

---

## CITY OF KELOWNA

# MEMORANDUM

---

**Date:** April 30, 2001  
**File No.:** (3090-20) **DVP01-10,013**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

DEVELOPMENT VARIANCE PERMIT  
APPLICATION NO. DVP01-10,013

OWNER: BRI-ASH DEVELOPMENTS  
INC.

AT: 150 EDWARDS ROAD

APPLICANT: EARTH TECH (CANADA)  
INC.

PURPOSE: TO VARY THE HIGHWAY BUILDING SETBACK PROVISIONS  
OF THE ZONING BYLAW FROM 15M REQUIRED TO 4.5M  
PROPOSED, AND

TO VARY THE SIGN BYLAW TO PERMIT 3 SIGNS FOR THE  
GAS BAR WHERE 2 SIGNS PER BUSINESS ARE PERMITTED

EXISTING ZONE: I2 – GENERAL INDUSTRIAL

REPORT PREPARED BY: PAUL McVEY

---

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

---

### 1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP01-10,013; Earth Tech (Canada) Inc.; Lot 1, DL 123, O.D.Y.D., Plan KAP56302, except Plan KAP59008 located on Highway 97 North, Kelowna, B.C.;

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

Section 6.10.1 **Setback from Provincial Highways** be varied from 15 m setback required to 4.5 m setback proposed, and

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

Section 6 Specific Zone Regulations for the I2 zone from 2 signs per business permitted to 3 signs for the Gas Bar 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 new building on the subject property located adjacent to Highway 97. The proposed use of the building is for an automated car wash, a convenience store, and a gas bar.

The applicant has made application for a Development Variance Permit to vary the highway building setback provisions of the Zoning Bylaw from the 15 m setback required to 4.5 m proposed in order to permit siting of the building to provide adequate circulation area on site. The location of the proposed building meets the Official Community Plan leave strip requirements for Mill Creek.

The applicant has also submitted a variance to the Sign Bylaw to permit the 3 signs proposed for the gas bar, where the Sign Bylaw permits 2 signs per business.

### 2.1 Advisory Planning Commission

The above noted application was reviewed by the Advisory Planning Commission at the meeting of April 17, 2001 and the following recommendation were passed:

THAT the Advisory Planning Commission Supports Development Variance Permit Application No. DP01-10,013 by Earth Tech (Canada) Inc. (Darrin Schlamp) to vary the building setback from the Provincial Highway from the 15m required to the 4.5m proposed,

THAT the Advisory Planning Commission Supports Development Variance Permit Application No. DP01-10,013 by Earth Tech (Canada) Inc. (Darrin Schlamp) to allow three fascia signs for the proposed gas bar.

## 3.0 BACKGROUND

### 3.1 The Proposal

The original car wash building was constructed on site in 1997. The truck fuel card-lock facility was added later in 2000. This current application is for a new automatic car wash, convenience store, and gas bar facility, proposed to be located adjacent to the Highway 97 frontage. The applicant has made application for a Development Variance Permit to address section 6.10 of Zoning Bylaw 8000, which requires a 15 m setback for a Provincial Highway when the site is not located within an urban town centre.

This current application proposes the construction of a new building which is approximately 372 m<sup>2</sup> (12 m wide x 31 m long), located 4.5 m east of the Highway 97 frontage adjacent to Mill Creek. The proposed building is designed to contain a drive through automatic car wash bay along the west half of the building, and a convenience store and operators kiosk located at the south east corner of the building. The remainder of the building is anticipated to be used for the mechanical room for the car wash, and storage for the store.

The Development Variance Permit application has been made to vary Section 6.10, Setback from Provincial Highway, to reduce the building setback from a Provincial Highway from the 15 m setback required where site is not located in an urban town centre to the 4.5 m setback proposed. This variance is considered supportable as Mill Creek is located between the subject property and Highway 97. At the time of the

development of the first phase of the “Wash Zone” development, it was necessary for the owner to dedicate additional land adjacent to Mill Creek to provide a minimum of 15 m from the creek to the property line. The proposed building location greatly exceeds the physical separation of 15 m from the location of the highway.

The exterior of the proposed building is designed to be finished with the same type of finishes and colours as the existing construction on the subject property, namely “blue” coloured metal fascia panels, “grey” coloured metal wall panels with a “red” coloured horizontal band located above the top of the windows and doors. There is a “U” shaped canopy structure proposed to be constructed over the gas bar pump islands, located at the south east corner of the proposed building. The outer edge of the canopy is designed to be finished with “blue” coloured metal panels, except for the west and south sides, which are designed to be finished with “white” panels which incorporate the “Husky” logo, similar to the canopy which has been constructed over the truck fuel card-lock facility, located at the east end of the Edwards Road frontage. The “Husky” logo creates 2 signs for the gas bar business, the maximum permitted in the sign bylaw. However, the applicant proposes an additional sign for the gas bar located on the building fascia facing Highway 97.

The Development Variance Permit application seeks permission to add 1 more sign for the gas bar in the form of a fascia sign located on the building for a total of 3 signs where the bylaw limits the maximum number of signs to 2 signs per business. This sign variance is considered supportable in that the addition of 1 more sign incorporated into the fascia of the building is a minor addition to the overall building scheme, and that the sign is designed in a manner that is consistent with the other signs on the building. The other signs proposed conform with the Sign Bylaw requirements.

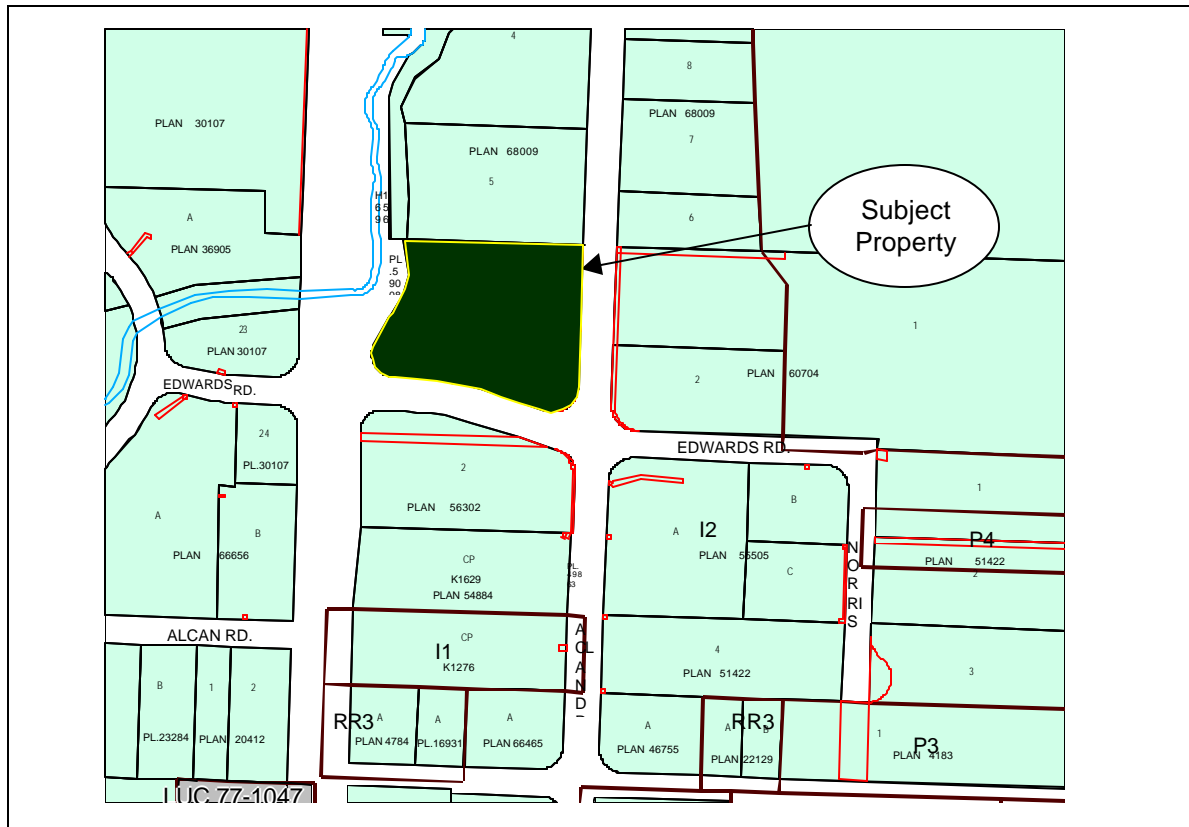
The proposal as compared to the I2 – General Industrial zone requirements is as follows:

CRITERIA	PROPOSAL	I2 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	15,140 m <sup>2</sup>	4,000 m <sup>2</sup>
Site Width (m)	99.7m	40.0 m minimum
Site Coverage (%)	16.3%	60%
Total Floor Area (m <sup>2</sup> )	2,159 m <sup>2</sup>	22,710m <sup>2</sup> maximum @ FAR = 1.5
F.A.R.	0.14	FAR = 1.5 maximum
Storeys (#)	13.3 m (existing)	14.0m maximum
Setbacks (m)		
- Front (Hwy 97)	4.5 m *	15 m minimum (Provincial Hwy)
- Front (Acland Rd.)	9.5 m	7.5 m minimum
- South Side (flanking)	21.2 m	6.0 m minimum
- North Side	26.9 m	0.0 m minimum adj to C or I zones
Parking Stalls (#)	43 stalls provided	2 stalls per 100 m <sup>2</sup> GFA (total 43 required)
Loading Stalls (#)	3 provided	1 stall per 1,900 m <sup>2</sup>

\* Variance required for Section 6.10 Setback from Provincial Highway, to reduce setback from the 15 m setback required where site is not located in an urban town centre to the 4.5 m setback proposed.

### 3.2 Site Context

## Subject Property Map



Adjacent zones and uses are, to the:

North - I2 – General Industrial – Petro Canada Truck Stop  
 East - I2 – General Industrial/Acland Rd. – Vacant Industrial land  
 South - I2 – General Industrial/Edwards Rd. – Chevron Truck Stop  
 West - I2 – General Industrial/Highway 97 – Industrial uses

### 3.3 Current Development Policy

### 3.3.1 Kelowna Official Community Plan

This proposal is consistent with the "Industrial" designation of the Official Community Plan.

As well, the proposed development also meets the environmental requirements of the Official Community Plan, which requires a minimum 15 m Stream Corridor Leave Strip for redeveloped areas with previous land disturbance.

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

"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 Padosy particularly along major traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor."

## 4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments as part of the associated Development Permit application, and no issues have been noted relating to the Development Variance Permit application.

## 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The variance to relax the building setback from a Provincial Highway from the 15m required to the 4.5m setback proposed is considered supportable as the location of the property line represents a 15m setback from Mill Creek, which is located between the building and the highway. The physical location of the proposed building from the Provincial Highway greatly exceeds the 15m setback required by the zone. It is only because of the dedication of the Mill Creek leave strip area that was required at the time of the original site development that the property line impacts the building siting.

The variance to the Sign Bylaw is to add an additional sign to the west side of the building facade facing Highway 97. The 2 "Husky" signs proposed to be located on the canopy over the gas pumps are considered to be the two signs permitted for the I2 – General Industrial zone. The addition of 1 fascia sign to the building fascia facing Highway 97 is considered minor in the overall context of the proposed development, as the proposed sign is designed to have the same form as the other signs proposed for the building.

In light of the above, the Planning and Development Services Department recommends for Council's positive consideration.

---

Andrew Bruce  
Current Planning Manager

Approved for inclusion

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

PMc/pmc  
Attach.

**FACT SHEET**

1. **APPLICATION NO.:** DVP01-10,013
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Bri-Ash Developments Inc.  
· **ADDRESS** 5738 Goudie Rd.  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1P 1H6
4. **APPLICANT/CONTACT PERSON:** Earth Tech (Canada) Inc.  
· **ADDRESS** Darren Schlamp  
· **CITY** #201 – 3275 Lakeshore Rd.  
· **POSTAL CODE** Kelowna, BC  
· **TELEPHONE/FAX NO.:** V1W 3S9  
762-3727/762-7789
5. **APPLICATION PROGRESS:**  
Date of Application: March 21, 2001  
Date Application Complete: March 22, 2001  
Servicing Agreement Forwarded to Applicant: N/A  
Servicing Agreement Concluded: N/A  
Staff Report to Council: April 30, 2001
6. **LEGAL DESCRIPTION:** Lot 1, DL 123, O.D.Y.D.,  
Plan KAP56302
7. **SITE LOCATION:** North Side Edwards Road, between  
Highway 97 & Acland Road
8. **CIVIC ADDRESS:** 150 Edwards Road
9. **AREA OF SUBJECT PROPERTY:** 15,140 M<sup>2</sup>
10. **TYPE OF DEVELOPMENT PERMIT AREA:** General Industrial – Highway 97
11. **EXISTING ZONE CATEGORY:** I2 – General Industrial
12. **PURPOSE OF THE APPLICATION:** To Seek Permission To Construct A  
New Automatic Car Wash, Gas Bar, &  
Convenience Store Facility To  
Existing Site, And To Vary The  
Highway Building Setback Provisions  
From 15m Required To 4.5m  
Proposed

- |   |  |
|---|--|
| 13. <b>DEVELOPMENT VARIANCE PERMIT<br/>VARIANCES:</b>   | Zoning Bylaw; Section 6.10.1<br><b>Setback from Provincial Highways</b><br>be varied from 15 m setback required<br>to 4.5 m setback proposed, and<br>Sign Bylaw; Section 6 Specific Zone<br>Regulations for the I2 zone from 2<br>signs per business permitted to 3<br>signs for the Gas Bar proposed. |
| 14. <b>VARIANCE UNDER DEVELOPMENT<br/>PERMIT:</b>       | N/A  |
| 15. <b>DEVELOPMENT PERMIT MAP 13.2<br/>IMPLICATIONS</b> | N/A  |



Attachments

Subject Property Map

2 pages of site plan, elevation diagrams