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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** March 5, 2003  
**File No.:** (3060-20/3090-20) **DP02-0074**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION OWNER: 352039 BC LTD  
NO. DP02-0074

AT: 1850 / 1910 KLO ROAD

APPLICANT: PSC PLANNING  
SOLUTIONS CONSULTING  
INC (KIM McKECHNIE)

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE  
CONSTRUCTION OF A NEW GAS BAR AND CONVENIENCE  
STORE WITH AN AUTOMATED CAR WASH.

EXISTING ZONE: C2 – NEIGHBOURHOOD COMMERCIAL  
A1 – AGRICULTURAL 1

PROPOSED ZONE: C2 – NEIGHBOURHOOD 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 OCP Amending Bylaw No. 8935 be considered by the Municipal Council;

THAT Final Adoption of Zone Amending Bylaw No. 8936 be considered by the Municipal Council;

THAT Municipal Council authorize the issuance of Development Permit No. DP02-0074; for Parcel A (DD139842F and Plan B6564) of Amended Lot 62, DL 131, O.D.Y.D., Plan 186, Exc. Plans 12819, 17608, and H11088 and Lot 1, DL 131, O.D.Y.D., Plan 17608, located on KLO 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 signage to be constructed on the land be in general 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 has made application to rezone 1910 KLO Road to the C2 – Neighbourhood Commercial zone in order that this property can be consolidated with 1850 KLO Road, the location of the existing "Shell" gas bar and convenience store. This associated Development Permit application seeks permission to redevelop the consolidated site with a new convenience store, gas bar and automated car wash facility. Since the outstanding issues of the Works and Utilities Department have been addressed, it is now appropriate for Council to consider the Development Permit application and final adoption of the OCP and zone amending bylaws.

### 2.1 Advisory Planning Commission

The above noted application (DP02-0074) was reviewed by the Advisory Planning Commission at the meeting of September 10, 2002 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Permit Application No. DP02-0074, 1850/1910 KLO Road, Lot A, Plan B6564 and Lot 1, Plan 17608, Twp. 26, Sec. 27, ODYD, PSC Planning Solutions Consulting (Kim McKechnie), to seek a Development Permit in order to authorize construction of a new 183 m<sup>2</sup> convenience store and 4 pump island gas bar and a 124 m<sup>2</sup> automated car wash facility.

NOTE: Since the time of the review by APC, the applicant has resubmitted revised drawings for the proposed project that revisit the exterior form and character to provide a heightened level of residential exterior detail features through the use of sloped roof elements and more brick as an exterior building finish. As well, the applicant has also revisited the site plan in order to relocate the access from KLO Road near the eastern boundary of the development, and the access from Benvoulin Road as far north as possible in order to reduce the potential for traffic conflicts.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The property located at 1850 KLO Road was developed with a gas bar and convenience store in 1989.

The applicant wishes to add the next property located to the east to the development site to the subject property in order to increase the size of the lot, and redevelop the consolidated properties with a new gas bar, convenience store, and automated car wash. The applicant has made the necessary applications to rezone 1910 KLO Road to the C2 – Neighbourhood Commercial zone, which received a successful public hearing on December 3, 2002, and second and third readings the same night.

This Development Permit application proposes the redevelopment of the proposed consolidated lots with a new 183.8 m<sup>2</sup> convenience store, a 124.09 m<sup>2</sup> automated car wash building, and a covered, 4 dispenser pump island.

The site plan is arranged with the car wash building located adjacent to the east property line, and the pump island located near the centre line of the lot, oriented to be parallel to the KLO Road frontage. The convenience store is located in the middle of the north half of the property, oriented to be parallel to the KLO Road frontage. There is an enclosed area located east of the building for two garbage bins.

There is a driveway from Benvoulin Road located near the centre of the Benvoulin Road frontage to the site, as well as an access driveway from KLO Road located near the east end of the KLO Road frontage. The access drive aisle to the automated car wash is located between the convenience store and the northern property line. The area between the building and the driveway is landscaped, as well as the 2 m wide area between the driveway and the north property line.

The convenience store building is designed to be constructed of concrete block, and finished with a brick cladding in a “laurentian grey” colour. There is also a red coloured accent band located above the window level and a fascia sign located above the entrance door.

The car wash building is designed to be constructed of concrete block and finished with a brick cladding in a “laurentian grey” colour. The walls also have a yellow coloured accent band located above the windows. One end of the yellow band has a blue coloured accent. Both of the proposed buildings have a hipped residential style roof with a grey coloured asphalt shingle to reduce the impact of the expanded commercial operation on the adjacent residential properties.

The canopy above the gas pumps is finished with a yellow coloured band with a red coloured accent stripe along the bottom of the canopy. This red stripe is interrupted at the sign locations, which are proposed to be installed near the end of the canopy, closest to Benvoulin Road. The face of the canopy is designed so that the lights behind the red accent stripe can shine up onto the yellow band to provide illumination to the band at night. The lighting of this accent band has been limited to the faces adjacent to the road frontages to reduce the spill-over of light onto the adjacent residential properties.

The proposal as compared to the C2 zone requirements is as follows:

CRITERIA	PROPOSAL	C2 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> ) (both lots)	4,939 M <sup>2</sup>	1,500 M <sup>2</sup>
Site Width (m)	48 M	40 M
Site Coverage (%)	6.25 %	40% 30% for vehicular oriented uses
Total Floor Area (m <sup>2</sup> )	307.95 M <sup>2</sup>	
F.A.R.	.062	0.3 maximum commercial FAR
Storeys (#)	1 Storey	2 ½ storeys or 10.5 m
Setbacks (m)		
- Front	25 M	4.5 M
- Rear	13.9 M	3.0 M or 6.0 M where it abuts a residential zone
- East Side	2.0 M	The minimum side yard is 2.0 m for a 1 or 1½ storey portion of a building or an accessory building or structure and 3.0 m for a 2 or 2½ storey portion of a building, except it is 4.5 m from a flanking street.
- West Side (Benvoulin Rd)	11 M	The minimum side yard is 2.0 m for a 1 or 1½ storey portion of a building or an accessory building or structure and 3.0 m for a 2 or 2½ storey portion of a building, except it is 4.5 m from a flanking street.
Parking Stalls (#)	8 Stalls required 11 stalls provided	2 stalls per 100 m <sup>2</sup> GFA 1 stall per 2 employees

Parking Calculation;

C-Store @ 183.86 m<sup>2</sup> = 4 stalls

Car wash @ 124.09 m<sup>2</sup> = 4 stalls

8 Parking stalls required

### 3.2 Site Context

Adjacent zones and uses are, to the:

North - A1 – Agricultural 1 /single unit residential uses

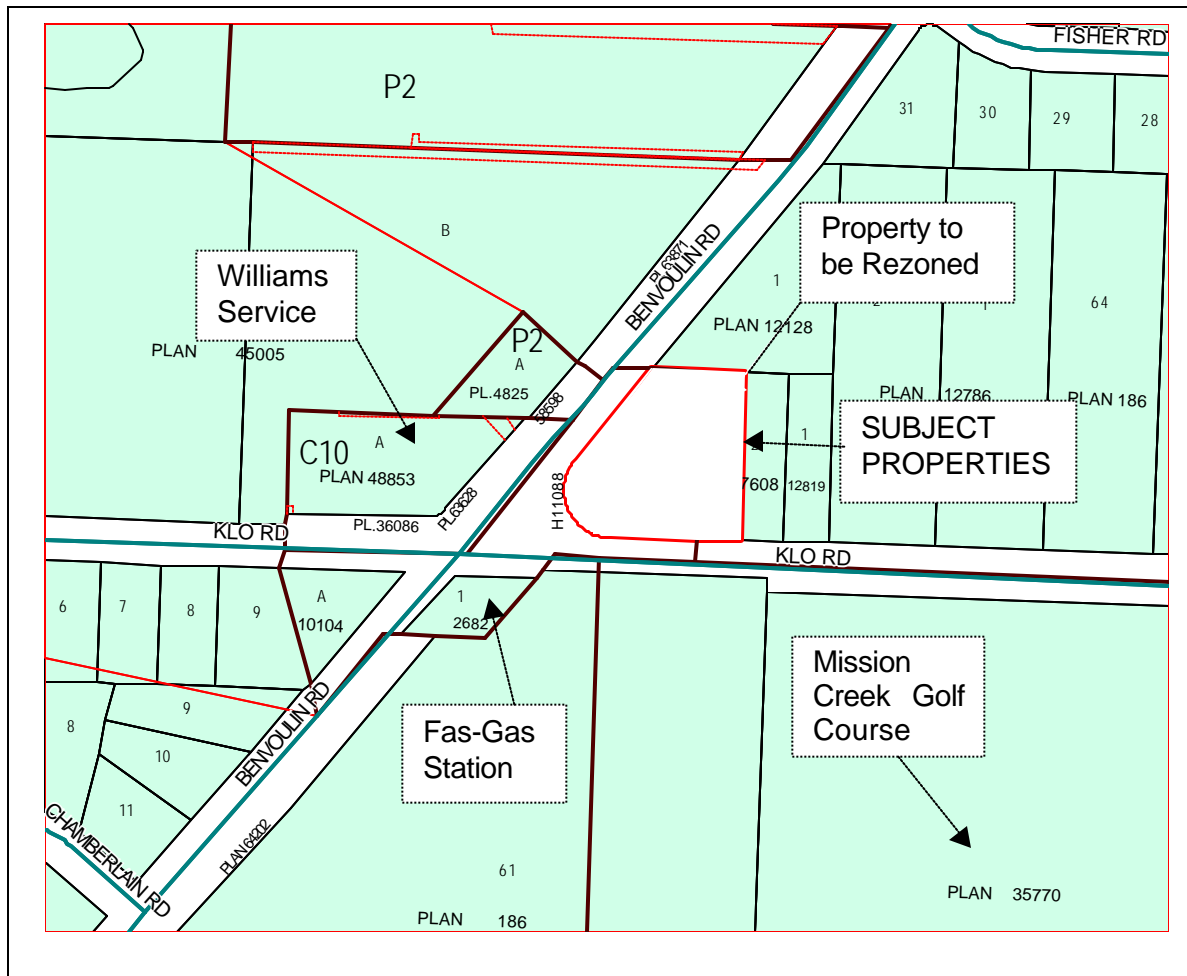
East - A1 – Agricultural 1 /single unit residential uses

South - A1 – Agricultural 1 / KLO Road, farm uses

P3 – Parks and Open Space / Golf Course

West - C10 – Service Commercial / Benvoulin Road, Commercial uses

### SUBJECT PROPERTY MAP



### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

This proposal is consistent with the "Neighbourhood Commercial" future land use designation of the Official Community Plan for 1850 KLO Road. However, as 1910 KLO Road is designated "Single / Two Unit Residential" future land use, an application for an OCP amendment has been made to change the future land use designation to "Neighbourhood Commercial". The proposed rezoning and OCP amendment contemplates a commercial designation on 1910 KLO Rd. that is not consistent with the current Future Land Use designation.

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

The proposal is consistent with the Primary Goals of the Kelowna Strategic Plan which states "To encourage economic opportunities and prosperity for all residents by maintaining a healthy community and sustainable local economy;".

### 3.3.3 South Pandosy / KLO Sector Plan

This proposal is consistent with the "Neighbourhood Commercial" future land use designation of the South Pandosy / KLO Sector Plan for 1850 KLO Road. However, as 1910 KLO Road is designated "Single Two Unit Residential" future land use in the South Pandosy / KLO Sector Plan. An application for an OCP amendment has been made to change the future land use designation of the OCP to "Neighbourhood Commercial". The proposed rezoning and OCP amendment contemplates a commercial designation on 1910 KLO Rd. that is not consistent with the current Future Land Use designation.

### 3.3.4 Crime Prevention Through Environmental Design

The City of Kelowna Crime Prevention Through Environmental Design guidelines include the following suggestions for Commercial Developments;

#### **Natural Surveillance**

- dumpsters should not create blind spots or hiding areas, particularly when located in lanes;
- 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;
- 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;
- 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;
- 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**

- cash registers should be located in front of the store, near the main entrance;
- public paths should be clearly marked;
- signs should direct patrons to parking and entrances;
- there should be no easy access to the roof;

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments to the Development Permit have been submitted:

4.1 Aquila Networks Canada

ANC will provide underground electrical service.

4.2 B.C. Gas

Existing services are required to be abandoned or altered prior to any demolition or excavation on site

4.3 Fire Department

Consideration should be given to installing a new hydrant adjacent to the west entrance on Benvoulin Rd.

4.4 Inspection Services Department

Signage details required. No other concerns at this time.

4.5 Parks Manager

1. Please provide a landscape plan that keys plant material to location.
2. All entry feature signs for the proposed development to be located on private property and not on city Blvd. This includes any landscape treatment.

**Landscape Plan Requirements:**

3. The following applies for all boulevard (BLVD) landscape on city ROW and is standard information required on a landscape plan:
  - A. Planting plan to include a plant materials list:
    - i) Latin name
    - ii) common name
    - iii) size at planting
    - iv) plant symbol key
    - v) indicate existing trees
    - vi) indicate existing trees to be removed
  - B. Minimum plant material specifications for blvds. as follows:
    - i) Deciduous Tree – caliper @300mm above rootball (min. 60mm)
    - ii) Deciduous Shrub - spread (min. 450mm)
    - iii) Coniferous Tree - height (min. 2.5m)
    - iv) Coniferous Shrub - spread (min. 450mm)
    - v) Seed/Sod Mix according to location and proposed activity use.
  - C. Shrub beds require plastic edge beside all areas abutting a city sidewalk or city land to prevent migration of mulch.
  - D. Scale of plan and north arrow clearly indicated on plan.

- E. Planting plan to include all u/g utility locations in BLVD.
4. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
  5. **BLVD maintenance** (irrigation, shrubs, ground cover, sod, and seeded areas) is the responsibility of owner/occupant.
  6. **BLVD tree maintenance** is responsibility of Parks Division.
  7. Planting plan to include all u/g utility locations in BLVD.
  8. All trees planted in sidewalk and not in grass Blvd will require a vault and grate and/or root shield barriers. All trees in grass Blvd to use root shield barriers beside concrete infrastructure.
  9. All plant material (trees, shrubs, ground covers and seed/sod) used in BLVD to be reviewed by City Parks Division. All materials located in BLVD to meet city standard for size and method of installation.
  10. Planting plan to include all u/g utility locations in BLVD.

4.6 Public Health Inspector

Must connect to sanitary sewer & water.

4.7 Shaw Cable

Owner/contractor to supply and install conduit system as per Shaw Cable drawings and specifications.

4.8 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install as per Telus policy.

4.9 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this development application. The road and utility upgrading requirements have been addressed through the associated Rezoning application and servicing agreement. There will be an opportunity for further review at the time of a building permit.

1. 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) An erosion and sediment control plan is to be submitted prior to construction and adhered to during the construction of this development.
- (c) A bike rack must be provided in accordance with current bylaws and policies.
- (d) Access and Manoeuvrability

The site plan should illustrate the ability of an SU-9 standard size vehicle to manoeuvre onto and off the site without requiring a reverse movement



onto public roadways. If the development plan intends to accommodate larger vehicles, the site plan should be modified and illustrated accordingly.

Note:

The applicant has revised site access and egress design onto Benvoulin and KLO Roads in order to address concerns raised by traffic design staff of the Works and Utilities Department. The applicant has moved the KLO Road access to the east boundary of the development site. The Benvoulin Road access has been move as far north as possible while maintaining adequate on-site manoeuvrability for both customers and tank truck traffic.

Should traffic conditions dictate, The City of Kelowna wishes to reserve the right to restrict access onto KLO Road to right in right out.

2. OCP Amendment

We have no concerns or requirements of the OCP amendment application.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The change is zone to 1910 KLO Road was not consistent with the Official Community Plan, and the Planning and Development Services Department did not support the rezoning application on that basis.

However, now that Council has supported the application for further consideration, and since the OCP and zone amending bylaws have received second and third readings after a successful public hearing, it is now appropriate for Council to consider this associated application for a Development Permit to authorize development of the consolidated lots.

The applicant has worked with the City of Kelowna Works and Utilities Department to address the servicing and access issues relating to the proposed development, and has entered into a servicing agreement to deal with the pending road improvements in the neighbourhood. The applicant has also addressed the issue of the dedication of the road widenings.

The applicant has worked with the Planning and Development Services Department to revisit the form and character of the proposed development in order to create a more residential look, and reduce the impact of the expanded commercial uses into the existing residential neighbourhood.

Now that Council has supported this application and in light of the above, the Planning and Development Services Department supports this Development Permit application, and recommends for positive consideration by Council.

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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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|--|---|
| <b>1. APPLICATION NO.:</b>   | DP02-0074   |
| <b>2. APPLICATION TYPE:</b>  | Development Permit  |
| <b>3. OWNER:</b><br>· <b>ADDRESS</b><br>· <b>CITY/POSTAL CODE</b>  | 352039 BC Ltd.<br>#200 – 537 Leon Ave.<br>Kelowna, BC V1Y 2A9   |
| <b>4. APPLICANT/CONTACT PERSON:</b><br>· <b>ADDRESS</b><br>· <b>CITY/POSTAL CODE</b><br>· <b>TELEPHONE/FAX NO.:</b>  | PSC Planning Solutions Consulting<br>Inc. / Kim McKechnie<br>1298 Rose Abby Dr.<br>Kelowna, BC V1Z 3Y8<br>764-7377/764-7822   |
| <b>5. APPLICATION PROGRESS:</b><br>Date of Application:<br>Date Application Complete:<br>Servicing Agreement Forwarded to Applicant:<br>Servicing Agreement Concluded:<br>Staff Report to Council: | July 30, 2002<br>August 14, 2002<br>October 11, 2002<br>November 25, 2002<br>March 5, 2003  |
| <b>6. LEGAL DESCRIPTION:</b>   | a) Parcel A (DD139842F and Plan B6564) of Amended Lot 62, DL 131, O.D.Y.D., Plan 186, Exc. Plans 12819, 17608, and H11088 and<br>b) Lot 1, DL 131, O.D.Y.D., Plan 17608 |
| <b>7. SITE LOCATION:</b>   | North East Corner of Benvoulin Rd. and KLO Road   |
| <b>8. CIVIC ADDRESS:</b>   | 1850/1910 KLO Road  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  | 4,853 m <sup>2</sup>  |
| <b>10. TYPE OF DEVELOPMENT PERMIT AREA:</b>  | General Commercial DP Area  |
| <b>11. EXISTING ZONE CATEGORY:</b>   | C2 – Neighbourhood Commercial<br>A1 – Agricultural 1  |
| <b>12. PROPOSED ZONE CATEGORY:</b>   | C2 – Neighbourhood Commercial   |
| <b>13. PURPOSE OF THE APPLICATION:</b>   | To Seek a Development Permit to Authorize Construction of a new Gas Bar and Convenience Store with an automated car wash.   |
| <b>14. DEVELOPMENT VARIANCE PERMIT VARIANCES:</b>  | N/A   |

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| <b>15. VARIANCE UNDER DEVELOPMENT PERMIT:</b>      | N/A  |
| <b>16. DEVELOPMENT PERMIT MAP 6.2 IMPLICATIONS</b> | General Commercial; notify GIS of Addition |

Attachments

Subject Property Map  
Schedule A, B & C (5 pages)  
13 pages of site elevations / diagrams