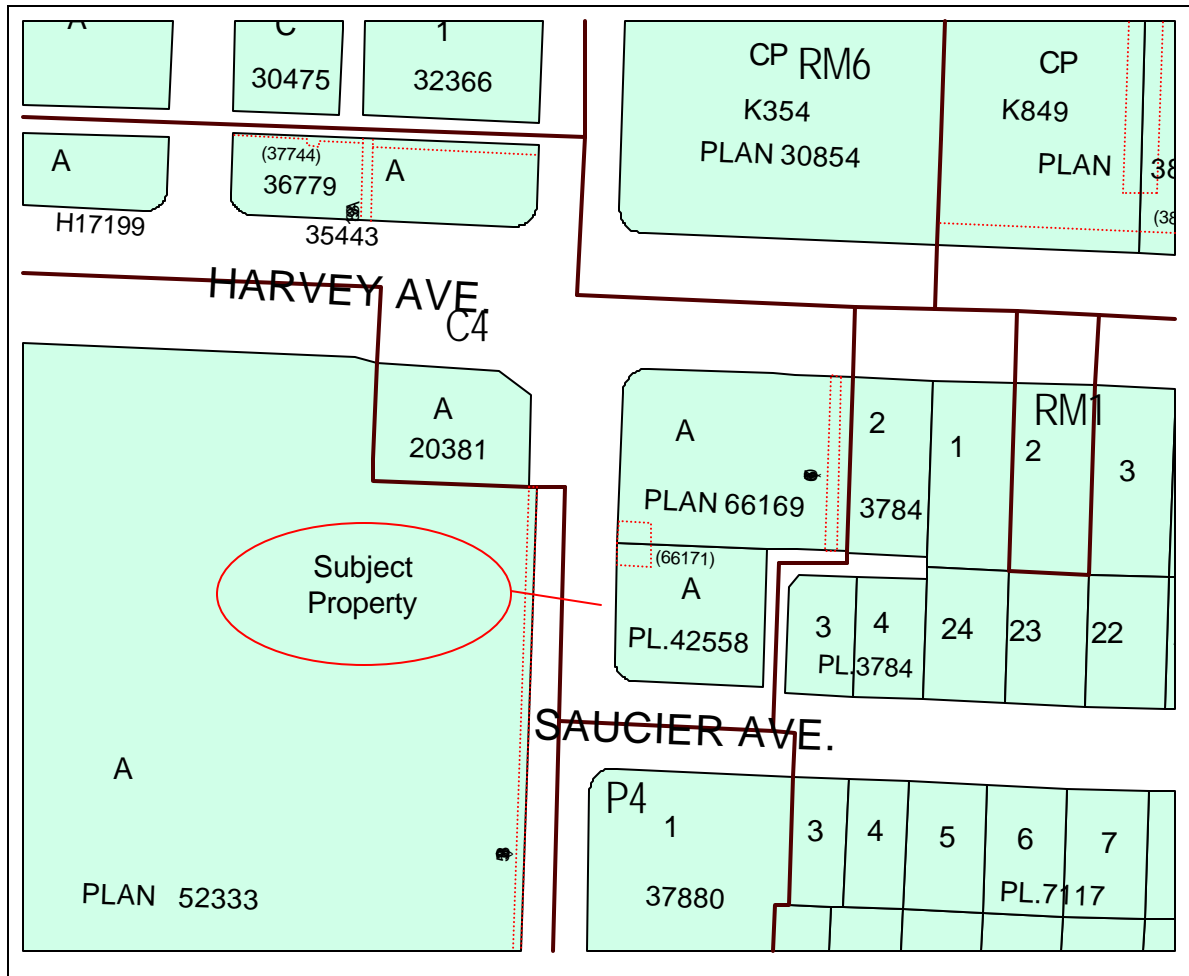
### 3.2 Site Context

The subject property is located on the north east corner of Richter Street and Saucier Avenue adjacent to a lane. The property was rezoned to the C8 – Service Station Commercial zone in 1993 to permit the development of a car wash establishment.

Adjacent zones and uses are, to the:

- North - C4 – Town Centre Commercial / Petro - Canada gas bar
- East - RU6 – Two Dwelling Housing / single family residential
- South - P4 – Utilities / West Kootenay Power substation
- West - P2 – Education & Minor Institutional / KSS school

### Subject Property Map



### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The subject property is currently designated “Multiple Family Residential – medium density” future land use in the Official Community Plan. However, the current proposal is considered supportable as the property is zoned C4 – Town Centre Commercial, and that the rezoning to another commercial zone is not a departure from the existing land use pattern.

The Official Community Plan 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 (1992)

The application is consistent with the Strategic Plan, as follows:

“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 redevelopment 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 South Central Neighbourhood Structure Plan

The South Central Neighbourhood Structure Plan does not support the creation of new commercial sites within the plan boundaries except for two sites on Harvey Avenue – one at Ellis Street and the other at Abbott Street. The plan further identifies that the subject properties should be re-developed in the future as medium density, multiple family residential use.

### 3.3.4 Crime Prevention Through Environmental Design

Crime Prevention Through Environment Design issues are addressed by the use of glazed overhead doors to the vehicle service bays which will provide for a high level of visibility and potential to observe activities within the building from outdoors. As well, by the provision of a large amount of glazing to the proposed building exterior, it will also be possible for the occupants of the building to observe and monitor activities around the subject property.

#### 4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the technical concerns have been addressed through the rezoning application and the associated servicing agreement.

#### 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

Application was made in 1988 to rezone the subject property to the C-8 Service Station Commercial zone in order to permit the development of a car wash and lube bay establishment. At that time, the Planning and Development Services Department did not support the application as the subject property was not designated as Commercial in the Official Community Plan. However, City Council of the day did support the application and ultimately approved the rezoning of the subject property to the C-8 Service Station Commercial zone in 1993.

Since that time, with the adoption of City of Kelowna Zoning Bylaw 8000, the property has had the zoning changed to the “C4 – Town Centre Commercial”, as the property has been zoned commercial and is located within the Downtown Urban Town Centre. However, the C4 zone only permits gas bars as a principal permitted use. The definition of gas bar also includes car washing facilities as an accessory use. Zoning Bylaw 8000 also includes a new definition for “Rapid Drive – Through Vehicle Services”, which is a use that is permitted only in the C10 – Service Commercial, the I2 – General Industrial, and the I4 – Central Industrial zones. As the development proposal under application includes both a car wash facility and a drive through lube shop, it has been determined that it is not possible to “grandfather” in the permitted uses granted on the subject property by the rezoning that applied the former C-8 Service Station Commercial zone since there was never any building constructed on site.

As a solution to this problem, the only alternative has been to rezone the property to an appropriate zone that permits the desired use, in this case the C10 – Service Commercial zone. However, this zone also includes a number of permitted uses that would not be compatible with the surrounding neighbourhood. The applicant has registered a Section 219 Restrictive Covenant on title to restrict the uses to “Rapid Drive – Through Vehicle Services” only.

The applicant has reworked the site plan from the original plan that was presented to the Advisory Planning Commission by rotating the proposed building 90° from the original location. The orientation was amended to provide a smoother traffic flow while providing adequate stacking for both the car wash and lubrication service bay. The revised orientation of the building places the car wash portion of the facility away from the adjacent residential uses, while placing the vehicle drying unit on the side of the building facing away from the existing dwellings on Saucier Avenue. The applicant has also provided additional landscaping to the east property line adjacent to the lane to provide an increased level of buffering to the existing residential use located to the east of the subject property. The applicant has also provided a lighting plan to ensure the minimum amount of light impacting the residential property to the east of the subject site.

The applicant has agreed to provide signage in accordance with Schedule “D”, which limits the site signage to one free-standing sign located at the corner of Richter Street and Saucier Avenue at a maximum height of 6.0 m.

In light of the above, the Planning and Development Services Department supports this proposal, and recommends for Council's positive consideration. The Planning and Development Services Department's recommendation for support is based on an earlier Council decision to support the land use and the degree of cooperation the applicant has demonstrated to design the proposed facility to minimize impacts and to provide assurity for any future land uses being limited to those proposed by this application.

Andrew Bruce  
Current Planning Manager

Approved for inclusion

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

PMc/pmc  
Attach.



## FACT SHEET

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|---|---|
| 1. APPLICATION NO.:   | DP00-10,088   |
| 2. APPLICATION TYPE:  | Development Permit  |
| 3. OWNER:   | Skoglund Enterprises Ltd.   |
| . ADDRESS   | #103 – 1836 Underhill Road  |
| . CITY  | Kelowna, BC   |
| . POSTAL CODE   | V1X 5P8   |
| 4. APPLICANT/CONTACT PERSON:                                      | Skoglund Enterprises Ltd. /   |
| . ADDRESS   | Dave Skoglund   |
| . CITY  | #103 – 1836 Underhill Road  |
| . POSTAL CODE   | Kelowna, BC   |
| . TELEPHONE/FAX NO.:  | V1X 5P8   |
| 5. APPLICATION PROGRESS:  | 862-5242/862-5243   |
| Date of Application:  | November 14, 2000   |
| Date Application Complete:  | November 14, 2000   |
| Servicing Agreement Forwarded to Applicant:                       |   |
| Servicing Agreement Concluded:                                    |   |
| Staff Report to Council:  | March 21, 2001  |
| 6. LEGAL DESCRIPTION:   | Lot A, DL 138, O.D.Y.D., Plan 42558   |
| 7. SITE LOCATION:   | North East Corner of Saucier Ave.<br>and Richter St.  |
| 8. CIVIC ADDRESS:   | 1735 Richter St.  |
| 9. AREA OF SUBJECT PROPERTY:                                      | 1474 m <sup>2</sup>   |
| 10. AREA OF PROPOSED REZONING:                                    | 1474 m <sup>2</sup>   |
| 11. EXISTING ZONE CATEGORY:                                       | C4 – Town Centre Commercial   |
| 12. PROPOSED ZONE:  | C10 – Service Commercial  |
| 13. PURPOSE OF THE APPLICATION:                                   | To Seek a Development Permit to<br>Authorize Construction of a 3 Bay<br>Drive Through Lube Shop and Car<br>Wash |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:                            | 02-081-19002  |
| NOTE: IF LANDS ARE WITHIN 800 m OF A<br>CONTROLLED ACCESS HIGHWAY |   |
| 15. DEVELOPMENT PERMIT MAP 13.2<br>IMPLICATIONS                   | N/A   |

Attachments

State of Title  
Subject Property Map  
Schedule A, B & C  
5 pages of site elevations / diagrams