
CITY OF KELOWNA

MEMORANDUM

DATE: OCTOBER 30, 2006

TO: CITY MANAGER

FROM: PLANNING & DEVELOPMENT SERVICES DEPARTMENT

APPLICATION NO. DP06-0035 **OWNER:** McDonalds Restaurants of Canada Ltd.

AT: 1110 Harvey Avenue **APPLICANT:** Shane Worman

PURPOSE: TO CONSTRUCT A NEW MULTI-TENANT COMMERCIAL BUILDING WITH A DRIVE-THROUGH

EXISTING ZONE: C4 – URBAN CENTRE COMMERCIAL

REPORT PREPARED BY: RYAN SMITH

1.0 **RECOMMENDATION**

THAT Council authorize the issuance of Development Permit No. DP06-0035 for Lot 1, District Lot 137, ODYD Plan 31950, except Plan 36604, 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.

2.0 **SUMMARY**

The applicant is seeking a Development Permit for the form and character of a new multi-tenant commercial building with a drive-through on the subject property.

3.0 ADVISORY PLANNING COMMISSION

At the regular meeting of March 14, 2006 it was resolved:

THAT the Advisory Planning Commission supports Development Permit Application No. DP06-0035, for 1110 Harvey Avenue, Lot 1, Plan 31950, Sec. 19, Twp. 26, ODYD, by PJ Lovick Architect Ltd (Peter Lovick), to obtain a Development Permit to allow construction of a one storey, 629.6 m² commercial development divided into 3 commercial retail units.

Note: The Advisory Planning Commission also recommends that staff work with the applicant to achieve better street orientation for the building. Since this Advisory Planning Commission decision, a new developer has taken over the project and has made design amendments after receiving feedback from staff.

4.0 BACKGROUND

In 2004 Council approved a development permit for the construction of a new McDonalds Restaurant on the subject property. McDonalds has since decided not to build on this site and has an agreement to sell the site to the current developer.

5.0 PROPOSAL

The proposed multi-tenant commercial building will measure 807m² in size and will house commercial, retail and office space. The south-eastern side of the building will have access to a drive-through window and the site will share one access with the Accent Inn and will have one access from Harvey Avenue (right-in/right-out). The building will have pedestrian accesses on three of the four frontages; however, the primary entrances will be located on the northern elevation facing the Accent Inn. The proposed building will be contemporary in character with stained wood siding (dark oak), grey acrylic stucco, galvalum and black metal siding panels, wood trim (black) and pre-finished metal/aluminium trim for windows, doors and roofing. Although no pedestrian entrance is provided on the southern (Highway fronting) elevation, the applicant has indicated that spandrel panel windows will be introduced to increase the visual appeal of the building when viewed from the Highway.

The proposed landscape plan allows for low level landscaping along both street frontages as well as some landscape treatments along the edges of the building. The applicant has located the refuse/recycling bins on the Gordon Drive frontage and the loading zone is located adjacent to this area. The refuse bins will be screened with an opaque enclosure constructed with stained wood siding to match that of the building and supplemented with landscaping.

The applicant has allowed for potential sign bands which are located on metal panels above the windows on each elevation. The eventual signage plan will be subject to a sign permit and the restrictions of Sign Bylaw No.8235.

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

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area	2505m ² (after road dedication)	1300m ² (min)
Lot Width	43.1m	13m
Lot Depth	64.97m	30m
Building Area (footprint)	657m ²	N/A
Site Coverage	26%	75%
Total Floor Area	807m ²	N/A
F.A.R.	0.32	1.0
Height	7.3m	15.0m
Setbacks		
- Front (Gordon)	6.38m	4.5m
- Rear	8.5m	0.0m
- Side (Harvey)	4.5m	4.5m
- Side (north)	19m	0.0m
Parking Stalls (#)	34	24
Bicycle Parking (#)	1 rack of 4	1 rack of 4
Loading	1 Space	1 Space

6.0 SITE CONTEXT

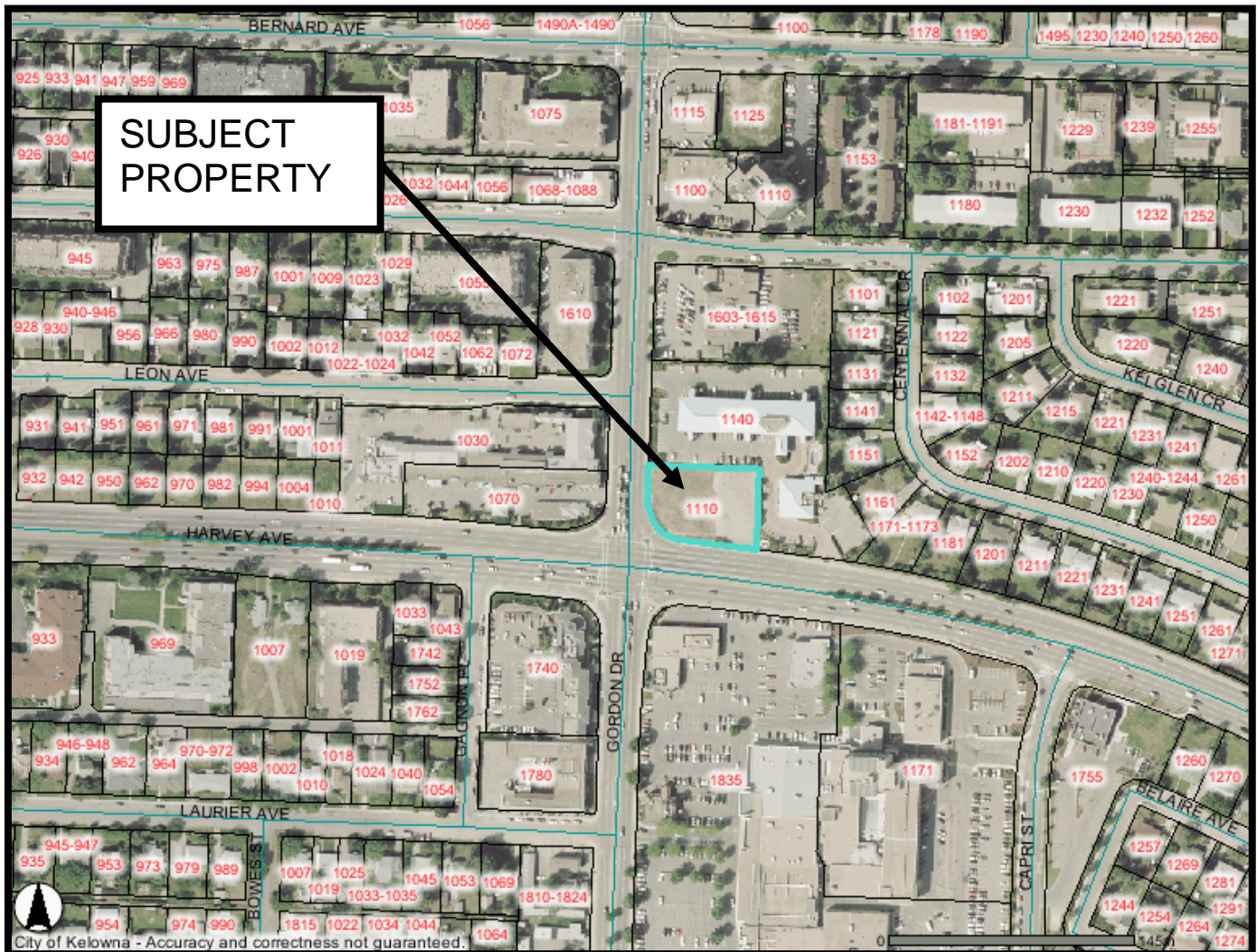
The proposed development is located on the northeast corner of Harvey/Gordon intersection and will occupy the corner lot, adjacent to the Accent Inn Hotel.

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

6.1 Site Map

Subject Property: 1110 Harvey Avenue



7.0 Current Development Policy

7.1 Existing Development Potential

The property is zoned C4 – Urban 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.

7.2 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.

Staff has reviewed the proposal against the Guidelines for Urban Centre Development contained in Chapter 6 of the Zoning Bylaw.

The site is at a major intersection along Harvey Avenue and marks the entry/exit to the Capri Village Centre. It would therefore be appropriate that the building not only move closer to the intersection by minimizing the setback from Gordon Avenue, but that the building form respond appropriately to the intersection, (e.g., with a two-storey form at the south-west corner of the building). It should be noted that the applicant considered this comment from staff and has revised the building form to increase the height to 1.5 storeys from the 1 storey form which was originally proposed. The applicant is also constrained by a covenant place on the property by the former owner (Accent Inns) which limits building height.

The building elevations have an acceptable degree of visual interest by virtue of the materials, detailing, and proportions. To avoid the appearance of an un-attractive blank wall as a street elevation (i.e., from Harvey Avenue), the applicant has committed to providing window elements on this elevation (possibly spandrel panel).

8.0 TECHNICAL COMMENTS

8.1 Inspection Services Department

No comment.

8.2 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows may be required to determine hydrant placement.

8.3 Parks Department, Public Health Inspector, RCMP, School District No.23, Terasen, Fortis BC

No comment.

8.4 Works and Utilities

The Works & Utilities Department has the following requirements associated with this development application. The road and utility upgrading requirements for the property frontages outlined in this report will be a requirement of the issuance of a Building Permit, but are outlined in this report for information only.

These are Works & Utilities initial comments and are subject to Ministry of Transportation requirements.

8.4.1 Domestic Water and Fire Protection

The proposed development site is serviced with a 25 mm-diameter copper water service. The developer must engage a professional mechanical engineer to determine the domestic and fire flow requirements of this development, and establish the service needs. Unused services must be removed at the applicant's

expense. A larger service is likely required and can be provided at the applicant's cost.

The estimated cost of the service upgrade for bonding purposes is \$7,000.00, which includes a bonding escalation.

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 setting at his cost.

8.4.2 Sanitary Sewer

The proposed development site is serviced with a 100 mm-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.

A larger service is likely required and can be provided at the applicant's cost. The estimated cost of the service upgrade for bonding purposes is \$10,000.00, which includes a bonding escalation.

8.4.3 Storm Drainage

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 storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage system may be connected to the existing piped drainage system with an overflow service at the applicant's cost.

The estimated cost of an overflow service for bonding purposes is \$8,000.00, which includes a bonding escalation.

8.4.4 Road Improvements

Harvey Avenue: The existing access to Harvey Avenue may be utilised if suitable. Modifications to the existing driveway access, if required will be at the applicant's cost. The design drawings must be approved by Ministry of Transportation and constructed to their Standards.

Gordon Drive: The existing access to Gordon Drive will need to be removed. This work will be included as part of the future Gordon Drive road widening and highway intersection improvement project.

In the interim, no post barriers must be installed across the front of the Gordon Drive access driveway and the wide boulevard will require low maintenance landscaping treatment. The estimated cost of this interim work for bonding purposes is \$5,000.00.

8.4.5 Road Dedication and Subdivision Requirements

By registered plan provide:

Statutory rights of way where required for utility services.

8.4.6 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.

8.4.7 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.

8.4.8 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:

Area ground water characteristics, including water sources on the site.

Site suitability for development; (i.e. unstable soils, foundation requirements etc).

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 any unacceptable fill material, analyse soil

sulphate content, identify any unsuitable underlying soils such as peat, etc. and make recommendations for remediation where necessary.

List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

Additional geotechnical survey may be necessary for building foundations, etc.

8.4.9 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.

8.4.10 Bonding and Levy Summary

Bonding

Service upgrades	\$ 25,000.00
No post barriers and boulevard treatment.	\$ 5,000.00

Total Bonding	\$ 30,000.00
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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 professional 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.

8.4.11 Development Permit and Site Related Issues

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.

A bike rack must be provided in accordance with current bylaws and policies.

8.4.12 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 site access and egress design changes 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 approval of the Development Permit. This is required to guarantee that the requirements and the limitations of access and egress required by the City and Ministry of Transportation have been addressed to the City's satisfaction.

8.4.13 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. A six percent GST tax will be added.

8.5 Telus

Will provide underground facilities; developer to supply and install.

8.6 Shaw Cable

Owner/developer to install conduit.

8.7 Ministry of Transportation (MOT)

Initial Comments:

In a March 14, 2003 letter the Ministry of Transportation had agreed to direct access subject to:

- The existing access to the Accent Inn Restaurant was totally closed.
- There be no egress to the access magazine from either parking areas or the drive-through; and
- Access to Gordon via an easement over the Accent Inn property to the North.

Ministry of Transportation follow-up Comments:

- Site plan (dated Oct.5/05) provided to the Ministry of Transportation on October 11/2006 is acceptable and generally meets the conditions previously stated.

9.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The Planning and Development Services Department has no concerns with the proposed retail commercial building at this time. Staff has worked with the applicant to achieve a site plan which accommodates the City's need for a large road widening on the Gordon Drive frontage while still allowing ample room for an appropriate development. In addition, the applicant has also been subject to access and siting requirements from the Ministry of Transportation. The applicant has also added windows to the Highway #97 and Gordon Drive building elevations in order to add to the visual interest of the development.

Shelley Gambacort
Acting Development Services Manager

Approved for inclusion ☐
Mary Pynenburg
Director of Planning & Development Services

MP/SG/rs

ATTACHMENTS **(not attached to the electronic version of the report)**

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