
CITY OF KELOWNA
MEMORANDUM

DATE: December 15, 2006
FILE NO.: DP06-0210/DVP06-0211

TO: City Manager

FROM: Planning & Development Services Department

APPLICATION NO. DP06-0210 **OWNER:** SHELL CANADA LTD
DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP06-0211

AT: 634 HARVEY AVE. **APPLICANT:** CTM DESIGNS

PURPOSE: TO SEEK A DEVELOPMENT PERMIT TO AUTHORIZE
CONSTRUCTION OF A NEW GAS BAR, CANOPY, AND
CONVENIENCE STORE ON THE SUBJECT PROPERTY

TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY;
1. BUILDING SETBACK TO A PROVINCIAL HIGHWAY FROM
4.5 M REQUIRED TO 3.0 M PROPOSED,
2. PUMP ISLAND SETBACK TO REAR PROPERTY LINE
FROM 6.0 M REQUIRED TO 4.4 M PROPOSED, AND
3. CANOPY SETBACK TO REAR PROPERTY LINE FROM 3.0
M REQUIRED TO 1.5 M PROPOSED

EXISTING ZONE: C4 – URBAN CENTRE COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP06-0210 for Lot A, DL 139, O.D.Y.D., Plan 36779, 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;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0211; Lot A, DL 139, O.D.Y.D., Plan 36779, located on Harvey Avenue, Kelowna, B.C.;

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

Section 6.10 – **Setback from Provincial Highways** be varied from the required 4.5m setback from a provincial highway located in an urban area to the 3.0 m setback proposed,

Section 9.7.5(a) – **Vehicular Oriented Uses** – siting of the pump island be varied from 6.0 m set back from property line required to 4.37 m setback from rear property line proposed,

Section 9.7.5(b) – **Vehicular Oriented Uses** – siting of a canopy over a pump island be varied from the required 3.0 m setback from property line to the 1.5 m setback from rear property line 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 is seeking a Development Permit to provide permission to redevelop the subject property with a new gas bar and convenience store as a result of road widening along the Richter Street frontage. This application triggers three variances to setbacks to the canopy and pump island location, as well as a setback variance to the building location to a Provincial Highway.

2.1 Advisory Planning Commission

The above noted applications (DP06-0210/DVP06-0210) were reviewed by the Advisory Planning Commission at the meeting of November 21, 2006 and the following recommendation was passed:

THAT the Advisory Planning Commission ***not*** support Development Permit Application No. DP06-0210, for 634 Harvey Avenue, Lot A, Plan 36779, Twp. 25, Sec. 24 and Twp. 26, Sec. 19, ODYD, by CTM Design (T. Bertocchi), to obtain a Development Permit to authorize construction of a new gas bar and convenience store.

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP06-0211, for 634 Harvey Avenue, Lot A, Plan 36779, Twp. 25, Sec. 24 and Twp. 26, Sec. 19, ODYD, by CTM Design (T. Bertocchi), to vary building setbacks from 4.5 m required to 3.0 m to Provincial Highway;

AND FURTHER THAT the Advisory Planning Commission supports Development Variance Permit DVP06-0211, for 634 Harvey Avenue, Lot A, Plan 36779, Twp. 25, Sec. 24 and Twp. 26, Sec. 19, ODYD, by CTM Design (T. Bertocchi), to vary the canopy setback from 3.0 m required to 1.5 m proposed to rear property line.

NOTE: The applicant has revised the building elevations to include the painted red stripe to the west and south elevations in addition to the west elevation. As well, the canopy has been reworked to eliminate the variance to the front yard setback.

3.0 BACKGROUND

The gas bar and convenience store located on the subject property was originally constructed in November 1985. There had been a façade improvement completed in 1999 as approved by DP99-10,052. In 2006, as a result of the pending bridge project and associated approach development, a road widening of approximately 5.3 m is required along the Richter Street frontage.

3.1 The Proposal

The applicant is proposing the development of the subject property with a new 163 m² convenience store and gas bar. This redevelopment program has been triggered by a required road widening along the Richter Street frontage, which has been made necessary by the construction of the new W. R. Bennett bridge project and the associated road network.

The site plan indicates a new gas bar and canopy structure located in the centre of the property, with the tank nest located between the canopy and Richter Street. There are two driveways located along the south frontage adjacent to Harvey Avenue to provide access and egress to the site.

The convenience store is located at the west end of the property near the Bertram Street frontage. The bulk of the building facing north, west and south is generally constructed of "white" coloured split-faced concrete block, constructed above a 300 mm high grey coloured base. The east side of the building is constructed with store-front glazing units. There is an 800 mm high "red" coloured accent band located above the door and windows located on the east, south and west elevation of the building. The wall base is coloured "grey", similar to the other building facades. There is an area above the entrance doors for signage.

The proposed canopy is anticipated to be of a similar design to the canopy structure that currently exists on the site. The existing pylon sign that is currently located on the property is proposed to be relocated to a new location near the new corner of Richter Street and Harvey Avenue.

The new landscape plan shows substantial plantings to all three road frontages, while there is a new 1.2 m high fence proposed along the lane.

The proposal as compared to the C4 zone requirements is as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area (m ²) [before dedication] After road widening	1,802 m ² 1,685.4 m ²	460 m ² 930 m ² for vehicle oriented uses 1,200 m ² for service station
Site Width (m)	77.3 m	13 m
Site Coverage (%)	10%	75%
Total Floor Area (m ²)	163.37 m ²	4,760 m ²
F.A.R.	0.969	Max FAR = 1.0
Storeys (#)	1 storey (4.075 m)	4 storeys or 15m
Setbacks (m)		
- Front (Harvey Ave) building	3.0 m ①	4.5 m to Prov. HWY
canopy	3.0 m	3.0 m to canopy
pump island	6.0 m	6.0 to pump island
- Rear (lane) building	1.799 m	0.0 m to building
canopy	1.5 m ②	3.0 m to canopy
pump island	4.37 m ③	6.0 to pump island
- West Side (Bertram St.)	3.87 m (to building)	0.0 m flanking side yard
- East Side (Richter St.)	31.6 m (to canopy)	0.0 m flanking side yard
Parking Stalls (#)	1 h/c stall + 6 stalls provided	1.75 stalls per 100 m ² 4 stalls required
Loading Stalls (#)	1 stall provided	1 stall per 1,900 m ² GFA

Notes – Variances Required;

- ① Building setback to Provincial Highway from 4.5 m required to 3.0 m proposed
- ② Pump Island setback to rear property line from 6.0 m required to 4.37 m proposed
- ③ Canopy setback to rear property line from 3.0 m required to 1.5 m proposed

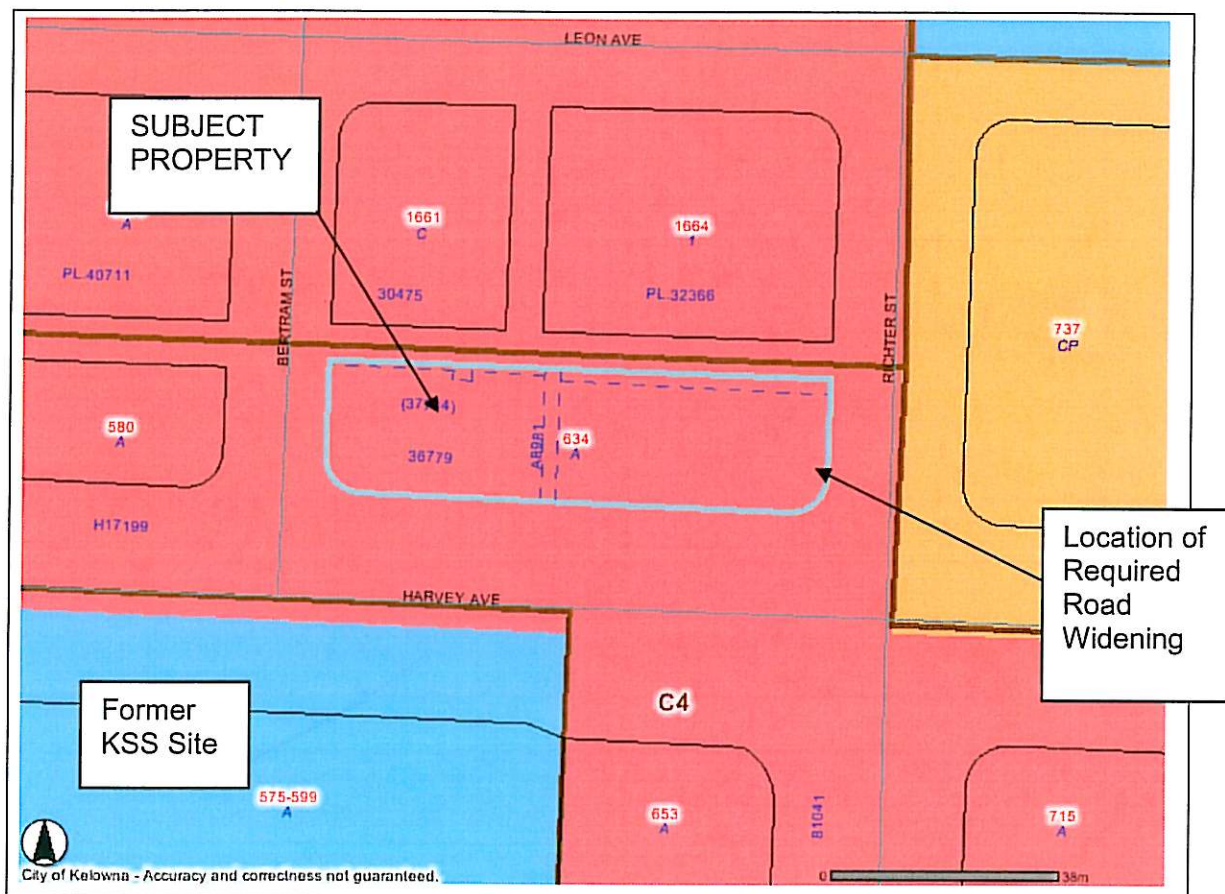
3.2 Site Context

The site is located within an established area adjacent to Harvey Avenue that has been developed with commercial uses to the north, south and west, and residential uses to the east.

Adjacent zones and uses are, to the:

- North - C7 – Central Business Commercial / Lane, commercial uses
- East - RM6 – High Rise Apartment Housing / Richter Street, residential uses
- South - C4 – Town Centre Commercial / Harvey Avenue, convenience store
P2 – Education and Minor Institutional / K.S.S. school
- West - C4 – Town Centre Commercial / Bertram Street, eating establishment

SUBJECT PROPERTY MAP



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

The proposed zone is consistent with the “Commercial” Future Land Use designation of the City of Kelowna Official Community Plan.

3.3.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs

The City of Kelowna Strategic Plan 2004 also states as an Objective;

- Aid in the growth and progress of Kelowna as a desirable place to do business.

3.3.3 Crime Prevention Through Environmental Design

CPTED Guidelines - TOWN CENTRES:

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;
- lighting should be even to avoid casting shadows where people can hide; using numerous low wattage lights accomplishes this better than a few high wattage lights;
- loading areas should not create hiding places;
- 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;
- the lower branches of existing trees should be kept at least ten feet (3 metres) off the ground;
- parking areas should be clearly visible from the building or street;
- paths in commercial areas should be provided in locations with good surveillance, not blocked in by blank walls and dense landscaping;
- exterior of buildings should be well-lit;
- windows should face rear parking lots for increased visibility;
- clear visibility should be maintained from the store to the street, sidewalk, parking areas and passing vehicles;
- lanes should be well-lit and should have windows overlooking them;
- all entrances should be under visual surveillance or monitored electronically.

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;
- lanes should be well-maintained with pavement treatment and landscaping, wherever possible;
- entrances onto lanes and use of the space in the lane (e.g. shopping entrances or outdoor cafes), increases public ownership and safety of the lane;
- 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;

- wall treatments, such as climbing plants or trellises, should not provide a means to climb the wall;

Management

- operating hours should coincide with those of other neighbouring businesses;
- pay phones should be call-out only and under surveillance at all times;
- interior space should be well-lit.

4.0 TECHNICAL COMMENTS

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

4.1 Fire Department

Fire department access, fire flows and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Engineered fire flows should determine hydrant requirements. Removal and installation of tanks and all related systems as per BC Fire Code.

4.2 Inspection Services Department

Permits required for demolition of underground tanks, canopy and existing building. Signage changes to be dealt with at new permit stage.

4.3 Ministry of Transportation

The Ministry has no concerns or objection to the above mentioned Development Permit. We are working directly with Shell Canada's representative on the access locations to Highway 97.

With respect to the Development Variance Permit, the Ministry has no concerns or objection to the above mentioned Development Variance Permit. We are working directly with Shell Canada's representative on the reduced setback of the proposed C-Store, pursuant to the Transportation Act - Provincial Public Undertaking Regulation 513/2004.

4.4 Parks Manager

1. In reviewing the Landscape Plan, the applicant is proposing to plant Magnolia and Bristle Cone Pine. Due to the western and mountain pine beetle infestation, we recommend that the pine be substituted; appropriate species may include subalpine fir, noble fir and white fir. The magnolia does not grow well in highly urban environments. We recommend substituting with flowering ornamental pear, or larger tree species like London planetree, red oak and/or tuliptree.

2. The City of Kelowna Boulevard Maintenance By-Law No. 5708-84 requires the residents to be responsible to weed, water and mow the boulevards adjacent to their properties. They will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

3. To prevent tree roots from damaging the concrete infrastructure, trees adjacent to the sidewalk shall be installed with root barriers such as "Deep Root" brand, or City-approved equal, installed per the manufacturer's instructions..

4.5 Telus

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

4.6 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this development application. The road and utility upgrading requirements outlined in this report are outlined in this report for information only.

These are W. & U. initial comments and are subject to MOT requirements

1. Domestic Water and Fire Protection

- (a) Our records indicate that this development site is serviced with a 19mm-diameter copper water service from the watermain on Bertram Street. 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. An inactive 19mm diameter service also exists from the watermain on Harvey Avenue. 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. The developer must also purchase an irrigation sewer credit meter from the City and prepare a meter setter at his cost.

2. Sanitary Sewer

- (a) This development site is serviced from a main on Bertram Street with a 100mm-diameter sanitary service complete with inspection chamber. No service changes are anticipated. .

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.
- (b) Provide a Lot Grading Plan.

4. Road Improvements

- (a) Harvey Avenue: Modifications to the existing driveway access to Harvey Avenue will require design drawing approval by Ministry of Transportation and the works must be constructed to their Standards. Construction costs have been budgeted by the City.
- (b) Richter Street: The existing access to Richter Street as well as the boulevard treatment will need to be modified. This work is included as part of the road widening and highway intersection improvement project.
- (c) A drawing has been provided to illustrate tanker truck access and egress for this site.

5. Electric Power and Telecommunication Services

The electrical and telecommunication services to this development must be installed in an underground duct system. 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 developer's cost.

6. Development Variance Application.

The requested variances to reduce the building Highway setback from the required 4.5m to 3.0m, and the rear yard pump island setback from the required 6.0m to 4.4m, and the rear yard canopy setback from the required 3.0m to 1.5m do not compromise Works and Utilities servicing requirements.

7. Bonding and Levy Summary

Bonding

Construction costs for Road frontage improvements have been budgeted by the City.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department does not have concerns with the proposed development plan, recognizing that the site redevelopment has been triggered by the road widening along the Richter Street frontage made necessary by the road improvements along Harvey Avenue associated with the W.R. Bennett Bridge project. The form and character of the resulting site development is not going to differ from the existing development, other than the movement of the pump island and canopy structure to the west, and the re-orientation of the convenience store to be perpendicular to Harvey Avenue, at a location that is west of the existing location adjacent to Bertram Street.

The other change from the existing site development relates to the landscape plan. The new landscape plan proposes a denser planting program which includes more trees than the previously approved under application DP99-10,052, which was issued in October 1999.

The applicant is encouraged to review the proposed landscape plan in response to the Parks Department comments regarding the substitution of pine species, as noted in section 4.4 above.

The applicant has worked with Shell Canada in order to add additional red coloured band elements to the west and south elevations of the proposed building to add contrast to the resulting building facades. As well, the applicant has reworked the canopy in order to remove the need for a variance to setback to property line for the canopy siting.

In conclusion, the Planning and Development Services Department supports this application, and recommends for positive consideration by Council.



Shelley Gambacort
Acting Manager of Development Services

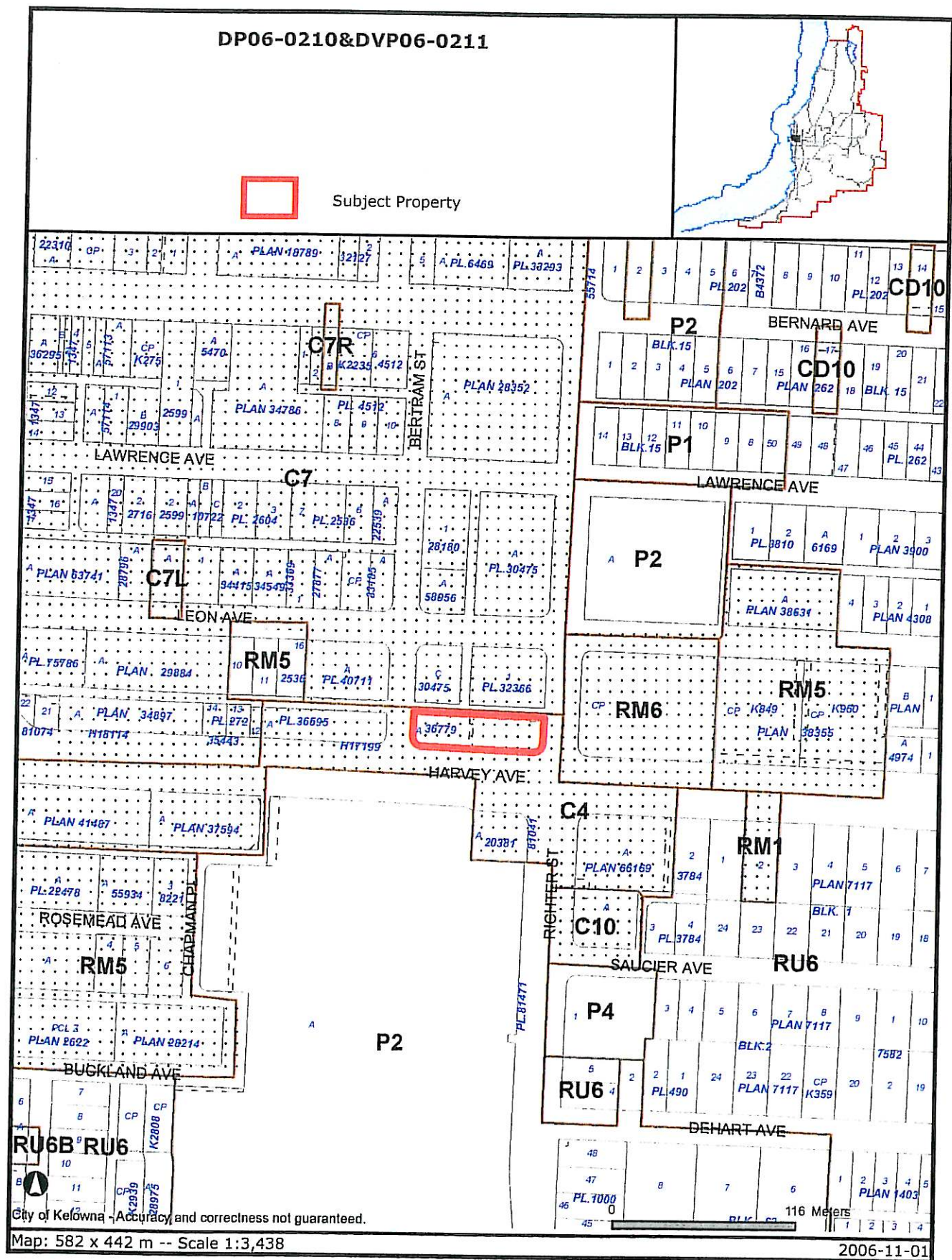
Approved for inclusion



Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

PMc/pmc
Attach.





Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.