
CITY OF KELOWNA

MEMORANDUM

Date: March 26, 2003
File No.: DP02-0088

To: City Manager

From: Planning & Development Services Department

Subject:

APPLICATION NO. DP02-0088 **OWNER:** Farmer, Terry

1110 Harvey Avenue, Kelowna, BC **APPLICANT:** P.J. Lovick Architect Ltd.

PURPOSE: TO CONSTRUCT A 113 SEAT RESTAURANT WITH DRIVE-THROUGH AND PATIO

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council authorise the issuance of Development Permit No. DP02-0088 for Lot 1, DL 137, Plan 31950 (except plan 36604), ODYD, located on Harvey Avenue, 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. The applicant be required to register a reciprocal access easement agreement over the east side of the access magazine area, and over the northern access to the Accent Inn parking lot in favour of Lot A, Plan 42144 lying to the east of this site;
6. The applicant be required to register an access easement over the southwest corner of Lot A, Plan 42144 to allow for a corner rounding that would increase the width of the access onto the subject property and thereby accommodating the turning radius of

an SU9 type vehicle. City of Kelowna approval will be required for discharge of said easement.

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 is seeking Development Permit to construct a 113-seat drive through restaurant with a patio at the corner of Harvey Avenue and Gordon Street. Drive-through style restaurants are now a permitted use in this C4 – Town Centre Commercial zone and therefore the applicant has withdrawn the associated rezoning application.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of November 12, 2002 it was resolved:

That the Advisory Planning Commission supports Rezoning Application No. Z02-1042, 1110 Harvey Avenue, Lot 1, Plan 31950, Sec. 19, Twp. 26, ODYD, by P.J. Lovick Architect Ltd., to rezone from the existing C4-Town Centre Commercial zone to the C3-Community Commercial zone in order to accommodate the development of the proposed drive-through McDonalds Restaurant;

AND THAT the Advisory Planning Commission defer Development Permit Application No. DP02-0088, 1110 Harvey Avenue, Lot 1, Plan 31950, Sec. 19, Twp. 26, ODYD, by P.J. Lovick Architect Ltd., to apply for a development permit in order to allow for a proposed drive-through McDonalds Restaurant, until such time as the traffic study has been completed and a redesign of the proposed building has been provided for APC review.

*Note: Subsequent to this meeting the applicant revised the plans for Advisory Planning Commission consideration.

At the regular meeting of November 26, 2002 it was resolved:

That the Advisory Planning Commission not support Development Permit Application No. DP02-0088, 1110 Harvey Avenue, Lot 1, Plan 31950, Sec. 19, Twp. 26, ODYD , by P.J. Lovick Architect Ltd. (Peter Lovick), to allow for a proposed drive-through McDonalds Restaurant, 324.5 m² and 7.6 m in height, as further design changes need to be made to provide a more superior design, utilizing better materials.

*Note: Subsequent to this meeting the applicant once again revised the plans for Advisory Planning Commission consideration.

At the regular meeting of December 17, 2002 it was resolved:

That the Advisory Planning Commission support Development Permit Application No. DP02-0088, 1110 Harvey Avenue, Lot 1, Plan 31950, Sec. 19, Twp. 26, ODYD , by P.J. Lovick Architect Ltd. (Peter Lovick), to allow for a proposed drive-through McDonalds Restaurant.

4.0 BACKGROUND

4.1 The Proposal

The applicant is applying for a development permit to construct a drive-through McDonalds Restaurant with a patio on the north-east corner of Harvey Avenue and Gordon Street. The existing site is zoned C4 – Town Centre Commercial. The applicant had applied to rezone the property to C3 – Community Commercial to accommodate the drive-through aspect of the development (Z02-1024), however, the adoption of TA02-0006 has negated the requirement for a rezoning.

The proposed restaurant will measure 366m² in size and have seating for 113 patrons. The proposed restaurant will take its main access from Harvey Avenue. There will also be an access to the north from the Accent Inn parking area onto Gordon Drive. The future drive-through area will face onto Harvey Avenue. The applicant is proposing to mitigate the visual impact on Harvey Avenue and Gordon Street through the use of soft landscaping elements along the front yard and flanking side yard of the property.

The planned restaurant will have a peaked roof with a slope matching that of the Accent Inn to the north. The proposal indicates that the sides of the building will be finished in stucco and accented with a “Galvalum” (corrugated metal cladding) band around the upper portion of the elevation. The elevations will also be accented with cultured stone pillars, signage awnings, and garage door style window panelling.

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

CRITERIA	PROPOSAL	C4ZONE REQUIREMENTS
Site Area	2788m ²	1300m ² (min)
Building Area	394.02m ²	N/A
Lot Width	43.1m	N/A
Lot Depth	64.97m	N/A
Site Coverage	14.1%	75%
Total Floor Area	366.24m ²	N/A
F.A.R.	0.131	1.0
Height	7.2m	15.0m
Setbacks		
- Front	5.13m	0.0m (landscape buffer required)
- Rear	20.07m	0.0m
- Side	30.10m	0.0m
- Side (flanking)	8.2m	2.0m
Parking Stalls (#)	38	37
Bicycle Parking (#)	1	1
Loading	1 Space	1 Space

4.2 Site Context

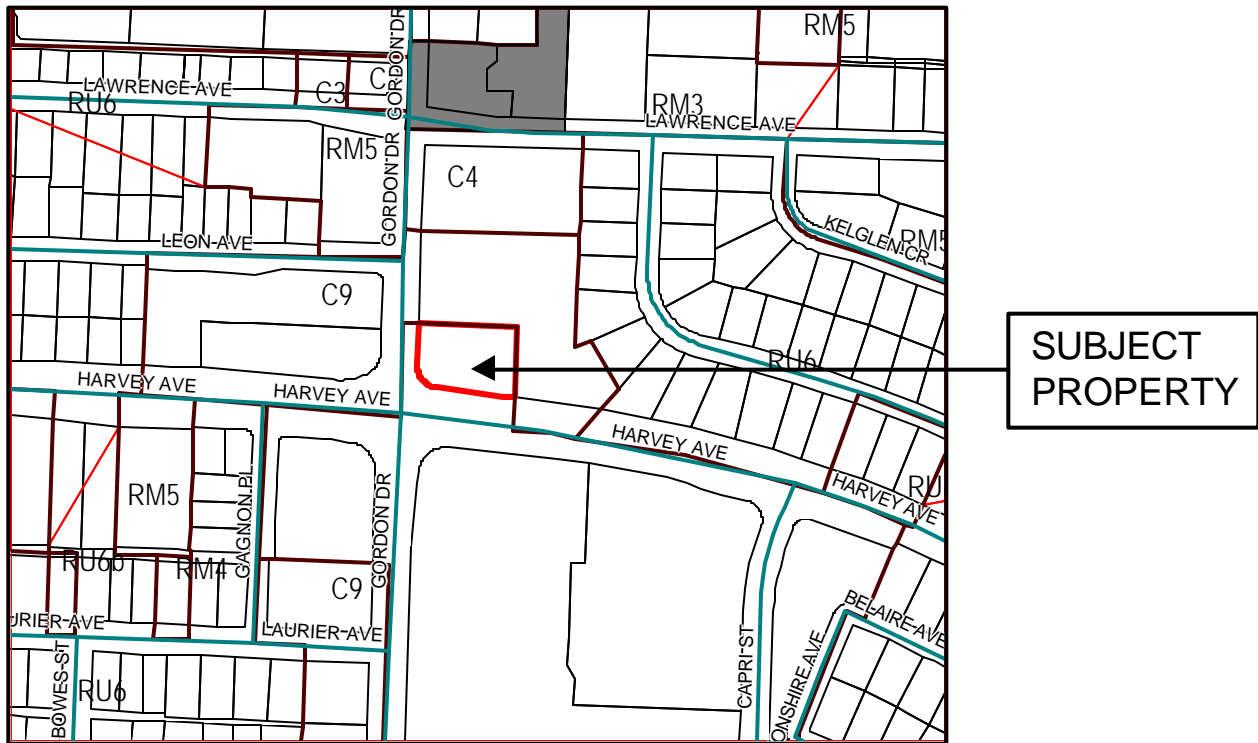
The proposed development is located on the northeast corner of Harvey/Gordon intersection and will occupy the corner lot, adjacent to the Accent Inn Hotel.

Adjacent zoning and existing land uses are to the:

- North - C9 – Tourist Commercial (Accent Inn Hotel)
- East - C9 – Tourist Commercial
- South - C4 – Town Centre Commercial
- West - C9 – Tourist Commercial

Site Map

Subject Property: 1110 Harvey Avenue



4.3 Existing Development Potential

The property is zoned C4 – Town Centre Commercial, a zone intended for the development of community commercial centres to serve more than one neighbourhood. Drive-through food service establishments are a permitted use in this zone (Permitted Uses in the C4 Zone amended in TA02-0006).

4.4 Current Development Policy

2.4.1 Kelowna Official Community Plan

The OCP designates the future land use of the subject property as “Commercial”, and the proposed development is consistent with this designation.

5.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, for review and the following comments were noted:

5.1 Fire Department

Fire Department access and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw.

5.2 Inspection Services Department

No concerns

5.3 Shaw Cable

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

5.4 Telus

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

5.5 Utilicorp Networks Canada

Aquila on behalf of the City of Kelowna Electrical, will provide underground electrical service.

5.6 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this Development Permit Application are as follows:

1. Domestic Fire and Water Protection

- (a) The proposed development site is serviced with a 25mm-diameter copper water service. The developer must engage a consulting mechanical engineer to determine the domestic and fire flow requirements of this development, and establish if this service can be utilized or if a larger service is required. Unused services must be removed at the applicant's cost, and if a larger service is required, it can be provided at the applicant's cost.
- (b) 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.

2. Sanitary Sewer

- (a) The proposed development site is serviced with a 100mm-diameter AC sanitary service. The service may be retained for the proposed development if it is suitable. If the existing sanitary service is retained, an inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw. If a larger sanitary sewer service is required, it can be provided at the owner's cost.

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for this site which meets the requirements of the City Storm Water Management Policy and Design Manual. The drainage study should indicate the size and location of detention and treatment facilities. An overflow to the municipal storm drainage system can be provided at the applicant's cost.

4. Road Improvements

- (a) Harvey Avenue: The submitted Architectural Drawings indicate that the existing access to Harvey Avenue will be modified. This work will require curb, gutter, sidewalk and ramp removal and replacement. The proposed work must be approved by Ministry of Transportation and constructed to their Standards.
- (b) Gordon Drive: The existing access to Gordon Drive will need modification. This work will require curb, gutter, sidewalk and ramp removal and replacement. The work must be constructed to City of Kelowna Standards. Re-locate utility appurtenances if required to accommodate this construction.
- (c) The estimated cost of the road access improvements for bonding purposes is \$25,000.00, which includes a bonding escalation.

5. Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- (a) Grant statutory rights of way if required for utility services.
- (b) A cross access agreement must be registered for vehicular traffic between lot A Plan 42144 and Lot 1 Plan 31950
- (c) Registration of easement for corner rounding with Lot A Plan 42144

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 by an underground service. 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.

7. Street Lighting

Ornamental street lighting including underground ducts has been installed on all roads fronting on the proposed development. It may be necessary to relocate or add new light standards. The cost of this requirement will be at the applicant's cost.

8. Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and 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.

9. Geotechnical Report

As a requirement of this application and building permit approval 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, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements 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, analyse 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.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

10. 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.

11. Bonding and Levy Summary

(a) Bonding

Curb, gutter and sidewalk removal and restoration	\$ 25,000.00
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Total Bonding	<u>\$ 25,000.00</u>
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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 an 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 4th reading of the zone amending bylaw or issuance of a building permit.

12. 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.

The Ministry of Transportation must review and approve the proposed site access and egress onto Harvey Avenue.

The site access and egress design onto Gordon Drive as well as the parking lot configuration must be submitted for approval by the City Works & Utilities Department and the Ministry of Transportation before final adoption of the zoning bylaw. This is required to guarantee that the requirements and the limitations of

access and egress required by the City and MOT. have been addressed to the City's satisfaction.

13. Administration Charge

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.

5.7 Ministry of Transportation

The Ministry of Transportation has no concerns with the revised site plan submitted by the applicant.

6.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The Planning and Development Services Department identified several initial concerns with the proposed development. There was concern that a proposed laneway adjacent to the patio created a possible pedestrian hazard and that the drive-through area fronted onto Harvey Avenue. Furthermore there was concern that the form and character of the proposed development failed to complement existing development in the area. In particular it was pointed out that the "Galvalum" sheet metal feature failed to complement surrounding development. The applicant reviewed these initial concerns and incorporated the feedback into a revised proposal. The "Gavalum" feature of the building was reduced to an accent in favour of a stucco finish. The overall building height was also decreased to satisfy the concerns of an abutting neighbour and to reduce the overall bulk of the structure.

The applicant has gone through a series of site layout redesigns in order to satisfy the Ministry of Transportation and the City's Transportation Department. All parties have agreed on a design subject to the registration of a reciprocal access easement agreement over the east side of the access magazine area and with the Accent Inns property to the north. An easement over the southwest corner of Lot A, Plan 42144 to provide a corner rounding that would accommodate the turning radius of an SU9 type vehicle entering the property has also been agreed upon. The Planning and Development Services Department is supportive of the revisions made to the site plan to accommodate larger size vehicles on the site and is generally satisfied with the form and character of the proposed development.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

RWS
Attach.

FACT SHEET

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| 1. | APPLICATION NO.: | DP02-0088/Z02-1042 |
| 2. | APPLICATION TYPE: | Development Permit /Rezoning |
| 3. | OWNER: | Farmer, Terry |
| | · ADDRESS | 2925 Douglas Street |
| | · CITY | Victoria, BC |
| | · POSTAL CODE | P.O. Box 768 |
| 4. | APPLICANT/CONTACT PERSON: | P.J. Lovick Architect Ltd. |
| | · ADDRESS | 3707 1 st Avenue |
| | · CITY | Burnaby, BC |
| | · POSTAL CODE | V5C 6V6 |
| | · TELEPHONE/FAX NO.: | (604) 298-3700/(604) 298-6081 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application: | September 20, 2002 |
| | Date Application Complete: | September 20, 2002 |
| | Servicing Agreement Forwarded to Applicant: | N/A |
| | Servicing Agreement Concluded: | N/A |
| | Staff Report to APC: | December 17, 2002 |
| | Staff Report to Council: | March 31, 2003 |
| 6. | LEGAL DESCRIPTION: | Lot 1, DL 137, Plan 31950 (except plan 36604), ODYD |
| 7. | SITE LOCATION: | North-east corner of Harvey Avenue at Gordon Street |
| 8. | CIVIC ADDRESS: | 1110 Harvey Avenue, Kelowna, BC |
| 9. | AREA OF SUBJECT PROPERTY: | 2788m ² |
| 10. | EXISTING ZONE CATEGORY: | C4 – Town Centre Commercial |
| 11. | TYPE OF DEVELOPMENT PERMIT AREA: | Commercial DP |
| 13. | PURPOSE OF THE APPLICATION: | Obtain Development Permit for new Drive-Thru Restaurant |
| 14. | MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | |
| 15. | DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | Commercial DP |
| | Urban Town Centre Area | Mandatory DP |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Elevations
- Floor Plan
- Landscape Plan
- Colour Samples